

MINUTES OF A REGULAR POSTPONED MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON TUESDAY, FEBRUARY 22, 2005.

Mayor Benton called the meeting to order.

Reverend Moses Hill of Moses Hill Ministries, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, and R. Duke Nelson; Acting City Manager Hector Arias; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: Commissioner Christine Coke and City Manager Beach.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to excuse Commissioner Coke from this meeting.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-11

WHEREAS, JOHN T. BRENNAN was appointed City Attorney for the City of Fort Pierce, Florida, on July 7, 1973 and served continuously as such until January 1, 2005; and

WHEREAS, during that time he provided the City Commission, its employees and Boards with advice solidly based on the law; and

WHEREAS, he also gave the City the benefit of his sound judgment when facing serious problems and issues such as:

- (a) Developing an appropriate relationship with the Utilities Authority;
- (b) Assuring that Commission Districts comply with all legal requirements;
- (c) Implementing ordinances passed by referendum;
- (d) Guiding through the implementation and assuring the continued compliance with the Sunshine and Public Records laws;
- (e) The dismantling of City Court and method of enforcing City ordinances thereafter;
- (f) Property annexation;
- (g) Indoctrination and orientation of four mayors, over 15 commissioners, 4 city managers, and an uncountable number of employees and board members; and

WHEREAS, he carried out his professional responsibilities with courtesy and respect while always being a diligent and vigilant advisor and advocate.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, for itself and its predecessors over the 30 preceding years, that JOHN T. BRENNAN be and he is hereby commended

and thanked for the outstanding service performed by him for and on behalf of the City. The City Commission expresses to him its appreciation and gratitude for his faithful, capable and loyal service.

BE IT FURTHER RESOLVED that this Resolution be spread upon the official minutes of the City of Fort Pierce and a copy presented to him.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 22nd day of February, 2005.

/s/ Robert J. Benton III, Mayor
/s/ Rufus J. Alexander, Commissioner
/s/ Edward W. Becht, Commissioner
/s/ Christine Coke, Commissioner
/s/ R. Duke Nelson, Commissioner

ATTEST:

/s/ Cassandra Steele, City Clerk

(City Seal)

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that Resolution No. 05-11 be adopted.

Those voting in favor of the adoption of Resolution No. 05-11 were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

Mayor Benton said 31 years is a long time. He has been honored to work with Mr. Brennan for 10 of those 31 years that he has been involved with the City. He is going to ask Judge Bryan if he would like to come up and just say a word. Judge Bryan was Mayor for some time while Mr. Brennan was here. Mr. Brennan did one heck of a job for the City of Fort Pierce.

Judge Ben L. Bryan said he did know this was happening tonight and he wanted to be here because of the long and close relationship he has had with John. John Brennan was the City Attorney when he got elected Mayor. This is ancient history now, this was back in the 1970's. They were both young lawyers then. That is probably hard to believe. But he told John that he wasn't going to practice law, he was going to be the Mayor because John was the lawyer. John said that was good because he didn't know very much law anyway. That was when terms were for two years. They had a busy two years. They were trying to get straightened out with the County on some things and that keeps going on and on. But there has been no one who has been more dedicated to this City, no one who served it better than their City Attorney and his good friend, John Brennan.

Mayor Benton said he has a plaque from the City to present. It reads, "John T. Brennan - In grateful appreciation and recognition of your outstanding and dedicated service for 31 years as City Attorney - July 1973 through December 2004 - presented by the City of Fort Pierce, February 22, 2005". They thank John Brennan for all that hard work and mainly keeping the County in line. The City usually came out on top when he was working.

Mayor Benton proclaimed February 27, 2005 as "Crop Walk Day". Joan Sawyer was present to receive the proclamation.

Ms. Joan Sawyer said she really does want to thank all of them. She thanks Mayor Benton for all the support he has given to their beautiful City over the years. They are looking forward to a

successful Crop Walk again this year. They would like to present the Mayor with a tee shirt for the Crop Walk in hopes that he would be able to participate, she knows he has nothing else to do that day.

Mayor Benton presented a proclamation in honor of Maxine Thompson for her dedicated service to the United States of America, U.S. Army, during the liberation of Iraq in Operation Enduring Freedom. Maxine Thompson was present to receive the proclamation.

The following letter will be kept on file in the City Clerk's Office:

Letter from Suzanne James, Heathcote Botanical Gardens, in appreciation of the helpful and friendly support of Gary Ferch, Director of Public Works, and members of his department.

The next item was the Consent Agenda. Mayor Benton asked does any Commissioner wish to remove any item for discussion?

Commissioner Alexander said he would like Item 8b (GPS Units for Police Department) removed for discussion.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, and unanimously carried, that the following items on the Consent Agenda be approved:

a. Approve the Minutes of the Regular Meeting on February 7, 2005.

c. Authorize purchase of **Advanced Physical Fitness Equipment** for the Police Department from Life Fitness, Inc. in the amount of \$6,609.86; funds from Law Enforcement Trust Fund. Bid No. 5491

d. Authorize purchase of **Taser Simulator Weapon** for the Police Department from IES Interactive Training in the amount of \$2,500.00; funds from Law Enforcement Trust Fund. Bid No. 5491

e. Authorize purchase of ten Panasonic **Notebook Computers** for the Police Department from Insight Public Sector in the amount of \$16,830.00; funds from Law Enforcement Trust Fund.

f. Authorize piggyback Florida Sheriff's Association Bid for the purchase of one **2005 Ford Crown Victoria Pursuit Vehicle** for the Police Department from Duval Ford in the amount of \$25,542.00; and appropriate \$14,642 not covered by insurance from General Fund balance to the Police Department capital account. Bid No. 5472

g. Approve piggyback St. Lucie County Contract to purchase eight **Modular Workstations** for the Police Department from Office Products & Services in the amount of \$11,880.17; funds available from Hurricane Insurance reimbursement. Bid No. 5505

h. Authorize award of contract for Architectural & Engineering Services for **Indian Hills Golf Course Support Structures** - Phase I, Programming & Conceptual Master Plan - to WCG/Neel-Schaffer, Inc. in an amount not to exceed \$18,000.00. RFP No. 5482

i. Approve increase of \$9,000 to Blanket Purchase Order for **Indian Hills Golf Course for Irrigation Supplies** from Boynton Pump & Irrigation, for a total amount not to exceed \$15,000.00.

The next item considered was Item 8b, which had previously been removed from the Consent Agenda: Authorize purchase of 201 **Portable GPS Units** for the Police Department from Win-Tron Electronics, Inc. in the amount of \$7,874.25; funds from Law Enforcement Trust Fund. Bid No. 5491

Commissioner Alexander asked he just seeing the need of locating their vehicles? Is this what the purpose of this is for?

Chief of Police Eugene Savage said the purpose is to locate and record information and data as it relates to traffic crashes, crime scenes, and those types of things. Because it has the GPS capability, it can be used to monitor the location of their officers. That can be a safety issue, especially if they have a situation wherein an officer is in trouble or an officer is down, they have the capability of pinpointing his or her location. But the primary purpose is to have those coordinates for data collection.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to authorize purchase of 201 Portable GPS Units for the Police Department from Win-Tron Electronics, Inc. in the amount of \$7,874.25; funds from Law Enforcement Trust Fund.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing on proposed Interlocal Agreement between the City and the St. Lucie County Fire District for the purpose of exempting the Fire District from its annual contribution to the Fort Pierce Community Redevelopment Agency Redevelopment Trust Fund starting with Fiscal Year beginning October 1, 2007.

Mayor Benton declared a Public Hearing in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

City Attorney Schwerer said he has handed to them a brief outline of Florida Statute 163.387 as it exists today. In deciding whether to deny or grant a Special District's request for exemption, the City Commission must consider a number of factors. As they are aware, the staff has worked with the Commission and their Bond Underwriters and also their Finance Department and their CRA Director to assure that they feel comfortable in recommending approval of this Interlocal Agreement. His recommendation is that they have fulfilled the criteria in Paragraph (a) by considering the additional revenue sources the CRA would have; and Paragraph (b), the fiscal and operational impact. They have also considered Paragraph (c), the fiscal and operational impact of the special district. They have been provided with information from the Fire District. They have considered Paragraph (d), the benefit to the special district for which the district was created. Also Paragraph (e), the impact of the exemption on the incurred debt. That was particularly important. If they recall, they do have underwriting approval from their bond insurer to grant this exemption effective the 2007-2008 fiscal year; and that exemption approval is in writing and therefore it satisfies their bond that they have issued on that. Additionally, Paragraph (f), the benefit of the activities of the special district to the CRA plan, and Paragraph (g), the benefit of the activities of the special district to the local area, have been considered. With those stated on record, the Commission is free to approve the Interlocal Agreement.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve the Interlocal Agreement between the City and the St. Lucie County Fire District for the purpose of exempting the Fire District from its annual contribution to the Fort Pierce Community Redevelopment Agency Redevelopment Trust Fund starting

with Fiscal Year beginning October 1, 2007.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Robert Miller for Seaside Housing Corporation, LLC, for a 28-unit residential project to be known as Coconut Cove Marina located at 443 Fernandina Street; said property zoned PUR, Planned Unit Redevelopment Zone. (Postponed from February 7th at request of applicant.)

