

MINUTES OF A REGULAR 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 JANUARY 3, 2005.

Mayor Benton called the meeting to order.

Reverend Ted Rice, St. Peter Lutheran Church, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and R. Duke Nelson; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

The next item on the Agenda was Appointment of **Mayor Pro Tem** for 2005.

City Clerk Steele said the first item of business on the Agenda is for the City Commission to select a Mayor Pro Tem to serve for this year 2005.

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, to appoint Commissioner Christine Coke as Mayor Pro Tem for 2005.

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

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

Letter from Elie J. Boudreaux, Fort Pierce Utilities Authority, in appreciation of the assistance, cooperation, and services given by Deputy Director of Public Works Bob Hood and the entire Public Works Department.

The next item was the Consent Agenda. Mayor Benton asked does any Commissioner wish to remove an item? (No items were removed.)

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

a. Approve the Minutes of the Regular Meeting on December 20, 2004.

b. Approve list of firms and authorize Staff to begin negotiation of a contract with the four short-listed firms to be utilized by the City for **Professional Engineering Services** on a rotation basis from January 3, 2005 through January 2, 2008.

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by the City of Fort Pierce to construct the **Downtown Public Parking Garage**, to include retail and offices uses, generally located on Indian River Drive between Avenue A and Orange Avenue; said property zoned C-4, Central Business Zone.

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

Mr. Hans Kraaz said he just wanted to say he is for the project. He thinks the project is a vital part of their downtown, especially for him because of the different tenants he has, it has always been expressed that it is a large need, so he is for it. Also the

building, however it is constructed, if he could have any say in it, he would like to say he is for whatever the City has. He thinks the design is beautiful and he thinks it will a great part of their downtown.

Mayor Benton said it is well needed.

Commissioner Coke said she has heard other people downtown voice an objection and she personally echos it; but since he is big downtown, she thought she would ask him too, about the City having retail and office space. A lot of people have called her saying that is competing with the private people who are downtown; and what they need more than more retail and office competing with them is parking. She would like to get his feel on that.

Mr. Kraaz said his feel is they definitely need as many parking spaces as humanly possible. The last thing that he would like to do is have to compete with the City, since he thinks he rents to more retail people than anybody in the City, is having to bid against the City; and in the end, that is probably what he would have to do.

Commissioner Coke said she has heard several people express those concerns.

Mr. Kraaz said so he believes the parking garage would be the best thing. And as many parking spots, they need as much parking as possible, especially with the other projects that are slated to maybe start. A parking spot is becoming a very valuable commodity in the downtown district. Any space that would be used for other retail spots would be a spot that wouldn't be for a parking spot. So that is his opinion.

Commissioner Coke asked she thinks the plan as presented, doesn't it have retail and office?

Mr. Ramon Trias, Director of Development, said the plan as presented is a very high quality project that is the typical project that has been done in high quality in-fill projects. And always the ground level is not parking, it is retail. That is a very advisable thing to do and is being done all over the place. It has been done in Coral Gables and it has been done in Miami Beach and that is what every project is. That is a high quality project and they have the opportunity to do it. And he thinks Hans Kraaz is in full support of it; and he thinks what Mr. Kraaz is expressing an interest in doing is probably the office building, which staff has always suggested it should be done by the private sector. That is probably the interest he is expressing.

Mr. Kraaz said let him back up. The project he has been shown is probably 90% parking. He was assuming they meant along South Indian River Drive that they would take parking away and make that whole strip there retail along the whole road there. The project he saw would be a small building in the northeast corner and the rest of it parking. That was the plan he saw.

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 the Planning Board's recommendation?

Mr. Trias said Staff and Planning Board recommend approval.

Mayor Benton said there was something that was brought to his attention today from the Fire District. If Mr. Emerson would like to come up. He knows there was concern there that they haven't signed off on this yet and there was a problem, he guesses.

Captain Buddy Emerson, of the Fire Prevention Bureau for the St. Lucie County Fire District, said as part of the City's technical review of the site plan, which was done back in November, the Fire District performed a review and rejected the project because it violates a number of provisions of the Florida Fire Prevention Code. Not that the problems are completely insurmountable, they can be overcome; but there are certain things that have to be done to do that.

City Manager Beach asked can he describe those problems that are created by the design?

Captain Emerson said certainly. By the way, it is a very aesthetically pleasing building. It is very much needed and the Fire District is fully supportive of the endeavor for the Parking Garage, please don't mistake that. But in any new construction project, it has to be built according to the code. The code problems that were pointed out in the review process, straight from the review itself, are that the proposed parking garage violates a number of the provisions of the Florida Fire Prevention Code that significantly affect the site plan, specifically the garage eliminates the required fire lane for rear access to Harbor Federal's building, Governor's Grill, and all the buildings in that block from basically Avenue A to Orange Avenue. That Fire Lane is required to service each and every building from the rear. That area of town is quite unique. Unfortunately it has suffered in the past one large scale fire that destroyed the former Rubin's Department Store. In that specific fire, the buildings surrounding it were protected primarily because they were separated from the other buildings by a clear open space of about 10 feet. The Coke Building, in addition to the efforts of the Fire District, was saved because it had that strategic separation to the north and the south.

Commissioner Coke said not to argue with him, but the Coke building burned down.

Captain Emerson said he apologizes, the Coke building burned down.

Commissioner Coke said it was the Raulerson building he was thinking of.

Captain Emerson said the buildings to the north and south were spared. On the east side now, all of those buildings are closely connected. Actually they are wall to wall with the exception of the space that runs between the Governor's Grill and the old J C Penney building. So that is a large concern, that the fire access is removed once the parking garage goes in.

Mr. Trias asked may he discuss that issue? Because they had a conversation on that topic maybe a couple of hours ago, perhaps. He was under the impression that the access was available through the fire lane that is designed to the ground floor and the parking area and that is what Buddy Emerson represented to him at the time. Clearly he thought that was sufficient and that made sense. And he

believes Captain Emerson said the parking garage was fine, it was clearly designed, it was appropriate, and so on. That is what he understood a couple of hours ago.

Captain Emerson said the parking garage itself has a fire sprinkler system, has a fire alarm system, and the life safety features within the building as proposed, he doesn't have a problem with. The problem is that building's impact on the existing buildings. It takes away the required fire lane and then there are some design elements within that building itself, the parking garage, that don't conform to the code. One of the things the code also says is garages within 10 feet of a common property line or building line are required to provide an enclosure wall along the line of not less than one hour fire resistance rating. That building clearly can't do that.