City Clerk Steele said a letter was received from Robert Klein, representing Seaside Enterprises LLC and Coconut Cove Marina, requesting a postponement to March 7, 2005.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to postpone the Public Hearing on a Site Plan Review submitted by Seaside Housing Corporation for Coconut Cove Marina at 443 Fernandina Street to the March 7, 2005, City Commission meeting.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

Ordinance No. K-325 entitled, "AN ORDINANCE **AMENDING THE FUTURE LAND USE** DESIGNATION OF PROPERTY GENERALLY LOCATED AT **4000 SOUTH U.S. #1** FROM RL, LOW DENSITY RESIDENTIAL LAND USE, TO CG, GENERAL COMMERCIAL LAND USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." and Ordinance No. K-326 entitled, "AN ORDINANCE **REZONING** PROPERTY GENERALLY LOCATED AT **4000 SOUTH U.S. #1** FROM R-2, SINGLE FAMILY INTERMEDIATE DENSITY ZONE, TO C-3, GENERAL COMMERCIAL ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." were placed on second and final reading and read by title only. (Owner: Platts Creek Developers, LLC)

Mayor Benton declared a Public Hearing on Ordinance No. K-325 and Ordinance No. K-326 in session and asked if anyone in the audience wished to be heard.

Mr. Robert James Gorman said just to note his appearance on behalf of the applicant on these two matters. Representatives of the applicant are also present to answer any questions they might have or to respond to any comments that might come from the public.

Seeing no one further and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Mayor Benton asked what was Staff and Planning Board's recommendation?

Mr. Ramon Trias, Director of Development, said Staff and Planning Board recommend approval.

City Attorney Schwerer said one matter of discussion. The report from staff indicates they did not receive any letters back from the property owners - there were none in favor and none opposed. Is that correct?

Mr. Trias said that is correct.

City Attorney Schwerer said all right. That is what they need for the record.

Commissioner Alexander said when he is speaking of that, he is looking at the numbers that say 28 letters are sent out.

City Attorney Schwerer said six would have been the 20% rule for them to approve by a 4/5ths majority. If they had six opposing, they would have to have approved it by 4/5ths vote. It doesn't appear that anybody responded either affirmatively or negatively, at least in writing.

Mr. Trias said if he could correct the record. What he said was that was what the report says; however, they did get two responses in favor and they also had six responses against, and three were returned. So that is 20% of the responses against.

Mayor Benton asked that means it would take a 4/5ths vote?

City Attorney Schwerer said he believes so. Does Mr. Trias have those letter responses on file?

Mr. Trias said yes, they are on file.

Commissioner Nelson asked they don't have anybody from the public here to speak in opposition?

Mr. Trias said apparently they don't. But this is not unusual. They do get letters; and sometimes people decide to show up, sometimes they don't.

Commissioner Nelson asked in summary, could Mr. Trias give them a thumbnail sketch of what that opposition was all about?

Mr. Trias said the question they ask is simply, "I Approve the Project or I Disapprove the Project". So they don't know any reasons. They simply have a yes or no.

Mayor Benton asked wasn't this the project at the last meeting that the public seemed to favor more than the other one next door to this? This one was the one that there wasn't much opposition to compared to the other one.

Mr. Trias said yes. The opposition was about another project.

Mayor Benton said right. They sent that back to the drawing board if he recalls correctly.

Mr. Trias said yes.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Ordinance No. K-325 and Ordinance No. K-326 be passed on second and final reading.

Commissioner Alexander asked what is the crossroad on this particular item as far as U.S. #1? What is the feeder roads to U.S. #1 on this property?

City Attorney Schwerer said this would be U.S. #1 frontage, just immediately north of Bill Schultz Chevrolet on the east side.

Mr. Gorman said that is correct.

City Attorney Schwerer said it has U.S. #1 frontage.

Mr. Gorman said it is over 400 feet he believes.

Those voting in favor of the passage of Ordinance No. K-325 and Ordinance No. K-326 on second and final reading were:

Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Grant Besing, representing Riverside Apartments (a/k/a Riverside Village) request one year extension of approved Site Plan.

Mayor Benton said staff recommends approval for one year.

Commissioner Becht said he believes the request is for six months.

Mr. Ramon Trias, Director of Development, said yes, that is correct. There was a previous request for six months and this will be the second request for a total of one year since it was approved.

Commissioner Nelson said they are talking about six months. They looked at this before. Is that right?

Mr. Trias said it is on 25th Street, right at the very north end of the City. It is basically one long parcel.

Commissioner Nelson said back in the Garden City area.

Mr. Trias said yes.

Commissioner Alexander asked this probably came in along with the hurricanes, right?

City Attorney Schwerer said that is correct. It came in for an extension when the hurricane was here.

Commissioner Nelson said his concern in this area is trying to make sure that they don't step out there and make these approvals or give these extensions and lock themselves into a situation. They are trying to upgrade and raise the bar in some cases. And this developer or whomever is coming in here and keep extending themselves and more or less are going to slide under the bar they have going on. Have they got any special considerations that they have got this guy going through?

Mr. Trias said yes. The developer did enhance the landscaping substantially and also enhanced the architecture of the buildings from the original design. This was done through the past year or so that they went through the process. There were some very specific requests as far as landscaping in the front along 25th Street to enhance the aesthetics of the project that the developer did comply with, and in his view are sufficient enough to enhance the project.

Commissioner Nelson said somebody mentioned six months as opposed to a year. What are they dealing with?

Mr. Trias said typically when this type of request comes before them it is for a year. Last time this came before them, it was for a six month extension of time. Apparently that was not enough because of the lack of availability of contractors because of the hurricanes, according to the developer. In Staff's view that was a reasonable explanation and they are recommending approval for the total time of one year. That is consistent with their actions in the past with similar requests.

Commissioner Nelson said they can give them now another six months.

Mr. Trias said yes, that is the request.

Commissioner Nelson said tell them to in fact please move forward and complete the project.

Mr. Trias said that is the request. The Commission can approve it or deny it. They have full authority to do either.

City Attorney said the code requires that upon a request for an extension of a site plan, that the City Commission, within its discretion and prior to the expiration, can in fact grant such request, but only upon a showing of good cause when such extension will promote public health, safety, and general welfare. So if they choose to approve this, please reference a good cause has been found as stated in the applicant's February 15, 2005 letter which is attached to the agenda request.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to extend the Site Plan approval for Riverside Apartments (a/k/a Riverside Village) for six months based on the reasons articulated in the applicant's representative's letter of February 15th. (Note: Letter from Grant Besing, P.E., Winningham & Fradley, Inc., to Ramon Trias, Director of Development.)

Commissioner Becht said he would like to state real clearly for staff that he would not be interested in extending this again. If the developer can't get it going in the next six months, then he just thinks maybe they need to real clearly let him know that, as far as he is concerned, there won't be any further extensions.

Commissioner Nelson said that is the reason he is bringing the question up. He highly endorses that. So the applicant needs to be communicated with quite clearly.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

City Clerk Steele asked for clarity, was that part of Commissioner Becht's motion, or was that just a consensus?

Commissioner Becht said that was just a consensus. (The Commissioners agreed.)