City Manager Beach said let him interject something here. This building will be designed to comply with fire codes that exist. They are not going to propose or build a building that doesn't comply with the fire code. If there are design issues that have to be addressed, they will be addressed. But what is important is to recognize that there may be differences in interpretation of what that fire code requires. Just as this City staff can't take a position on a development issue that is contrary to code, nor can the Fire District. They don't have the flexibility to create the code as they go that makes them more comfortable. That is an adopted fire code and that is what they have to comply with and that is what they will comply with, if that helps this discussion any.

Commissioner Nelson said he would concur on this. But did they not coordinate this plan with the Fire Department prior to coming before the Commission?

Mr. Trias said yes, they have. And as he said, he coordinated the design as recently as today. And as recently as two hours ago he was under the impression this design met code and it was acceptable.

Commissioner Nelson asked did they just now discover this?

Captain Emerson said this was pointed out back in November.

Mr. Trias said the issues are issues of design that are part of the building permit process. Obviously, they would not approve any kind of building permit that is inconsistent with the fire code, just as the City Manager said. The issue appears to be, the way it was explained to him, on the existing buildings - the buildings that are already there, not the building the City is building. That is the way he understood it. And that has solutions.

Commissioner Nelson said he hopes there is a solution. They build a zero lot line down in the City of Fort Pierce downtown area. And they are supposed to have some fire lanes or fire escape routes some 50 feet or so from the end of the building there. Why don't they just go ahead and send this back to the staff for the next meeting and they all iron that out and come up with a solution to this problem. The City wants to comply with the code. They want to get the garage built. They all can work this out, can't they?

City Manager Beach said he wants to reiterate that they are not going to propose or build something that doesn't comply with the

fire codes. They may very well get in a dispute with the Fire District about what the fire code says and what their requirements are under the fire codes. So he doesn't know about the timing issue. All of the Commissioners have given very specific concerns about the timing of the construction of this building and he is not sure they want to delay it.

Commissioner Nelson said this is probably one of the bigger projects that the City has taken on. They want to be good stewards and do things right. They insist that their various developers go in and do the right thing, work out their differences, and he doesn't think the City should do anything less than that.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to send the Site Plan for the Downtown Parking Garage back to staff; and have Staff and the Fire Department work this out so they can meet all code requirements.

Commissioner Alexander said as he is looking at the site plan here, is the Fire District asking for a fire lane to separate the two buildings itself?

Captain Emerson said the required fire lane that is currently in place is part of the parking garage or parking surface as it exists today. There is a fire lane that can be used for access to all of those buildings as the parking lot is configured today. If they were to build the parking garage as it is proposed, that required fire lane is eliminated with no additional protection.

Commissioner Alexander asked what is the footage in between those buildings there for the fire lane?

Captain Emerson said the required fire lane width is 20 feet of clear width.

Mr. Trias said the fire lane is in the ground floor of that design. It is there.

Captain Emerson said no, it is not.

Mayor Benton said he thinks what needs to happen in this, what was brought to his attention today is that there is no problem with the parking garage, the problem is with the ability for these folks to fight a fire from the east side of those buildings and they told him it would take something like a sprinkler system inside the existing buildings.

Captain Emerson said that is what he proposed to Mr. Trias and that is what they discussed earlier today is that there is a simple solution, though maybe a costly or at least an added cost to doing exactly what the City wants to. The City can build exactly what they want to and not change anything in the design of the building if the existing buildings that belong to Harbor Federal, Governor's Grill, the intermediate buildings are fully fire sprinkled. If they go back and retrofit those with fire sprinklers, they will eliminate all the problems in the fire prevention codes.

Mayor Benton said also there could be some concerns about insurance, is what they have told him. So he would hope they could hash this out also with the property owners there, Harbor Federal's understanding of the issues. Because if it was retail, it would be one thing; but being it is office space, it could be a problem for

health and safety of people working there. He would like to see this cleared up before he felt comfortable agreeing with it. Commissioner Coke said all the buildings don't end parallel or even with each other. The JC Penney building juts out a lot further than buildings the Governor's Grill and all the other businesses are in. Do they not have sufficient room there for a fire lane?

Captain Emerson said at the J C Penney building they do. It is basically from the Governor's Grill south. The J C Penney building in the proposed design has a large enough parking area or entrance/exit way to serve as a fire lane.

Commissioner Coke said but if the City parking garage is there, the J C Penney building would be closer to the City's parking garage than where these other buildings are.

Captain Emerson said no.

Commissioner Nelson said he didn't see any of this in the discussion in the Planning Board and there was nothing in their package regarding this. He thinks the best thing to do is go ahead and make those guys get together and come up with the data relative so they can make a decision on it. If they have some input from experts or different interpretations from their side or the City Manager's side and they all have something, or if it needs a third person to arbitrate it, he thinks they can do it. But he is confident that they can work this thing out.

Mayor Benton said he is too; and that is why he asked that this be brought to their attention.

Commissioner Nelson said he is glad he did, because it is the right thing to do. They want to do the right thing.

Mayor Benton said everybody should sign off on it; and until they do, he is not going to feel comfortable with it.

Mr. Trias said from a process point of view, they may postpone this project if they want to in the sense that they are not going to stop the design. This is just a formal approval on the Commission's part.

Mayor Benton said he would just feel comfortable if the Fire Department signs off and the City straightens out any kind of safety issues.

Commissioner Coke said she has two more questions on this. First of all, she is not sure she expressed herself clearly, but she is sure that the setback is further for those other buildings than it is for the Penney's building. If they drive through, they all have their own private little parking spaces back there or open areas that they have fenced in, so their setback has to be further away than the Penney's building is as it juts out closer to where that is. Secondly, her question would be to staff, at what point does the Fire District normally sign off on these?

Mr. Trias said the issues that Captain Emerson is describing typically will be a building permit issue in his view. He disagrees with Captain Emerson's view. In his view, they meet code.

Commissioner Coke said the last point she would like to make is, it

does appear to her and she knows they have had this discussion several times before, she thinks the parking garage is great and she is going to support it and she wants them to meet code. But it appears to her they are taking away about 12 or 14 parking spaces by putting retail in the actual building of the parking garage. She understands they are going to build that entire other building and let it be a private enterprise thing, that someone else will take in that, but she has a major problem with them competing - it looks like three or four rather large retail spaces - with the people who are building downtown. And they have a lot of people looking to build downtown and looking to put retail and offices in, and the City is competing with them.

Mr. Trias said the design of the building allows for more or less retail. So if they as a Commission decide to have no retail or any other use, they can do that very easily in terms of having more parking.

Commissioner Coke said that would be her preference, but she is only one.

Mr. Trias said however, the idea of having activity at the ground level is a very good one and it does encourage the overall health of the retail in downtown, so they may want to consider that option also.