The next item on the Agenda was Mr. Leonard Wheeley, representing A.E. Backus Gallery, request **Alcohol Beverage Permit** for 17th Annual **Backus Art Festival** at 500 North Indian River Drive in Indian River Veterans Memorial Park on March 4, 5, & 6, 2005.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to approve Alcohol Beverage Permit for 17th Annual Backus Art Festival at 500 North Indian River Drive in Indian River Veterans Memorial Park on March 4, 5, & 6, 2005.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. James Gipson request to rescind Code Enforcement Board lien of \$18,300 against **2712 South 17th Street.**)

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve request to rescind Code Enforcement Board lien of \$18,300 against 2712 South 17th Street conditioned upon payment of administrative costs of \$563.79 within 60 days.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ms. Kimberly Starbird request to rescind Code Enforcement Board lien of \$18,800 against **2600 Okeechobee Road.**

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to rescind the lien of \$18,800 against 2600 Okeechobee Road conditioned upon payment of administrative cost of \$677.37 within 60 days.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Amaud Sauvage request to rescind Code Enforcement Board lien of \$29,400 against **1011 North 16th Street.**

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to rescind the lien of \$29,400 against 1011 North 16th Street conditioned upon payment of administrative cost of \$566.60 within 60 days.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Amaud Sauvage request to rescind Code Enforcement Board lien of \$32,200 against **1017 North 16th Street.**

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to rescind Code Enforcement Board lien of \$32,200 against 1017 North 16th Street conditioned upon payment of administration costs of \$560.37 in 60 days.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Benito Covarrubias request to rescind Code Enforcement Board lien of \$5,025.00 against **1405 Boston Avenue.**

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to rescind Code Enforcement Board lien of \$5,025.00 against 1405 Boston Avenue conditioned upon payment of administration costs of \$518.05 within 60 days.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Thomas Christian, representing Slippery Dolphin, LLC, request to rescind Code Enforcement Board fine and lien in the amount of \$37,200 against **1109-1111 Orange Avenue** conditioned upon payment of administrative costs of \$497.06.

Commissioner Alexander asked why are there two liens on this property?

City Attorney Schwerer said they are two separate addresses. It appears there are two orders.

Commissioner Alexander asked two separate orders?

City Attorney Schwerer said two separate orders, yes.

Commissioner Alexander asked each order should be on its own with the property I.D. number, right? Why are they combining these?

City Attorney Schwerer said he can't tell by the legal description of the first order dated in 1995. It simply just gives them an I.D. number. Then they have another lien that is recorded. It looks like two separate liens. So it would be both liens and two properties.

Commissioner Alexander said okay. The Code Enforcement Board recommends this.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to rescind the Code Enforcement Board fine and lien in the amount of \$37,200 against 1109-1111 Orange Avenue conditioned upon payment of the administrative costs of \$497.06 within 60 days.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolutions by title only:

RESOLUTION NO. 05-05

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **1009 DELAWARE AVENUE** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE."

RESOLUTION NO. 05-06

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **1219 DELAWARE AVENUE** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE."

RESOLUTION NO. 05-07

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **1221 DELAWARE AVENUE** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE."

RESOLUTION NO. 05-08

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **1313 DELAWARE AVENUE** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE."

RESOLUTION NO. 05-09

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **308 NORTH 12TH STREET** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE."

Mayor Benton asked do all the owners of these properties agree to have their home designated as a historical site?

Mr. Ramon Trias, Director of Development, said yes. Whenever they see an individual house before them, it is by request of the owner.

Commissioner Alexander said his question may seem a little tedious, but why haven't some of these properties been worked on? Why haven't they come before them with liens on some of these, particularly the first one? Maybe it is just hard for him to see tonight, but he is looking at it like he is looking at some eaves

hanging down on that property, is it?

Mayor Benton said he knows for a fact that once they designate them as a historical site, any improvements made after that point, they can ask the City for a tax break on the improvements made for ten years.

Mr. Trias said that is right. As a Commission, they may or may not approve that request, they have that option. But basically that is the process. The reason why people request this is to take advantage of the tax breaks and the code issues they can deal with because of the historic structure and so on.

Commissioner Alexander asked it has to be designated first before they do repairs, is that what he is saying?

Mr. Trias said before they take advantage of the programs. They could do repairs without designation. But this helps the property owner to get it done.

Mayor Benton said it gives them a little more incentive.

Mr. Trias said this is one of the most valuable incentives they have.

Commissioner Becht said the Mayor asked the same question he was going to ask. They do not have anything in the packet that indicates that the owners have consented to this in writing. What he observed was there was something in the packet indicating that the owner was notified. Is that notice by certified mail? Does anybody know?

Mr. Trias said Anna Brady probably knows. He doesn't recall.

Ms. Anna Brady, Historic Preservation Officer, said no, they are not notified by certified mail. However, there is a hearing process at the Preservation Board level. All of these designations were owner initiated. They called her and asked their home to be designated historic. She conducted a review to find out if they qualify. They all did. And it was taken to the Board for their recommendation. On the form there is a section that could be marked that says whether the designation is initiated by the owner or by the Historic Preservation Board.

Commissioner Becht asked how difficult would it be for her to just create a very simple form that had the owner sign requesting designation? He has this problem, he is kind of paper-oriented, he loves having a paper trail. If they had something signed by the owner, then it wouldn't be Ms. Brady saying they called and told her they wanted it started, there is a signature on a piece of paper. Is that going to be a great deal of difficulty?

Mr. Trias said he thinks that is a great idea. Commissioner Becht is probably referring to that incident they had on Indian River Drive.

Commissioner Becht said nothing specific.

Mr. Trias said just as an example, that was a different process. There they designated a district. And as the process went forward, they had to designate every building that was significant within the district. That was initiated by the Board and by City staff and ultimately by the City Commission. Whenever they have an application for an individual house, 99% of the time it is initiated by the owner as an incentive to do redevelopment in the building. But they can get a letter saying that.

Commissioner Becht said he is comfortable with that. Just put it in their packets in the future where they have a signature of the owner asking that it be historically designated.

Ms. Brady said that is a very good idea.

Mayor Benton said he agrees.

Commissioner Nelson said he concurs with that. It was the same proposal he was going to make. But he will amplify it somewhat in that perhaps if they go before the Board, just like they do in the zoning changes they have where they send out so many letters and so many came back and all that, they might take off from there and put in there the fact that the person applied individually and the Board acted on it and all that data, something that is going to be consistent and uniform and followable to give them a paper trail as to what has transpired and to lock people in as to what their intent was. They don't want a case like the case on Indian River Drive where one person wanted to get out. And he thinks he heard her on T.V. say they didn't have any challenge at one time with that too, and they did have that challenge on Indian River Drive where somebody wanted to get out. If they could come up with something like that, he thinks it would be consistent with what Commissioner Becht and perhaps what the Mayor was talking about.

City Attorney Schwerer said he has heard from the Commission. He is going to ask his staff who sit as counsel of that Board to develop a policy and procedure that requires any owner-initiated residential structure to be on a signed form bearing their signature and keeping it on file. That is a rule that the Historic District Board will put into effect, their own operating rules. And they will make sure that is in there and that form also comes to them in the agenda package.

Commissioner Alexander asked when they speak of by mail, 15 days, does he consider that inclusive of weekends? Are they considering 15 days as 15 business days? He has been hearing different versions and he wants clarification.

City Attorney Schwerer said ordinarily if the time frame exceeds five days it generally would be including weekends. If it is less than five days, it is always business days. But if it is five days or more, then it could include weekends. The 15 days certainly would include weekends unless the rules specified otherwise. If they don't have a rule that sets forth the time frame in the number of days and it is 15 days, he will also recommend that staff develop a policy that specifies whether that is business days or weekends. Normally they do exclude Sundays and holidays for certain types of delivery, especially overnight or personal delivery.

Commissioner Alexander said he is just concerned when they give individuals time frames and then they include the weekends...

City Attorney Schwerer said that is a good point.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that Resolution Nos. 05-05, 05-06, 05-07, 05-08, and 05-09 be adopted.

Those voting in favor of the adoption of Resolution Nos. 05-05, 05-06, 05-07, 05-08, and 05-09 were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-10

"A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING **GROWTH MANAGEMENT** ISSUES DURING THE 2005 LEGISLATIVE SESSION."

Mayor Benton said this resolution came from the Florida League of Cities. They have asked for this.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that Resolution No. 05-10 be adopted.

Commissioner Nelson said this resolution calls for certain things that the Florida League of Cities will be doing on the City's behalf.

Those voting in favor of the adoption of Resolution No. 05-10 were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Commissioner Nelson to discuss MPO - Metropolitan Planning Organization: (a) Membership; (b) Administration & Staffing; and (c) Meeting Locations.