City Manager Beach said the idea of putting retail on that bottom space, the intentions are not to compete with the private sector. The intentions are to try to create a downtown environment and a downtown space that is attractive to pedestrians and people of that nature. As Mr. Trias was describing earlier, that is a very common process that is currently being used. He understands her concerns about this unfair competition as it relates to some government building. But he thinks there are ways to address that without not having the retail space available. They could either sell it, condominiumize it, or do anything with it to make sure the space is there and that it is used; and the government wouldn't be in a position of being the leasing authority or something like that. So he would like them all to think in those terms.

Commissioner Coke said she understands what he is saying. But she also understands they have four or five other major developments going to be coming looking to build downtown and they are all going to have retail and office there. At one point this Commission was trying to put a limit that they could only have retail on the ground floor. There are still plenty of vacant places downtown and they are going to be competing against them. She could see if they were going to put an office in for the CRA or the Main Street office. But to do something that they are going to look to rent to the general public, when there are a dozen investors who are building buildings here looking to rent to the general public, she just personally can't support that.

Commissioner Becht said he has a question for Mr. Schwerer. They designed this building and in essence they have created an easement across their building property to provide other people with access to the back of their buildings. On the ground floor, they have provided access to, he thinks it is the east side of Harbor Federal building.

City Attorney Schwerer asked which page is he looking at?

Commissioner Becht said Sheet A-1-A 01. So his question is, do they have easement rights across this property or not?

Mr. Trias asked do they want him to address that issue. Perhaps he is able to explain this.

Commissioner Becht said he wants a simple answer first. Do they have easement rights? And then they can give him the long explanation.

City Attorney Schwerer said the City, by virtue of building the building and creating public space, would grant either an implied easement for sure across any of it - sidewalks, adjoining walkways, etc. - for the public to traverse back and forth, and in the case where they build a travelway that is sufficient for vehicular traffic for purpose of vehicles as well. So the mere building of the public facility that is open to the public with walkways, pedestrian ways, etc. grants easements to the general public. Now if those building owners are members of the general public, which they are, they certainly can enjoy access to and from the parking garage to the back of their property if they have access to their property.

Commissioner Becht said let him state it a different way. Do they have to build it this way? Or can they foreclose their entrance to the back of their property?

City Attorney Schwerer said he doesn't know to what extent they have any vested rights to the perpetual maintenance of what is referred to forever as the J C Penney's parking lot. He doesn't know because he hasn't researched that. He doesn't know that.

Commissioner Becht said that is the question. Let him tell them why he is asking that. The reason he is asking that is, if the City is providing them with this easement to the back of their properties, which has value, why can't the City say they will give them the easement if they will put the sprinkler system in their own building, instead of the City having to put the sprinkler system in their buildings? Because they are getting something of value is his point of view.

City Attorney Schwerer said he has some difficulty with the concept of the City paying for or providing a sprinkler system for buildings. Now there is certainly something that could be worked through and there is a different way to address that, but for the City to directly be involved in that may be difficult.

Commissioner Becht said he is not interested in that at all. But what he is seeing and he had a question to ask is, why are they giving what appears to him an easement right to one particular property owner? Harbor Federal is a good public citizen, but...

Mr. Trias said the logic behind that was to provide a fire safety that Captain Emerson was talking about. In his view, when he read the code, it does the job; and that is why that was designed like that. Now if that is not acceptable, then they don't have to do it. Clearly Commissioner Becht is right about the fact that they are providing something of value. And the reason it was designed as such was to provide the safety of the fire access and also the fact that those people have properties right there. But if it doesn't do it, then they don't have to do it.

Commissioner Becht said if it is not accomplishing that goal... He wants to be a good neighbor. Harbor Federal has been a good public citizen. But it bothered him that they were apparently providing a singular easement to one or two property owners.

Mr. Trias said they have designed something that, when he read the code, it seems to meet the code. If that is not the case, then they may redesign it. The main issue there is simply that the ground level is not part of the main parking garage and that is because they have an urban site that is very tight. That is because they are trying to deal with the same issues they address right now. They have been talking about this for a very long time.

Commissioner Becht said he has some other questions too. On the second floor in the northeast and southeast corners, at least on the drawing he is looking at, it appears they have dead space where they can't park a car.

Mr. Trias said right.

Commissioner Becht said on the fifth floor, that turns into storage. Is there any reason why they can't make it storage on the second, third, and fourth floor?

Mr. Trias said they could, if they need the space, yes.

Commissioner Becht said it is dead space as it is right now.

Mr. Trias said that is the nature of a parking design, yes.

Commissioner Becht said okay.

Commissioner Alexander said he is concerned, he is reading here where it says new concrete and pavers in between the building and the existing buildings. Now what is the footage on that? What is the footage in between the spaces of the buildings, the new and existing buildings? The parking garage and the existing building?

Mr. Trias said it is different because the buildings have different distances behind them.

Commissioner Alexander asked but if they had a fire lane, that is where the fire lane would come through that same area, right?

Mr. Trias said yes. That is why they designed that alley within the first floor.

Commissioner Alexander said so Mr. Trias is saying the existing buildings now for garbage, refuse, and all that, they have accessibility to those buildings to retrieve the garbage and so forth?

Mr. Trias said the access, there is a small parking lot there and that is why they have that curb cut there. If they look at it closely, they can see that is designed to accommodate the existing use as much as possible. And garbage needs to be relocated slightly. But it is also designed to provide access to downstairs, etc. He thinks what needs to be kept in mind is that in any downtown site things are very tight and they have to do it very precisely and that is what they are looking at here. Things are very much one way and they don't have too many other options.

Commissioner Alexander said call the question please.

Those voting in favor of the motion were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: Commissioner Becht.

The next item on the Agenda was Public Hearing on Application for Conditional Use & Site Plan Review submitted by Malcolm Scharf of Tumblin Kling, LLC, to construct a 92-unit multi-family development to be known as **Strawberry Fields Townhomes** generally at 800-810 Tumblin Kling Road; said property zoned R-4, Medium Density Residential Zone.

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

Mr. Robert Walker said he is with CPH Engineers, Inc. and they represent the applicant. Basically it is a 9.19 acre site. They are looking to put 92 units with one car garage and balcony in the front. These will all be fee simple lots. There will be a club house, fitness center, adult pool, a kiddie pool, and a tot lot as amenities. And the sales are aimed around first-time home buyers. They are in agreement with the staff recommendations in the agenda package. He is here to answer any questions they may have.

Mayor Benton asked what kind of roof are they going to put on these?

Mr. Walker said an architectural shingle roof.

Mayor Benton asked is there any way he could convince them to upgrade that to either tile or metal maybe? Because they do have a problem in this community right now. They have no shelters. One thing they have learned from hurricanes is, when the roof fails it doesn't matter whether you have shutters or not. That might be something they will be addressing in the future, but today they don't have any newer codes. His concern, when they are building a multi-family project like this, maybe the clubhouse or the public facility be built stronger to take the impact of a major hurricane. Would that be possible?