Commissioner Nelson said as they know he served as Chairman the past year at the MPO and he enjoyed the tenure there. There is a question relative to the membership of that board and the location of it and how it operates. He has prepared for them a fact sheet pointing out the areas of concern right now. It has 10 members. It is proposed to go to 12. They have representatives from the entities of Port St. Lucie, Fort Pierce, St. Lucie County, the Transit Authority, and they are proposing to add the School Board and increase the numbers at the Port St. Lucie level to 4 to be consistent or compatible to the 4 that are authorized for St. Lucie County. Back in 2002, based on the census during that period, it was decided that they needed to possibly increase their membership. It required them to go before the Governor, write a plan for the Governor, to justify their positions as to what their membership should be and how they should be organized. That request that went before the Governor was approved to the point that they should have a total of 12 people - with a membership for Port St. Lucie at 4, St. Lucie County at 4, Fort Pierce with 2, the School Board with 1, and Transit Authority with 1, making a total of 12 people. They are required to have in the language what they call a central city type authorization and that it should have to sign off on it. It required an Interlocal Agreement between the parties involved. Their sister City of Port St. Lucie refused to sign an Interlocal Agreement because they said they wanted 4 people. Being mindful of the fact that unless they have an Interlocal Agreement, there was a possibility of some Federal funds might in fact be held up that defray the cost of their highway systems and bridges throughout their County. From the administrative and operational standpoint, the County provides the necessary support and staffing for this organization, the MPO. The funding for it, pretty close to \$400,000 a year, comes from the Federal Highway Administration people as well as the State of Florida. And the County provides administrative support staff and legal counsel and space and information technology and all the other things that go to manning an office of that magnitude. They meet at the County Administration Building. And it is of great benefit to have the membership who constitutes the majority of the Board meet there because it is convenient and of course they have the space. They are charged at this juncture to decide among themselves what they want their representation to that Board to put forth as their position on the proposal to relocate that facility meetings to Port St. Lucie, whether or not they want to have the Board continue

under the umbrella operation of the County per se as far as the administration budget and all that stuff, and whether or not they want to stick to their desire to have their membership remain at 2 and follow through with the plan devised by the MPO itself for the membership increasing from 10 to 12 members. Those are the issues as he sees them and they are further enumerated in the fact sheet he provided them. He would ask that the fact sheet be incorporated as part of the Minutes of this meeting.

(Following is the document provided by Commissioner Nelson for inclusion in the Minutes.)

ST. LUCIE MPO FACT SHEET

Membership

- . Current voting membership of the MPO includes (10) members representing the following: (4) St. Lucie County Board of County Commissioners and St. Lucie Village; (3) City of Port St. Lucie; (2) City of Fort Pierce; and (1) Community Transit representative.
- . Proposed/new voting membership of the MPO based on the 2000 Census and Governor's approval includes (12) members representing the following (4) St. Lucie County Board of County Commissioners and St. Lucie Village; (4) City of Port St. Lucie; (2) City of Fort Pierce; (1) Community Transit; and (1) School Board representative.

Administration/Operations & Support Services

- . The core staff of the MPO currently includes four full-time employees (supervisor, senior planner, planning technician and administrative secretary-vacant) within the Growth Management Department of the County.

Additional Operational Support Services include:

- . the provision of legal counsel through the County Attorney's office;
- . satisfying all federal and state financial, budgetary, accounting, and auditing requirements, including federal cost allocation plans;
- . the provision of purchasing services including bidding and advertising for professional services contracts and third-party contract management;
- . overall departmental administrative support;
- . technical support in regards to Geographic Information System services, such as digitized computer mapping, database management, software compatibility, transportation modeling database management/traffic analysis zones, specialized equipment and software, traffic count and accident statistics database management, etc.;
- . traffic count data collection, equipment, and operations through the county Road and Bridge Department and the expertise of a certified traffic engineer; and
- . technical support provided through the Information Technology Department, including office equipment, computer equipment and services, Internet and Webpage development and maintenance, software installation, training, maintenance, etc;
- . the provision of media specialist assistance including television broadcasting, taping, airing, etc;
- . other non-staffing support, such as the provision of office space and meeting facilities.

Budget/Funding

- . an annual allocation of Federal Highway Administration

- . funds in the amount of \$362,881;
- . a Federal Transit Administration (FTA) annual planning grant in the amount of \$69,431 (includes state and local matches) (can be used only for transit planning);
- . a Commission for the Transportation Disadvantaged Planning Grant in the amount of \$20,011 (can be used only for staff support to the Local Coordinating Board);
- . funding is provided on a reimbursable basis only in accordance with federal OMB directives;
- . the MPO is charged a 17% indirect costs rate (based on total salary expenses only not the total budget); and FDOT acts as a pass-thru agent for these federal funds and provides mostly in-kind and some cash matches.

Commissioner Alexander said he is an alternate on that Board; and there is not a whole lot of confusion going on, but there is some. His question, when they are speaking of their board members, why haven't they incorporated the Fire District in that as far as growth? He is speaking just in general terms now. Everybody is looking for a vote. But there isn't a vote for that.

Commissioner Nelson said he doesn't have a succinct answer to that, other than the fact that what they are trying to do, the MPO primarily is dealing with highways and road structures, and they want to incorporate those entities that do in fact have greater usage of their roads and bridges. The School Board has a whole lot of buses out there. The County has a whole lot of vehicles out there and the County includes the Fire Department vehicles.

Mayor Benton said right. And because of the makeup of the Fire Board, normally there is a Fire Board member that sits on there. If they have four members from Port St. Lucie on there, he will guarantee them at least one of them is going to be on the Fire Board. So there is membership from the Fire Board. He knows when he sat on the Fire Board for a while, he was on the MPO, and a County Commissioner also. So usually there is representation. The problem is, there wasn't representation from the School Board and there are a lot of school buses out there on the road.

Commissioner Alexander asked they just need a consensus, or they need to take action on this?

Commissioner Nelson said basically the position they have taken on the MPO is that they want it as is. They voted some time ago to have it go from 10 to 12, adding a School Board member and adding the additional member from Port St. Lucie.

Mayor Benton said that was over a year ago because he was on the Board when they voted for that.

Commissioner Nelson said one other thing which he didn't mention was something called certification. Every three or four years - just like the school system has to be re-evaluated, re-certified, and all that kind of stuff - the State, working for the Federal Highway Administration, has to evaluate the MPO as to the effect of how they are doing and what they are doing. They came out pretty darn good. They were clearly indicated to be fully re-certified until it was found out that the Port St. Lucie people would not sign an Interlocal Agreement saying that they are going to do certain things to carry on. And they came back and changed that to a conditional re-certification. That is where they stand today. They even went to the point of sending correspondence to what they call the Metropolitan Planning Organization Advisory Council, which is made up of some 26 or 27 MPO's throughout the State, and the Florida Department of Transportation and the legal office which

advises that MPOAC up in Melbourne, to get input so they can get the Governor adequate information for him to make a decision as to their organizational structure. All that input was made, it was approved, the Governor's legal staff said it met muster in every respect, and they stand now as indicated for going from 10 to 12 membership. So he leaves it to the Commission as to what they want to do. He is no longer the MPO Chairman, but he is a member and Commissioner Coke is there.

Commissioner Becht said he got bored one night and read some of the information the MPO was sending out on this. The fuss appears to be between the County and Port St. Lucie. Port St. Lucie wants to flex its muscles and get five members, if he understood it correctly, and leave the County at four, he believes. The way this appears to be working is, if they can keep those two behemoths - the County and Port St. Lucie - on equal footing, then Fort Pierce's two votes become the swing votes and they become more essential to how the money is going to go if they stay there. He doesn't see any benefit to Fort Pierce in getting into the fuss between the County and Port St. Lucie. And where they locate, as long as one of the two of them is bearing the expense of it, he thinks they ought to just stay back and let them court Fort Pierce. Because if they start getting into the fight, then they are going to make one or the other of them mad. He just thinks they need to stay on the sidelines and let them fight it out. That would be his two cents.

Commissioner Nelson said except they are dealing with a situation wherein their membership has to make a decision, has to make a vote, which they have already done. Now what? They can't sit there forever unless they change it. If it changes, the choice is to take it as has been voted for manning purposes. They have also addressed the issue of where they are going to have the meetings. It has been voted on. And the alternative now they can insert in there is having them become an independent MPO staff, completely independent and autonomous. He can tell them the year he served there and the times he has served on there, he hasn't seen any indications that the County top officials - Doug Anderson, Jack Kelly, and Dennis Murphy and all those people who are over there - influenced in any way that staff. The lawyers, Dan McIntyre and Heather Young, he saw those as being competent and neutral in every respect. He would have it, if it were left up to him, based on his knowledge and experience, stay as is. He would have them do as voted on approved by the membership some time ago, i.e. from 10 to 12. An addition of 1 for Port St. Lucie, addition of 1 for the School Board.

Commissioner Becht said that is what he just said.

Commissioner Nelson said he is for that, if that is the case.

Mayor Benton said he agrees to that. All he would say is, and he voted on this, the only thing he would agree to is not moving the staff. He thinks it should be a County staff working on it. There was no preferential treatment to either City or the County. And he believes the meetings should be held at a County office. It is a considerable drive for Fort Pierce members to have to drive all the way down to Port St. Lucie. It is a little bit closer for them. But more and more, Fort Pierce is losing ground here. They are looking at an Emergency Operations Center now further south on Midway Road. He doesn't know whether the County is going to go along with it. But he thinks it is one of those, they need to keep it at a central location. He thinks the County is that central location.

City Attorney Schwerer asked is there a vote that is going to be

pending before the MPO which Commissioner Nelson and Commissioner Coke would like some direction from the Commission? Or is he simply asking them to determine if they have any problems with the way they have already voted?

Commissioner Nelson said the latter.

City Attorney Schwerer said the latter, okay. If there is anything the Commission wants to instruct their two members as far as their position, he thinks what Commissioner Nelson is asking for is a consensus, so when he goes back before the Board, there still is this on-going issue of the membership and whether he should stand on his previous vote or whether he should make any changes. He thinks the Commission is telling him to stay on the previous course.

Mayor Benton said stand his ground. Does everyone agree? (The Commissioners agreed.)

The next item on the Agenda was Commissioner Becht request update on progress in obtaining a consultant to review the City's Comprehensive Growth Management Policy Plan.

Commissioner Becht said it wasn't in the packet, but he got a response back from Mr. Beach. He doesn't know if the rest of them got the response back. What he didn't address was one of the things that was in his letter about the development over on the inlet that is advertising 260 units. Did Mr. Schwerer get a copy of his letter?

City Attorney Schwerer said he did.

Commissioner Becht said he doesn't know what their obligation is as a City to protect not only their citizens but the buyers that are coming in. The last number he got was, there were 60-plus deposits put up on development that has not been approved. He doesn't know whether they need to get involved, should get involved, or if they should just stay out of it. But he would like discussion on that, what they might be able to do; and then they will decide whether they should or should not.

City Attorney Schwerer said he has met with the City Manager and he has also met with two Commissioners independently on this very issue. It appears that there is some signage on the property and it appears the property is being marketed some way - and he doesn't have the details - for far greater a number of prospective units than what this Commission has approved. Now technically they are not involved in the marketing; but he thinks what they can state definitively for the public and through their outlet to the media is that the only authorized development for that property is what this Commission previously approved. That number escapes him.

Commissioner Becht said it is 27 units.

City Attorney Schwerer said 27 units. The City Clerk has the record of the vote and it is all of file. So he doesn't understand how someone can be marketing something for more units. That is, of course, covered by other laws in reference to deceptive trade practices and deceptive advertising. But he doesn't think that is really a City issue, he thinks that is for another forum. But he thinks what they can do as a City and Commission is to affirmatively state what the records show. It is approved for 27 units and no more than 27 units. He doesn't know when that site plan expires, but it has a one year time frame and that could come into play as well. So that they can definitively state. But other than that he would be hesitant to recommend any other action right

now other than they can certainly tell their constituents what their record shows and that is 27 units.

Mayor Benton said just to add to this, when Mr. Bernstein came in front of the Commission when they were looking to change the ordinance on the hotel, that is when he questioned this because he heard of several Realtors in Dade County and Broward County selling these units and he has been questioning that for some time. He will ask the City Clerk or Staff to look into this maybe for the next meeting. But it is his understanding that they approved that project either last January or February, which means that year is up. He thinks it was a conceptual site plan.

Mr. Ramon Trias, Director of Development, said yes. If he recalls, the site plan is expired. But he will check that.

Mayor Benton said he didn't want to bring it up at the last meeting when there was discussion on that because he wanted to make sure they got past their year. But he believes it has expired so they are back to page one he thinks on that, he hopes.

City Clerk Steele asked do they have a name of a project or a street it is located on? Because there is nothing in this letter that describes it.

Mr. Trias said the street is Seaway Drive. The name he just does not recall.

Mayor Benton asked is it Island Village?

Mr. Trias said yes, he believes that the name.

Commissioner Alexander asked was that a renovation?

Mayor Benton said they were going to take down that motel they went to court over.

City Attorney Schwerer said the Holiday Beach Motel.

Mr. Trias said Staff will report back on this. He wasn't prepared to respond on this tonight, but he will be happy to for next time.

Mayor Benton said he knows Commissioner Becht had more and his main question was to find out the status on their consultant. That is an interest to him too. He would like to know where they are at because they have talked about it for a year now.

Commissioner Becht said he got an update from Mr. Trias before the meeting and actually there was some information in the letter he got back from Mr. Beach; but if Mr. Trias wants to educate the rest of the Commissioners.

Mr. Trias said he proposed a process to the City Manager and then that was forwarded to Tony Barnes. They are in the process of sending out an RFP. They have a little bit of work to do still, but they are almost ready to go.

Commissioner Becht said he thinks it is important to all of them and that is why he had asked for an update.

The next item on the Agenda was Submittal of Applications for Appointment/Reappointment to various **Boards & Committees.**

City Clerk Steele said the Commissioners have received the package of applications and attendance records; and on the next City Commission Agenda they will be asked to appoint or reappoint

members.

Commissioner Alexander said he had asked their City Clerk at one time about these Boards and the expiration and time tenured and if a couple of individuals had gotten notification. His question is, why are these Boards not letting the Board members know that their tenure is up? Let the Board members know that their time on their Board has come to time passed as of what, February 2005?

City Clerk Steele said it will be February 28th they will expire.

Commissioner Alexander asked do they have response from all of these Board members that serve on these Boards who want to either resign from the Board or continue on, do they have that?

City Clerk Steele said 30 days ahead of time she notifies the Departments who run these Boards. And that is what the Commissioners have in front of them, is the responses.

Commissioner Alexander said okay. His question again comes up with some of the addresses. Some of these Boards they have to be within the City limits. Are they checking themselves with these Boards to make sure all the t's are crossed on these Board members? It came up last year and one individual was not living in the City limits and it had to be changed. Was that last year or the year before that?

Mayor Benton said he knows the Contractors Examining Board, there were a couple of members in the past that were contractors who had a City license, but they didn't live in the City.

City Clerk Steele said they don't have to.

Mayor Benton said right, they don't have to.

Commissioner Alexander said some of these Boards require them to live in the City. Do they as a City as a whole, are they assured that each and every one of these individuals meet the criteria for these Boards?

Commissioner Nelson said they should.

Commissioner Alexander asked do they normally check everything on these?

City Clerk Steele said the applications have the addresses on them. And the information she sends out has the requirements for the Board. So if one of the Secretaries for the Board gets an application that doesn't meet that requirement, she would hope they are checking them. Most of the time, they get reappointments. There are very few new applicants.

Commissioner Alexander said for instance, the Code Enforcement, there are only two applicants. How many of those seats are up for reappointment in Code Enforcement?

City Clerk Steele said the information she sent out concerning the Code Enforcement Board shows that they had three expirations. It also said they must be a City resident. What they received back from the Secretary to that Board was, she has two applications for reappointment for two of the present members, and the third member did not respond, but the Secretary was going to follow up and would send the information if that member did respond. Apparently the Secretary didn't get a response. So what is going to happen is, if they don't get an application, they will be short one member on the Code Enforcement Board. But the two members that responded that

they would like to be reappointed are both City residents.

Commissioner Alexander said it is not the issue about the City residents, it is just the issue of all the Board members knowing their time has expired. Because they do fill in some of these appointments in between that term when they have to appoint someone new to the Board and they may fall in between the two or three years and they are there for a year and they think they are there for four years and they are not.

City Clerk Steele said when someone is appointed to a Board, they receive a letter with the term and a resolution with the expiration date, so they receive two pieces of paper that tells them when their term expires.

Commissioner Becht said he doesn't want to sound unappreciative of the almost volunteer nature of the service they get from these folks, but he is wondering now that they are getting some applications from some new folks, whether they want to talk about limiting the terms of some of the folks they have serving. That is not a reflection on the quality of service they are getting out of the people who are serving. The idea he has in mind is to mix the deck up every now and then and get some fresh blood and some new ideas in. They have some people here that have been serving ten plus years. It takes awhile to get up to speed, he recognizes that. But he just threw it out for discussion whether they want to consider limiting terms. They have people who are serving on multiple Boards and he believes there was a time when the City was very fortunate that they would volunteer to do that, but he thinks that time has perhaps come and gone. If they can spread the work load of this essentially volunteer work, it might be easier for everyone to bear it and they might get some new ideas. He doesn't know. He just throws that out for discussion.

Mayor Benton said he knows, like the Planning Board, he believes there are some guidelines that is set up in the Charter as far as what type of people they look for on that Board.