Mr. Walker said it is definitely possible. He would have to talk with the client, he doesn't think he would be too opposed. Again, the target range that he is trying to sell these is somewhere around less than \$150,000 each. These are all three bedroom homes at 1,300 square foot, all the same. Of course, if they add more cost, it is going to add that up as well. So it is something they can discuss. He doesn't think the clubhouse would be any problem at all, but the rest of them...

Mayor Benton said he thinks with insurance and people that are out of their homes today, he thinks if they were to spend another \$10,000 on their home, they would probably do that rather than be out of their homes for six months or a year and having to rebuild and deal with insurance. It is just a question he would like to pose for a lot of folks tonight.

Mr. Walker said what he will do is, after the meeting he will discuss it with the client and actually he could get back with the Mayor personally if he would like.

Mayor Benton said okay.

Commissioner Becht asked what is the width of the right-of-way of Tumblin Kling in front of their project?

Mr. Walker said he thinks it is 40 feet if he is not mistaken.

Commissioner Becht asked does staff know what the width of the Tumblin Kling right-of-way is in front of the project? If it is not 60 feet, would they be willing to voluntarily donate on his side sufficient right-of-way to make it 60 feet?

Mr. Walker said he is pretty sure it is 40 feet. He doesn't think with 60 feet they would be able to meet the setback requirements.

Mr. Hector Arias, City Engineer, said it is not 60 feet. It is about 40 feet or maybe 50 feet. He heard the gentleman saying they would not be able to meet the setbacks. Sometimes what they do with the approval of the Building Department under code is that whatever they give is the right-of-way easement instead of a right-of-way piece. So with the easement, that may not be affecting the setbacks. So it would be very easy for them to give the amount of right-of-way easement to meet the 60 feet.

Mr. Ramon Trias, Director of Development, said the right-of-way is 50 feet.

Mr. Arias said so it is 10 more feet. That could be in the way of an easement.

Commissioner Becht asked so Mr. Walker as the applicant's representative can agree with the additional 10 feet?

Mr. Walker said they could agree with, he would believe, a 50 foot right-of-way of 5 feet on either side for a utility easement. Is that what it is they are looking for?

Commissioner Becht said no. What he is trying to do is build sufficient road capacity for the 90 or whatever units they have and about the 300 or 400 that are already approved on the other side of the road. He would like to have sufficient road right-of-way in there to have proper drainage and everything else they need. In Mr. Arias' 60 feet, is that what they need?

Mr. Arias said 60 feet is what they need for drainage and paving and perhaps a left turn lane.

Commissioner Becht said so that is where the 60 feet comes from. He didn't make it up. Additionally, in reviewing the plan he sees one dumpster on the property, unless he has missed it. Is there any other dumpster on the property other than the one located on the north end?

Mr. Walker said that is the one that was proposed and approved by the Solid Waste Department.

Commissioner Becht asked they have one dumpster for how many units?

Mr. Walker said 92 units.

Commissioner Becht said okay.

Mayor Benton said he has not seen a dumpster that big.

Commissioner Becht said back to Mr. Arias again. With the development that they are seeing on this road, does he see any benefit to requiring them to build a decel lane or perhaps a turn lane out in the middle of Tumblin Kling Road to get into this project?

Mr. Arias said what they do sometimes is they make the developer provide a decel lane on his own property, like they did with that project on 25th Street.

Commissioner Becht asked does he deem it necessary or appropriate here; or are they just wasting his property?

City Manager Beach asked wouldn't that be a function of a traffic analysis or a traffic study that would be conducted to determine what those requirements are?

Commissioner Becht said it could be.

City Manager Beach said he doesn't think that is a matter of opinion. It is a matter of some type of statistical analysis of the demand on the road and the capacity of the road. What they might want to do is, they have a workshop coming up and it may be a real great opportunity to do that, they need to set some parameters for staff as it relates to issues of this nature. If they are going to require 60 foot or 70 foot or 80 foot of right-of-way in certain corridors or all corridors, they need to make that decision so that staff can do that before it comes to the Commission and they have to make those decisions.

Commissioner Becht said that would be wonderful, but they haven't done it yet.

City Manager Beach said right. If they are going to require deceleration lanes or traffic studies to determine whether those are appropriate or not appropriate, they need to do that every time so the Commissioners all don't have to deal with those issues.

Commissioner Nelson said he supports that wholeheartedly. But the width of the road, he thought they were dealing with 50 feet and they were commonly dealing with the traffic study to determine whether or not they have sufficient traffic on the road or warrant turning lanes and all that.

City Manager Beach said his understanding is that it is the certain size of a development that determines whether or not a traffic impact study is required. What they are experiencing here, especially in an area like Tumblin Kling Road, that has evolved over the last 20, 30, or 40 years. As Commissioner Becht was indicating, they are dealing with these units one at a time and one at a time they are kind of meaningless. But when they combine them all together, it has a serious impact. That is what they are not addressing.

Commissioner Becht said if they don't get the right-of-way now, they are going to end up going back and having to buy it. Now they can get it and now is the time to get it.

Mr. Walker said he apologizes. He thought they were talking about the interior roadway width. But they are talking about Tumblin Kling? They want some additional right-of-way there?

Commissioner Becht said absolutely.

Mr. Walker said he thinks they can accommodate 10 feet there. He thought he meant the interior road into the development.

Commissioner Becht said he is sorry he didn't make himself clear.

Mr. Walker said if it is Tumblin Kling, they have 35 feet. He doesn't have a problem.

Mr. Trias said there are no design limitations to the request. That would be a very appropriate condition and it can be incorporated very easily into the project.

Commissioner Becht said he agrees with the Mayor on the roof issue. Most of the roofs he has seen around here that have blue tarps on them were the asphalt shingle roofs. If they all could do something with that issue, that would be wonderful

Mayor Benton said they can't make them do it, but this would be a selling point. His other question would be, are these proposed to be rentals or home ownership?

Mr. Walker said these are fee simple. Everybody is going to own their own.

Commissioner Coke said while they are discussing it, for the record, they need to make a change on the Application for the Conditional Use, Item #5 "Conditional Use requested for described property". It states: "Allow density from 91.9 units to 92 units per acre." Not that she thinks they did that intentionally, but she would hate to have to come back six months from now if he were building 92 units per acre. So if they could make that correction.

Commissioner Nelson said he wants to make sure he understands that Mr. Walker is amenable to the additional dumpsters?

Mr. Walker said they originally had asked for a single container for each unit. That was rejected. The way the City's department wanted it was a dumpster. So that is why they did the dumpster.