City Attorney Schwerer said yes, there are several different provisions primarily in the Code that talk about the composition of the Boards. But in response to Commissioner Becht, in the 24 years that he has worked with the City and their Boards, this term limitation issue comes up often. What they have advised the Commission is that there is nothing that they know of in most of these Boards that prohibits the Commission from selecting a new applicant over an existing re-application so to speak. He is not aware of any particular rule unless somebody wants to cite that to him. So if they have, for instance, two vacancies and they have both current seated members who have served for 8 or 10 years wanting to be reappointed and they have four new applicants, there is nothing in the code that says they have to choose their existing members over. So if they feel someone may have served too long, then they can certainly and within their discretion appoint a new member. That has been what they have advised the Commission to do. Because a lot of times if they put term limits, some of these Boards are so unpopular that is very difficult to get someone to serve; and when their term limits will end their quorums and then they won't have a Board. That is particularly important in cases where they are dealing with highly technical Boards such as the Construction Board of Adjustment & Appeals where they have, for instance, licensed architects and those kinds. So when they start the term limits, they have to kind of go across the board and that will run into some of the more popular Boards - Planning Board and Code Enforcement Board or whatever. They have to be very careful because they would have to apply it all the way across the board. So again, there is nothing he knows of that stops them from setting

up a policy as a Commission to review all applicants, including the new ones and the re-appointees, and making their decision based upon what is in front of them.

Commissioner Alexander said on that point there, the reason he brought that up about the Boards is because some of these Boards - the Board of Adjustment and the Planning Board - each and every one of the members their terms expire at the same time. Now where would they have a rollover of putting in new blood when they have each and every member expired at the same time? Is there some kind of stagnation they can do on these boards? At least they can have an experienced Board if they do want to change three or four.

City Attorney Schwerer said he thinks the City Clerk is more attuned to the term limits on these Boards than he is personally and maybe she can help him. If not, he can look it up.

Commissioner Alexander said it is not the term limits. It is the fact that all of them expire at the same time.

City Clerk Steele said what he is looking at is her letter telling them whose terms are expiring. This isn't the entire Board.

City Attorney Schwerer said they should be staggered in most cases.

City Clerk Steele said yes. For instance, see the Planning Board what she has here. These expire in 2005 and those expire in 2006. All she sent him are the ones who are expiring in 2005.

Commissioner Alexander said this is a ten member board here. But that is a five member board there.

City Clerk Steele said he is right. In the case of the Board of Adjustment, these terms started way before her time.

City Attorney Schwerer said 30 years ago or more.

City Clerk Steele said so they do all expire at the same time. But that is just the Board of Adjustment. Most all the other boards expire at different years, usually two and three year intervals.

Commissioner Nelson said he sort of shares Commissioner Becht's thoughts. He brought up this subject up before and he does notice they have some members of some of their boards that are 20 or 30 years old. They do have one board, the Communitywide Council for example, that has term limits that they impose. He thinks the way to solve that type of problem is to have the Boards themselves look at it from the perspective that they need to have a re-invigoration from time to time of new people. Ask the Boards themselves to come up with some rules or recommendation as to how they can accommodate this to get the new blood in, to maintain the continuity, etc. When they did it with the Communitywide Council, it proved to be quite good and quite effective. They still today get new people on that board and he thinks it is good for them. They talk about raising the bar, they see the transition that is taking place throughout their City. Some time when they talk about a lot of these old politicians that stay forever, it is time to move on and let some new blood come in is good. He would recommend that to solve this problem that they ask the respective boards via the City Manager, the City Attorney, and the advisor to the Board, to consider it and come back with a proposal to address some degree of rotation and term limits that they themselves impose upon themselves. They can see it from their perspective. Certainly they appreciate their services and all, but there is nothing like the insertion of new blood from time to time.

Mayor Benton said that comes from their senior member here.

Commissioner Nelson asked can they have the City Manager address that from a consensus standpoint if they all agree with that? (The Commissioners agreed.)

Mr. Rick Reed, 716 South 2nd Street, said he is here tonight for a selfish reason. He thinks it appropriate the Commissioners have talked about historic properties and boards. He was out of pocket for about 15 days and when he came home... His next door neighbor is Chuck Enns. He lives in a historical neighborhood. When he came home, since the hurricane he did go back, Mr. Enns has moved his business into his residence. He owns Chuck Enns Construction. He is also on the Planning Board. He moved Chuck Enns Construction into his property in their historical neighborhood right next door to him. On one side of his property is Sunny Gates who is on the Planning Board and on the other side contiguous is Chuck Enns. He moved his construction company next door to him. He spoke to Dennis Beach and he assured him a month or two ago that he would shut him down. He has had dump trucks in front of his house. He has had laborers every day gathering. Workers come. The trucks start about 7:00 a.m. He lives in a historical neighborhood. While he was in the hospital, he came home and he found out today that the City has given him a permit to run his business out of his home. He spoke with the City Clerk's office. They didn't change the designation of the property, but they gave Chuck Enns a permit to run his business out of a building that he built on the back of his property. He spoke to, he calls it Code Enforcement but they all call it something else; and they advised him as soon as they heard his voice that their hands were tied because of the new permit Chuck Enns received. He doesn't know how, it just doesn't seem fair to him that he lives in a residential neighborhood that this Commission deemed historical and that a man who owns an office, a construction office, a construction company west of town, has moved his construction company into a residential neighborhood. He doesn't know if Mr. Arias did it, but he appreciates about 5:30 today the dump truck left after two days. It disappeared about 5:30 tonight as he was getting ready to have dinner to come here. He thinks maybe Mr. Arias did something, he is not sure. Or Commissioner Alexander. He doesn't know, because he spoke to both of them today. This is no secret, he doesn't particularly care for Chuck Enns. But be that as it may, he doesn't live in an industrial park. He is proud of his neighborhood. And none of the Commissioners would want to live next to a construction company or have workers there early in the morning or have construction debris piled up outside their home and have dump trucks and construction vehicles.

Mayor Benton said let him address that, because he himself has a permit to work out of his house. But he can't have a sign on his truck. His equipment has to be put away at night. And he can't have people come to his house. So if Mr. Enns has been allowed to do this, what they will do is ask to get a report from staff. But one thing he cannot do is have those people come to his house, bring his trucks home, they can't have dump trucks there. So if that is going on, that is something they can address.

Mr. Reed said the Mayor plays by the rules and Mr. Enns doesn't.

Mayor Benton said as long as he is the Mayor and these people are sitting here, when they have heard what Mr. Reed has said, it is public record now. And everybody plays by the same rules is the way they do business.

Mr. Reed said that is why he is here asking for help.

Mayor Benton said he is glad Mr. Reed mentioned it to them. So what they will do is, at least as soon as possible within the next few days, if they could have a report on this, they would appreciate it. And they could get Mr. Reed a copy of that report. And they will do their best to make sure that doesn't happen; because if it does, he would imagine Mr. Enns would lose the ability to have that business there. He doesn't even know whether that is a legal business. It must be or the City Clerk wouldn't have given him a permit.

City Clerk Steele said it is a home occupation.

Mayor Benton said there are restrictions to it and they will make sure those restrictions are abided by.

Mr. Reed said also he doesn't know when Mr. Enns term expires, but surely by his actions he is not worthy to stand in judgment of others when it comes to their property before the Planning Board because he doesn't follow the rules that they have all set down. So he hopes they will all keep that in mind.

Mr. Dale Custis, 1223 Bayshore Drive, said he lives in the Colonnades. From a newspaper report, he thought Mr. Alcorn was going to address the Commission on an article tonight and he thought maybe he would be answering many of his questions. Is he going to speak?

Mr. John Alcorn, Director of Building & Community Response, said he did not see the article nor does he know about it.

Mayor Benton asked does he have any specific questions? Earlier before the meeting he asked him about certain permits.

Mr. Custis said he thinks his question would be to Mr. Alcorn. In the **Colonnades** there is a general contractor from Davie. He is saying one thing and about how they can... If he gets the contract, has he got the contract, has he got the permit? He doesn't know? If he gets the permit, he is entitled to all of their insurance money.

Mayor Benton said it is his understanding in dealing with some of the other condos out on the beach, Beach Villas there across from Jaycee Park, supposedly the contractor there came in and told all the owners, and the Homeowners Association agreed to this, that they would be turning over whatever insurance check they received to him and he would do whatever work that check would cover. Believe it or not, they signed him on. He doesn't know how many other condos are doing business that way.

Mr. Custis said this man is saying their personal insurance, not the condo insurance. He understands the condo insurance. But their personal insurance?

Mayor Benton said this was the case because each one... He knows some people who have taken them to court. It has created a lot of problems with the condominium homeowner's associations. He thinks that has been some of the problems in the Colonnades because he would imagine there are people who didn't have insurance. So what do they do?

Mr. Custis said that is correct.