Commissioner Nelson said with 92 people spread all over the area trying to get to a single dumpster...

Mr. Walker said they would prefer to have a refuse container for each unit, that was their first choice; but in the process it was rejected.

Commissioner Nelson said they are eliminating the container for each unit. Now they are talking about an increase of dumpsters. Commissioner Becht proposes how many?

Commissioner Becht said something more than one. One is not going to work.

Mr. Walker said it is actually two dumpsters in one unit. There are actually two there. They are to the size specifications.

Commissioner Nelson asked with 92 units, why don't they ask the Solid Waste Director what would be sufficient on that?

Mr. Harold Hopkins, Director of Solid Waste, said the proposal is to put two dumpsters side by side at that one location. That will eliminate two different sites. So two dumpsters would be two eight yards would probably go in at that one site and it would be a wider enclosure.

Commissioner Nelson asked is he recommending two dumpsters side by side?

Mr. Hopkins said or whatever it might take. They can go from dumping twice a week, three times a week, four times a week, five times a week. They could make one dumpster work. But to go in there twice, it would probably take two 8 yards or two 6 yards.

Commissioner Nelson asked he is talking four then, two 8 yards and two 6 yards?

Mr. Hopkins said no. It could be two 6 yards or two 8 yards or two 4 yards or one 8 yard - whatever it takes in that one location will work.

Commissioner Nelson asked how many would he say to put there, two or four big ones?

Mr. Hopkins said he would probably put two 6 yards in there.

Commissioner Nelson said good. Two 6 yards. He likes those clear-cut recommendations.

Mayor Benton asked are there any more questions of the applicant?

Commissioner Nelson said on the shingles, did they agree on the shingles - shingles verses the roof?

Mr. Walker said let him give them a little story. It is very quick. In his own subdivision, he lives in a brand new house in St. Lucie West. His house has concrete tiles. They had a big time problem with the hurricanes. The ones that had shingle tiles in that subdivision, there was not one problem. He just thought he would throw that out to them. Because people were upset over it, they paid more for the concrete. But they actually fared better with the asphalt shingle roofs with the new Florida code that is out the way they apply them. Those actually did better than the concrete. He can go back to the client and ask though.

Commissioner Nelson asked this is a conditional use so they can put any conditions the Commission wants? Would they be out of line if they were to insist he put barrel type shingles as opposed to the regular shingles? A lot of the shingles coming in with the three tab now and they are 25 year rated and all this kind of business.

Commissioner Coke said she didn't lose the first shingle.

City Attorney Schwerer said he would recommend that they require an upgraded roof system; and let the developer work with staff to determine what that might consist of. Specifying barrel tile or something may be designing it themselves. There is an upgraded roof system over and above that. There is a metal type roofing system now that is upgraded, there is the flat concrete.

Mayor Benton said right, if they did the architectural. But so many times they just put on the three tier shingles.

City Attorney Schwerer said if they want an upgraded roof, just ask for it and direct that they are required to get it from staff. If the staff has a problem, they can bring it back to the Commission for a final decision.

Commissioner Nelson said okay.

Mr. Trias said the request, as Commissioner Nelson mentioned, is the fact that it is a conditional use and the conditional use is tied specifically to architectural enhancements and landscape enhancements, so they can make conditions of that nature for approval.

Commissioner Nelson said they don't want to make it too costly. They are going to be reasonable folks. He thinks the lawyer's concept there, get back with staff and work that out, the details, that would be sufficient for him.

Mayor Benton said he would hate to be the one to engineer things, but he didn't see but one or two metal roofs that didn't make it. And he knows in Palm Beach County a lot of these now are required to have metal roofs on them. When they are multiplying the cost by 92 units, it shouldn't add a lot to it over the others. So please take that in consideration.

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. Trias said Staff and Planning Board recommend approval.

Motion was amended by Commissioner Coke, seconded by Commissioner Nelson, to approve the Conditional Use & Site Plan submitted by Malcolm Scharf of Tumblin Kling, LLC, for Strawberry Fields Townhomes at 80-810 Tumblin Kling Road, with the following conditions: An upgraded roof, that they grant the City a 10 foot right-of-way easement (right-of-way dedication) on Tumblin Kling Road, that there are two 6-yard dumpsters provided, and that the Application for Conditional Use be changed from 92 units per acre to 92 units total.

Commissioner Becht said Commissioner Coke said easement. Is there any reason why she would prefer an easement over a fee simple ownership in the City?

City Attorney Schwerer asked could that be a right-of-way dedication? And that way they could ask for a fee simple or a right-of-way easement, whichever staff would need. The right-of-way dedication would be sufficient.

Commissioner Coke said that is the intent of her motion. Commissioner Nelson, as second, agreed.

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

The next item on the Agenda was Public Hearing on Application for **Site Plan** Review submitted for Paul Jacquin & Sons to construct **Tower Medical Office Complex**, two buildings generally located on the west side of South 25th Street; North of Nebraska Avenue; said property zoned C-1, Office Commercial Zone.

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

Mr. Michael Jacquin, Paul Jacquin & Sons, said he is representing the applicant and owners. He is here to answer any questions they may have.

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 recommendation?

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Site Plan submitted for Paul Jacquin & Sons to construct Tower Medical Office Complex, two buildings generally located on the west side of South 25th Street, north of Nebraska Avenue.

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

The next item on the Agenda was Public Hearing on Application for **Site Plan** Review submitted by David Gordon for a Preliminary Planned Unit Redevelopment for construction of a five story mixed use building to include office space and residential units, to be known as **One Marina Place**, generally located on the northwest corner of Avenue A and Indian River Drive; said property zoned PUR, Planned Unit Redevelopment Zone.

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

Mr. Steve Tierney, Attorney with the firm of Neill, Griffin, Tierney, Neill & Marquis, said they represent Location Development Corporation who is the owner of this subject parcel. This is a request for an approval of development of multi-family residential with retail on the bottom floor. It is very similar to other proposals that are presently being made downtown in terms of both the size and density. The Clerk of the Court building is a five story building. He understands it has been approved. The garage, while it has five levels, is technically he thinks only four stories because there is no roof on the fifth level. The Renaissance project he thinks is very similar in terms of density and stories. It seems like five stories has become the norm here, and densities of 40 units per acre also for a downtown multi-family residential. He thinks it is interesting the way speed limits have been set for roads - and he had known this before - but they base it on prevailing speed; that is, what drivers drive. They use an 85 percentile rule. What 85% of the drivers drive is the way they determine the speed limit. Here they seem to see what the market is saying in terms of what is necessary to have multi-family

development downtown. Just as it makes sense to let drivers set the speed limits, he thinks the market should have some say in setting the parameters of acceptable story height and density downtown. Now, they go to West Palm Beach, they can see that for a similar type area they might ask for a 20 story residential building. Nobody is suggesting that here. They have to look at what the market is and what the community is like. He thinks the five story development they are talking about here which is either four stories above retail or four stories above parking is consistent with the City development and it can be successful because it enhances the look of the City; not only attractive from a visual aspect, but also from a marketing aspect, and both of those are important for a developer. Presently, they have a window of opportunity to develop upscale condominium units in downtown Fort Pierce. It is a narrow window and no one knows when it will close. Interest rates are still low, demand seems to be high, and that will make it possible for successful development, but it must be economically feasible. Back on November 17, 2003, the City Commission approved five stories for this development. That was different because it had a lot of office space in the back. It had not however been to the Historical Preservation Board and had to start over. At that time it became apparent, and as a suggestion from staff, it made more sense to do this as entirely residential, except for the first floor retail that fronts Indian River Drive. It also makes sense, however, that it is going to need underground parking. That is a very expensive proposition. It showed that was necessary. This project has not only besides that very expensive cost built into it, it has a sun deck and pool on the roof overlooking the Marina and a lavish courtyard. These expensive amenities have costs; and they are not only costs initially, but costs that have to be shared with upkeep and maintenance. It makes sense that 41 units share this cost, both in the initial cost and the continuing cost of maintenance. It is too expensive for 30 units, both in what it costs to construct it and also to maintain it. It is intended that this development will be upscale and will be consistent with the skyline. It is going to be sitting there with the new Court Clerk's office, the new garage, and if Renaissance goes forward, with Renaissance. The Court Clerk's office he understands has five floors. The garage has five levels. And as an architect member of the Historic Preservation Board, he thinks it was Mr. Foster said he had done an elevation of the four proposed projects and he said he liked the looks of this skyline and it did look impressive the way he had drawn it to scale. It is an appropriate skyline for Fort Pierce. It is not downtown West Palm Beach skyline. It is one that says they are a smaller friendly town, but they have elegance and class, and they can have an impressive downtown without being gaudy. And downtown should be destined to become a vibrant living area with people living in it, where people can walk to restaurants from their home spaces at night, where businesses can really count on walk-in trade. But this can only happen if it makes economic sense. At 41 units, this project is on the edge of being viable. At 30 units, it is not. If they like the looks of this project, if they agree that downtown Fort Pierce should have residential development with walk-up retail at ground level, if they think a \$16 million investment in an upscale development downtown is a positive thing, if they think a very attractive building overlooking the Marina is desirable, they would ask that the Commission support the plan as submitted. He told them this concept was first approved by the Commission back in November 2003. They are now over a year later. They are sort of at the end of the line. He feels like a failure to approve it would be a stake in the heart of this project and this is a project

that shouldn't die. It is a piece of land that is unique. It looks over the Marina. It should not be a dirt parking lot. This project does include improvements to Avenue B; and as a suggestion from the Planning Board, they have been able to go back and determine that they can create ten parallel parking spaces on Avenue B as was suggested. That way that brings their total up to 98 parking spaces. That would mean there would be two for each unit plus an additional 16, which they hope would mean that they would not have to impose on the garage that is being constructed very nearby. The developer is anxious to move forward. It is a risky venture. It is something that he thinks the City could use. He thinks it could use more than one or two of these. But it is something that has to be worthwhile to a developer to go forward and have some of the risks taken out. They do ask for the Commission's approval. He has here Mr. Gordon, who is the principal; Mike Jacquin, the contractor, and also Greg Edlund and Stefan Matthes who can answer any questions they may have from the technical aspect. They do think it is a good project and they do appreciate the Commission's consideration.

Commissioner Nelson said he would like to indicate for the record that he has been in private conference with the developer and the developer's representative on this project.

Mayor Benton said he would add to that. He has had several conferences with him over the last year.

Commissioner Coke said she would add that she has met with him also.

Commissioner Becht said him too.

Mayor Benton said he put quite a few hours on this, all of them.

Mr. Michael Jacquin, Paul Jacquin & Sons, asked does everybody have a set of plans?

Mayor Benton said yes.

Mr. Jacquin said also he has a handout which is a Development Agreement. It is a few points that he would just like to share with everybody. Basically as previously mentioned this project was preliminary approved in November 2003. What he has is an exhibit in front of them just to refresh some of their memories what was presented to them that evening and what they preliminarily had approved. (Mr. Jacquin displayed a drawing.) Basically as they see, it is retail on the first floor and five stories above that. It is very similar in nature to what they are here to discuss this evening with the Commission. When he was first introduced to the project back in December 2003, it was asked of him to review it and make a few recommendations. Since then they have progressed with many different design aspects: Parking, marketability, and building code review. Basically what they see before them is a year's worth of work going through various committees. The Historical Board, which they were at twice. During that particular process, the Historical Board made a recommendation to have staff come back and make some minor modifications to the elevation and so forth, so they met with staff. During that process there was some inputs in some different things. Basically, if they turn to Sheet A-1 in their packet, this is the latest elevation for this project. Basically what they did was they met with Mr. Trias and staff and they came up with a few different scenarios to enhance the

elevations. One of the items they will notice there is on the north end of the building, the tower increased a little bit, so that made a great focal point for the building and it was a very good idea and they implemented that and that is what they presented to the Commission. He knows that height is of some concern with the City and so forth. They have a mean roof height of 68 feet, 6 inches, on the main roofs; and then at the tower, the mean roof height he believes is 74 feet, 8 inches. So in essence, they are looking at...

Commissioner Coke said so there is no confusion later on in life, what is the height of that roof right there?

Mr. Jacquin said 84 feet, 10 inches.

Commissioner Coke asked didn't he hear 65 feet?

Mr. Jacquin said yes.

Commissioner Coke said okay.

Mr. Jacquin said that is why he went back to meeting with staff and some of the recommendations and making that a focal point for the building.

Commissioner Coke said that is why she warned him that this Commission voted on 65 feet or four stories.

Mr. Jacquin said he understands that. He is in construction. He deals in the real world. And what they try to do is, at this point and this level of the development, these are their target heights. During the course that they find out that a beam increases it a couple of inches or decreases it a couple of inches, to make it work, that is where they are at. He wishes he could say that he could build exactly what is on this piece of paper, but in the real world it doesn't work that way. There are some slight variations of various inches due to conflicts for mechanical systems and other things of that nature. That is where they are at and that is what they are presenting. During the next step after the Historical Board, they went to the technical review process. One of the recommendations by Buddy Emerson (Captain, Fire Prevention) during that process was that heading east on Avenue A that they would be able to make a left hand turn or a northerly direction into the site. Basically there is a median strip there and that had to be pushed back so that they are able to get fire vehicles in there and so forth. That was the only comment they received from the Fire Department. And he believes with the improvements and other things they have done, that they are very satisfied with the project.