Mayor Benton said if they had gotten money from FEMA or if they didn't have the money they had to ante up, what happens? Do they have to sell? Or does the contractor... He noticed in the paper that one of the contractors purchased one of the units in the

Colonnades over on Carlton Court. So that is a method of some of these contractors doing business and he doesn't agree with it, but he thinks they have all heard of some of these stories. Maybe the best thing to do is give Mr. Alcorn a call and maybe he can make the arrangements to sit down and talk about those one on one with Mr. Custis. Can he do that?

Mr. Alcorn said they have already met many times. They can meet many more times.

Mr. Custis said he would like to ask Mr. Alcorn for a formal meeting that they can sit down and go over some of these issues he has with this fellow who is saying he has the permit or going to get the permit, what kind of permit he can get, on and on and on. He knows Mayor Benton knows their building.

Mayor Benton said he knows his circumstance.

Mr. Custis said supposedly they have not even ordered the trusses yet to fix their building.

Mayor Benton said this is one of those circumstances where Mr. Custis has a unit on the bottom floor that is untouched inside, but the trusses and roof are gone. He could move back in tomorrow. He had the impact windows, the impact doors. He was in there three days after the storm with his wife. It is just unfortunate that is their primary residence but they can't move in because of the rest of the building. He feels for them all. He has known them for a long time and he knows what they are going through. He wishes he had an answer. He wishes they all did.

Mr. Custis said he doesn't know where to go to next.

Mayor Benton said maybe they can sit down with Mr. Alcorn again and maybe get a clearer answer. But it is just one of those where they are dealing with condominiums. If it were his own private home, it would be so much easier; but when they are dealing with several property owners in one building making decisions, he thinks it makes it that much tougher and the circumstances and the contractor hired.

Mr. Custis said he is a little perturbed. He has been trying to contact an attorney to talk about this. They either won't handle condo associations or anything on condos, they are not taking on any new clients. So here he is here tonight. He doesn't know where to go to.

Mayor Benton asked does Mr. Schwerer have any suggestions. Would Florida Legal Services help somebody?

City Attorney Schwerer said he doesn't. It is a very complicated issue. It is a condominium issue. It is an issue dealing with joint ownership of the common elements. It is a Board of Director's condominium. It is an insurance issue. He doesn't really have any suggestions. He knows there are some fine condominium attorneys who advertise all over the State. He sees ads in the paper by attorneys, "Having problems settling insurance issues?" They are advertising for clients. But he doesn't have any recommendations.

Mr. Custis said as a City Commission, he knows they can't recommend any attorney. Should he just look in the yellow pages?

City Attorney Schwerer said the Florida Bar has a referral service if he wants to call them. Call the Florida Bar. They have a referral service. They will tell him what attorneys in the area

specialize in condominium law. There are several good quality firms.

Mr. Custis said he would certainly appreciate that.

City Attorney Schwerer said call the Florida Bar Referral Service.

Mayor Benton said if he would like, give Mr. Alcorn a call and he is sure he would sit down with him. If he would like him to join them, he would, because he would like to know what is going on over there in the Colonnades too.

Commissioner Alexander said while they are speaking about that area there, he happened to be in the area, not only looking at the Colonnades, but that wall that **Harbour Isle** put up just adjacent to that first building. He spoke to the property owner and he shouldn't have asked that question because all kind of heck broke out. But that wall is sitting up off the ground and all underneath, the foundation or sand, is washed away. They have these little cut outs where all the water drains into the lagoon. He thought while Mr. Alcorn is over in that area he would take a look at that.

Mayor Benton asked behind Norchem (Norchem Concrete Products, 985 Seaway Drive)? He was just made aware of that. He knows Mr. Alcorn has called. He doesn't know if they are addressing it or not.

Commissioner Alexander said he walked out there and asked why would that wall be that far off the ground with nothing underneath it? How long would that last? He doesn't know some kind of stability there.

Commissioner Nelson said he attended the County Retreat Planning Session a couple of days ago and he brought the issue up of downed **T.V. lines and telephone lines** in their community. Some of them were downed resulting from the hurricane, some are results of the various pieces of equipment hitting some of those lines because they were not familiar with them, people from out of town, their booms and everything broke the lines. He is still plagued with the idea that somewhere along the line some kid is going to grab one of those wires and it is going to be hot. The Comcast people came out and checked some areas. They are finding very few of those. But he is urging them if they see any areas where they have some downed cable lines down or telephone lines, please call them in so they can get them taken care of. Because they can't afford to have their kids grab a hold of those lines thinking what they are. Cable television is not a problem, but they might be hot one of these days.

Commissioner Nelson said the fact that **John Brennan** was here earlier tonight was rather moving to him. He wonders for historical purposes, can they arrange to have the Mayors he served with or under take a picture for historical purposes for their archive? If they could have the City Manager's office arrange that. He thinks about three or four mayors: Mr. Dannahower, Mr. Enns, and Mr. Benton. He thinks would be a good thing to have in their archives for historical purposes. If that could be arranged and they all could be there, he would appreciate that.

Mayor Benton said he is sure they can send a letter out at least to see if Mr. Brennan would be interested and start there.

Commissioner Nelson said they get their walk repaired over there by the Jetty and they have done a good job on that. What are they doing to shore up the **Riverwalk** here by the park so it could be

used again? That walkway that Mr. Trias and his crew put down some years ago was damaged severely by the hurricane. What can they do to expedite and get back on line?

Acting City Manager Arias said he thinks that the Jetty is the responsibility of the County.

Commissioner Alexander said no, he is not speaking of the jetty.

Commissioner Nelson said the South Jetty has been taken care of. He thinks their Public Works people did that.

Acting City Manager Arias asked he is talking about the walkway going toward the ocean?

Commissioner Alexander said no, to the bridge.

Commissioner Nelson said he is talking about right out here by Veteran's Park.

Mayor Benton asked is he talking about the riverwalk between Chuck's Seafood and the boat ramp?

Commissioner Nelson said no. First he talked about the Jetty over there on the river by the inlet. The Public Works people have gone in and cleared all that debris that was in there now. People can use that facility again, the picnic benches and all. That has been taken care of. And they have a plan with Doug Anderson at the County, they are going to shore up those areas on that inlet on both the south side of the Jetty as well as down A-1-A. They have something to work on that program, the Corps of Engineers worked that out. But in the meantime, their Public Works people have done a good job of making it useable again, because sand was all over the place. Now people can get there and use it again, so that has been taken care of. Now he is talking about, what are they going to do about the Riverwalk right down there by the Amphitheater?

Commissioner Alexander said that is Indian River Veteran's Memorial Park.

Acting City Manager Arias said that is Riverwalk, not the Jetty. The Riverwalk, they are waiting for the approval of the project by FEMA so they can go ahead and start the construction. They don't start construction until FEMA approves the project and the money is moved to Tallahassee so they can go ahead and have some funding to pay for the project. They know they have a Letter of Credit; but they don't like to start any projects until FEMA approves the project and FEMA has not approved this project yet.

Commissioner Nelson asked they have a proposal in for FEMA to approve that project? They got about \$2.5 million the other day according to Mr. Bergalis from FEMA. The newspaper said they got a whole lot of money.

Acting City Manager Arias said every project is in FEMA's hands right now. Every project has its own funding. The only time they use the Letter of Credit is an emergency or when they have a project approved by FEMA. Because they have to guarantee that they can pay the money back. FEMA has been dragging their feet. They have been complaining about that. But until FEMA approves that project, staff is not going to recommend to go ahead and build it again. They have the plans already done to replace it. So the delay is just FEMA. Once FEMA approves the project, they will be doing something about it, yes.

Commissioner Nelson said he is suggesting to them that he feels,

and he thinks some of the other Commissioners might feel the same, their Boardwalk along A-1-A and this Riverwalk right down here by the Manatee Center and the Amphitheater are two things that are of vital interest to the City of Fort Pierce. They should have those up and running. It is tourist season. People like to walk out there and look and see what is going on. He saw a picture today wherein somebody on the back of a magazine and came up with a picture of the sunrise over Fort Pierce. Ms. Kell, the lady down at Switchboard, has a picture of that in a national magazine. The Mayor tonight had a picture (in People Magazine) of the boat ramps all jacked up and destroyed down at the Marina.

Acting City Manager Arias said this Commission can go ahead and instruct staff to go ahead and start building the project. He just recommends to them that they should not start building the project until they have some assurances from FEMA. They are talking about almost \$1 million.

Mayor Benton said several of these projects, they are talking several million dollars out there with the Boardwalk alone. He has had the phone calls, he is sure like all the rest of the Commission. Luckily most people have understood. They are happy that the old one is out of the way. At least they have a place to park. And if they can get across the dune, at least they can get to the beach. But hopefully within the next six months or a year that money will come in. But the last thing they want to do is spend the \$15 million that they went out and got a loan for when they have only received a couple million dollars.