Commissioner Nelson asked what page is that covered on the new plan?

Mr. Jacquin said no, that was just a comment they had and something they are going to incorporate. What they are here tonight for is preliminary approval. Basically what they are looking for is the Commission to give them the nod. And then they will be back with some slight modifications - the ten parking spots on Avenue B and some of these other variations to be incorporated in the plan - so that when they are back before the Commission the next time, they should have the final plans and that should be a stamp of approval. It is just basically a formality. As mentioned earlier, on the Planning Board it was suggested that they add ten parking spaces on

the north side of Avenue B. They have a schematic design of that, but they have not shared that with staff because there was a short period of time to find out what that was. So they will work with staff in trying to develop that for the final PUR. Again, back to this particular project. This is very similar. He brings this back because they are talking about heights. They are talking about 65 feet. When they originally started this process there was a little, he calls it pink, but it was probably red at the time it was published, a Planning & Zoning book. At that time the maximum height of this project was 200 feet. So following under those codes, they were well under what they originally and been proceeding under. This was what was preliminary approved. As they can see, the height of the tower has a similar design element to what is being proposed to them tonight. The only difference is they have increased that portion of roofline slightly to make it more of an impact and more of a focal point for the structure. So they have not really deviated since November 2003 to present other than some minor details with that and also the plaza has been moved to the front or the eastern exposure of the building. Some of the different improvements they have for this particular project is, one of the items they are doing is the P.P. Cobb parking area. Basically, as they all know, it is a sand parking area and everybody parks on it and so forth. Avenue B, they are going to make that a two lane road. Right now they can basically only head east on that. They are going to make it where they can also head west. They are going to add the parking on the north side of Avenue B, another improvement. Then also the hardscape on Indian River Drive. Basically they are increasing and beautifying the City property along Indian River Drive to be harmonious in the downtown theme. Why should the Commissioners approve this project? There are many reasons. One, tax base. They are creating 40 more wonderful homes for families to live in the downtown area. They are making improvements to the site and the adjacent property owners. Basically they went above and beyond from where they started. They have looked at all aspects of it. He will take any questions that they have at this time.

Commissioner Nelson said on Page 8 and 9 in the schematic, a relative vision one would have basically with respect to height in comparison to the P.P. Cobb building and the projected thoughts in regard to the Clerk of the Court building. Could they explain that please, what they are trying to portray there?

Mr. Jacquin said basically during the historical review process, it was asked of them to develop contextual plans.

Commissioner Nelson asked Sheets A-8, A-9, and A-10, but primarily A-9.

Mr. Jacquin said yes. Basically, those of them who are familiar with the P.P. Cobb building, it sits very close in proximity to Avenue A. So in essence, if they are standing on Avenue A, it is very hard to see over because it is sitting right on the streetscape. If they were on the opposite side of Avenue A, which would be the south side of Avenue A looking north, now they are looking back toward P.P. Cobb and they see the P.P. Cobb. What they have done is they basically computer digitally dropped in the One Marina Place behind it and what they have is a line of sight. So that would be at that particular location at a 5 foot 6 inch line of sight, that would be the particular aspect of the building and the structure they would have at that point. That is at the top of the page, it says "southern view from opposite sidewalk".

If they were to look at the western view from the opposite sidewalk, again they would be on 2nd Street on the west side of the road looking east. Basically they would look through the buildings at that point and have One Marina Place behind it. So this gives them a very good visual aspect as to what the building is going to look like from the sidewalks, from the level of what pedestrians would see as they tour the City.

Commissioner Nelson said that land slopes in a downward fashion towards the east. These stories going up to 65 feet or 64.8 feet, would the height in itself be mitigated somewhat because of that slope on the land?

Mr. Jacquin said right. Basically what they have is the topography of the property, they have a severe slope as Mr. Nelson is indicating. Basically at this level they are at a higher elevation than they would be per se down at where One Marina is and where these target heights are beginning. So what in essence they did is they moved it. Their target heights are from the eastern side of the property and go back horizontal toward the rear of the property, the western portion of the property. The reason for this is they have ADA and Building Code requirements and other things of this nature, so they have to basically create a level floor and then go up from there. The underground parking garage is beneath it. And they have different elevations and different things they have to take into consideration. For instance, the Jazz building - he is not sure what the new name of it is - but they have different things that they have to take into account for that.

Commissioner Coke said to the best of her recollection, many months back this Commission decided downtown would be 65 feet and four floors. She for one, when they say 65 feet, does not mean to the bottom of the roof line; she means to the top of the roof line, same as on the beach. 45 feet is to the top. Now her understanding is that staff has interpreted this as 65 feet, four floors to be 65 feet, four floors over parking or retail. So in essence, they have five floors. Even that she can live with. Her concern becomes when they have developers spending all kinds of time, effort, and money building something that is, in fact, six floors and 19 feet, 10 inches over and above what this Commission said, she doesn't understand how it got to the level where it is here.

Mr. Ramon Trias, Director of Development, said yes, he thinks her interpretation is correct. Staff recommends four stories and 65 feet to the top of the roof. He has had an informal discussion saying that from a planning point of view they may want to consider having that additional fifth story, if there is retail and parking and that may be appropriate. She is absolutely right, that is the concept. Now what happens in the PUR, as a Commission they have the ability to do something different, and that is why it goes through the process to the Commission, and at this point they may approve it or deny it. Because with a PUR they do have that flexibility. If this was C-4 for example, the code very clearly says 30 units per acre is a conditional use, etc. etc. With PUR it says the Commission has some flexibility to allow more density or more height and so on if the project is consistent with development goals. That is why it is before the Commission.

Commissioner Coke said her other concern with PUR is, correct her if she is wrong, doesn't that stand for Planned Unit Redevelopment?

Mr. Trias said right.

Commissioner Coke said she doesn't understand how they assign any vacant property any place in the City as "redevelopment". It would be "development".

Mr. Trias said if it is an in-fill site, he thinks there is a reasonable interpretation that it could be PUR. However, keep in mind, they as Commissioners are the ones who make that determination. If they disagree, simply say no.

Commissioner Coke said she loves the theory of the project. She doesn't like 84 feet, 10 inches. And she is not real crazy about six floors; but one of them is going to be underground.

Mr. Trias said that is staff's opinion also. That is what they have basically discussed with the applicant.

Mr. Michael Brown, Jr., said he just wanted to address the Commission as a past President of Main Street and as a member of the CRA. He would remind them that a few years back this is the type of project they all craved in the City of Fort Pierce that wasn't here. Again, he knows the density perhaps is not perfect; but he thinks they are going to find as these projects come before them, to be feasible, higher densities are going to be required. He thinks this is a quality project and again he urges the Commission to act favorably.

Mr. Nelson Ernst said he lives over on the Island. In reference to the 65 feet as opposed to the 89 feet. He is from Philadelphia and he lived there mostly all his life. When Philadelphia was founded, no building was allowed to be built bigger than William Penn's hat until about 20 years ago. Then the buildings were allowed to mature. In the meantime, New York City grew up, and Philadelphia was kind of shrunk.

Ms. Jeanne Johansen said she lives in downtown Fort Pierce. She is able to walk downtown. She really loves the projects that are being presented and she really loves the fact that their Commissioners and their Mayor are taking into consideration all the variances, but are also looking at the architectural designs that are being presented that enhance the community and also bring them retail. She shops downtown, she is one of the few people that do and she loves it. She loves being downtown and she loves what they are doing to their town and she really appreciates it. She appreciates anything they do choose.

Mr. Al Brodeur, Thomas Lucido & Associates, said yes, they worked on the project, but he would like to discuss it in a different manner. They often hear how depressing it is that their downtown is an office park in many ways. On the weekends it is dead. At night, half of the restaurants aren't even open after 6:00 p.m. He thinks one of the main reasons is because nobody lives downtown. Here they have a project where they are going to have probably an average of 80 new residents on this one property who can walk downstairs and go to the local restaurants, go to the local shops. He thinks that is a good thing. This may have a negative personal impact on him because he illegally parks on this lot every day and it will also block his view of the water from his office, so there are some negative sides of that too. But he thinks it is a good thing. He hears a lot of complaints about Florida becoming one big

gated community where they drive down the street and they can't go anywhere except where they live and where they shop and that is it. He thinks this is an alternative. He knows bureaucracy is very difficult. It is hard to please everybody. Somebody thinks it is high or somebody thinks it is low or somebody thinks it is too dense or it is not dense enough. It gets to the point where it is very difficult to please everybody at one time. But he thinks in this year and a half they have come up with a compromise and he hopes the Commission will support the project.

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

Mayor Benton asked did Staff and Planning Board approve?

Mr. Trias said Staff recommends approval if the density is revised to 30 units per acre and the four story limit is also complied with following the Commission's guidelines. The Planning Board voted 5 to 3, which means there is no official recommendation from the Planning Board.

Commissioner Coke asked when Mr. Trias says "four floors", is he talking four floors over one floor of retail and parking, or is he referencing the 65 foot limit?

Mr. Trias said he is referencing the 65 foot limit and he is also referencing the four floors as they have talked about previously. Now the additional parking may be discussed in the next workshop they have - they have not had that discussion yet with the Commission - the additional fifth floor they have mentioned just now.

Commissioner Coke asked that floor is going to be underground completely, isn't it? That additional floor is underground?

Mr. Trias said yes.

Commissioner Alexander said he is speaking to all the Commissioners here as well as their City Manager. They are beginning a new year and he is thinking he is just up-front telling them he is going to support this. They speak about raising the bar of this community; and believe him, it has to be beautiful and fitting for this community for years beyond their being on this earth. And he just thinks they need to consider raising the bar and take the consideration of the public. He hasn't heard anyone speak against this at all.

Commissioner Nelson said the representation they have on the diagram here indicates that those trees are going to be right around 40 to 50 foot in height. He hopes they have some idea where they can get those kinds of trees from.

Mayor Benton said they can be purchased. Ask Disney World.

Commissioner Nelson said he doesn't want to see any little bitty palm trees over there when he goes out there. He is quite serious.

Mayor Benton said they are going to require those palm trees be 50 feet tall.

Commissioner Nelson said he understands where Commissioner Coke is coming from. They talked about the 65 feet. They are dealing with

a 64.8 feet here.

Commissioner Coke said 84 feet, 10 inches.

Commissioner Nelson said the architectural enhancement on this takes up the other areas. He received verification from the developer that in that cupola area and that area immediately under that, there is not going to be a dwelling place for people to live. Is that correct?

Mr. Jacquin said yes, that is correct.

Commissioner Nelson said and they are going to have a two-way street on Avenue B, which is eventually going to be named "Duke Street", right?

Commissioner Becht said posthumously.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to approve the Site Plan for a Preliminary Planned Unit Redevelopment to be known as One Marina Place, with recommendations presented by staff.

Mayor Benton said let him get a second on the motion.

City Attorney Schwerer said he wants to instruct the Commission on a special type of finding that may be required for any motion. Just for the Commission's edification, the legal comments would be this. The height is a matter of discretion with the Commission because it is a PUR zoning, so they are not regulated by the height, but they set their directives verbally. They do have two considerations though tonight that they need to make some special findings on. One is the density issue and one is the parking issue. Staff has pointed out in the memo that there are two issues there. First as to density. If this were located in the downtown district under the downtown zoning, the maximum allowable density would be 18 units an acre. The maximum allowable density across the City right now in any zoning district, even as a Conditional Use, is 30 units an acre in C-4. In PUR zoning they do have some flexibility to increase the density. But if they are going to increase the density above the 30 units, which is the maximum allowable in the City, they need to make some special findings as to why this project warrants that. Just as if they were reducing the density in a PUR zone, they would make special findings why they would be reducing the density. So it is a two-way street. If they are going to agree with the 40 units an acre - staff is recommending 30 - but if they are going to agree with what the developer is requesting, simply make findings why this project warrants the increase over and above the maximum allowable of 30 units. As to the parking spaces, staff has pointed out that based upon a review of the details of the site plan, a total of 96 parking spaces are required, whereas 88 spaces are being provided. So the Commission has to make special findings why they are allowing 88 parking spaces to be approved.

Commissioner Nelson said his calculations is 98 parking spaces.

City Attorney Schwerer said he is just reading from the staff report. He doesn't know what the specifics are.

Commissioner Nelson said they will stipulate that. That is one of

the areas he covered, 98 parking spaces.

Mr. Jacquin asked could he readdress those couple of issues? First off, the additional ten wasn't presented for the Commission, the additional ten that is being made reference to through the whole presentation has been additional parking spaces that are going to be along Avenue B. Those have not been accounted for. And what Mr. Schwerer has stated, 88 spaces is where they are. The ten additional will get them to 98 spaces, the other ten additional that they are talking about on Avenue B. So with that and what has been presented in the Development Agreement is that they will build it basically.

City Attorney Schwerer said let him point out to the Commission, they cannot accept the Development Agreement on its face. Staff has not reviewed it and certainly there are some things he sees here that may present a problem legally for the City. But the project has to stand on its own for this approval without the Development Agreement, unless they want to make the Development Agreement part of it and bring it back, they would have to do it that way. But he is simply pointing out that with the variation between the required