Acting City Manager Arias said \$2.5 million.

Mayor Benton said they had overtime to pay for and they only had so much in the reserves and they are eating away at this year's budget. So his suggestion is that they wait for some of this revenue to come in or they can get themselves in a real bind at the end of the year.

Acting City Manager Arias said he doesn't think it is going to be six months, it is going to be before that. but FEMA has not approved the project yet.

Commissioner Nelson asked did they get a delay from the storms on A-1-A?

Acting City Manager Arias said he doesn't know what project he is talking about on A-1-A.

Commissioner Nelson said they were talking about fixing State Road A-1-A for \$12.5 million.

Acting City Manager Arias said that is being designed now.

Commissioner Nelson asked no delay on that at all?

Acting City Manager Arias said no.

Mayor Benton said it is supposed to start October 19th is what they were told.

Acting City Manager Arias said sometime in October, but it is pending FDOT permits. They are going for the permit for the roundabout at this time and they should be getting the permit in a couple of months. But they have to bid the project. He doesn't see anything starting before October. It should be some time in October for the roundabout.

Commissioner Nelson said he just wants to point out to the folks that those types of things make Fort Pierce what it is and it is an attraction that they need to stay on top of to get up and running as soon as they possibly can.

Acting City Manager Arias said they understand that.

Mayor Benton said he has been on Mr. Arias's back now for how many months. In fact, with FDOT projects, their little folder they send out with all their projects for the year, it wasn't included, and he asked Mr. Arias about that.

Acting City Manager Arias said they took action on that and haven't had a response yet. That is the way FDOT is. As soon as they get the approvals they will start this project. He was one who actually, his Department built the Marina as well as the Riverwalk; and it really broke his heart when he saw those projects just gone with the wind. So he can assure them that as soon as everything is approved, they are going to start working on it.

Commissioner Nelson said the **Human Development & Resources Centre** is going to have a groundbreaking on February 28th at 10:00 a.m. at 29th Street and Avenue D. All staff and all key people should come. This is a historic thing.

Commissioner Alexander asked what day of the week is that?

Commissioner Nelson said that is a Monday.

Commissioner Alexander said he is asking Commissioner Nelson, and he is not being facetious, but why don't they do it on a weekend when people are off work that make a viable interest of that?

Commissioner Nelson said the reason being that some of the key people who are going to possibly cough up some money in the future and the staff element...

Commissioner Alexander said he thought that was already funded by the CRA.

Commissioner Nelson said that is only part of it.

Commissioner Alexander said that is the first phase. They are leaving the public out at 10:00 a.m. in the morning.

Commissioner Nelson said this is a groundbreaking ceremony. It is not the grand opening.

Commissioner Alexander said okay, he is sorry. He didn't mean to call him on that.

Commissioner Alexander said he just has one point of interest. He thought they were supposed to be kept abreast to the **Assistant City Manager**. He saw Commissioner Becht requested that information in a letter to the City Manager. They still haven't gotten any input on that. Does Mr. Arias have any input on that?

Acting City Manager Arias said he thinks Mr. Beach received about 84 applications and he is reviewing them. That is all he knows.

Commissioner Alexander said he thought the Commissioners were supposed to be kept abreast of what is going on with that, right?

Mayor Benton said it was his understanding.

Commissioner Becht said when they inquire they are kept abreast of

it.

Commissioner Alexander asked when they don't get a response, then what?

Commissioner Becht said there was a response that he got. He doesn't know if Commissioner Alexander got a copy of the letter or not, but Mr. Beach did respond. He had multiple topics in the letter to Mr. Beach. Mr. Beach said there were several applicants and he thought maybe by the end of March that he would be in a position to pick one or recommend one.

Commissioner Nelson said he would certainly have liked to have been informed on that. He is out of the loop and he is concerned as to whether or not they are going to be involved in that.

Mayor Benton said let's wait until after Mr. Beach gets back to have this discussion because Mr. Arias can't answer.

Commissioner Alexander said at least they know Mr. Beach is going forward on it.

Commissioner Alexander said Commissioner Coke had requested that they have an update on the **City parking garage** at this City Commission meeting.

Mr. Ramon Trias, Director of Development, said he will be happy to update them on any issues they may need some information on. Do they have any specific question?

Commissioner Alexander said no. Just where are they with this?

Mr. Trias said the issue is this. The Commission sitting as the CRA Board will have to make a decision on the sprinkler issue. He hopes that happens tomorrow. He has instructed the architect to continue working on the construction documents, so he doesn't expect any delays. But clearly until they make their decision, they do have that issue pending. That is the best he can update them at this point. He talked to the architect today and they are about 80% done with the drawings.

Commissioner Alexander said he is just wondering, he got a few calls that they are stopping individuals from **fishing** down on **Melody Lane**. Is there a reason why?

Mayor Benton said maybe the Chief knows, because he imagines the Police Officers are doing it. Are the police the ones?

Commissioner Alexander said he understands they say law enforcement and there is some mention of Marine patrol or something in that aspect, but it wasn't just the Marine patrol. He just wanted to know is there a reason why they are not allowing people to fish in that area?

Chief of Police Eugene Savage said he hates to say this, but he will have to get back to him on that, because he doesn't know anything about it. He will get an answer to him.

Commissioner Nelson said he thinks they are going to find that the Commission voted to stop them from fishing down there.

Commissioner Alexander said no. That was only from...

Commissioner Nelson asked does he want to bet? He will bet him lunch.

Mayor Benton said let's wait to hear what the Chief has to say, because he thinks... He doesn't know but have they rebuilt the seawall on Melody Lane yet?

Acting City Manager Arias said they are working on that.

Mayor Benton said maybe that could be a reason or at least part of it.

Commissioner Alexander said he does know they stop from the boat ramp to the bridge.

Mayor Benton said behind the Fort Pierce Hotel and behind St. Andrews is usually been open fishing.

Commissioner Becht said he had written to City Manager Beach in the last 30 days and asked he consider having Mr. Bergalis to give them an update on where they stand with their **budget**. He knows Mr. Bergalis gives them a monthly statement; and he has tried to wind his way through that. What he has in mind is something more like an "Accounting for Dummies", something where he would know that they are either on track or how far off track they are because of the hurricane-related issues. He is not asking for it tonight, but something Mr. Bergalis could give them that might be comprehensible to his accounting depths. He is concerned. They have a \$15 million line of credit. He does not know how much of that is out or not out or where they are with collecting the FEMA monies, although he knows they are behind. But some of those issues. They are behind on the Golf Course he believes and over budget on the Marina he suspects. He does not know how much insurance money has come in. But those kind of issues to him would help him understand how the City is fairing. He is hoping that by this time some of those numbers are available to Mr. Bergalis, although maybe not all of those numbers are final. Does he think they could have that in the next 30 days?

Mr. George Bergalis, Director of Finance, said if his office is requested or directed, he will respond accordingly.

Mayor Benton asked does everyone agree with Commissioner Becht's request? (The Commissioners agreed.) He would agree, he thinks it would be nice to know how much FEMA money has come in. He thinks it is something they are going to have to keep up on. He plans on spending some time in Tallahassee trying to recoup some of that. There is a lot of things this City needs right now to rebuild. They need money to do it.

Commissioner Becht said the information is probably in the monthly packet Mr. Bergalis gives him, but he just can't discern it. If Mr. Bergalis can extract it and put it in some kind of digestible format, he would appreciate that. He thinks that is a consensus.

Commissioner Nelson said it would be helpful, particularly looking at the FEMA monies received and the monies spent as well as tapping into their \$15 million line of credit. And to go so far as to let them know if they are tapping into their reserve in any way. It would have some merit if he does it in that fashion.

Commissioner Becht asked could they have that at the next meeting?

Mr. Bergalis said yes, he can give them whatever they need, if he knows exactly what they want.

Commissioner Becht asked does he understand what they are asking for tonight?

Mr. Bergalis said some of this stuff he could tell them tonight, if they really need to know it.

Commissioner Becht said he would rather see it actually in printed format that he can digest.

Mr. Bergalis said they have talked about some type of summarization regarding the status of the budget, status of what insurance money they have received to date regarding the hurricane damages.

Commissioner Becht said right, and what they can expect to receive going forward with the insurance proceeds.

Mr. Bergalis said also as far as FEMA, he can put something together and have it ready for them at the next meeting.

Mayor Benton said he just would like to invite everybody to, "Coffee with the Mayor", Friday morning at 8:00 a.m. at Old City Hall next door.

There being no further business, Mayor Benton declared the meeting adjourned at 8:45 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER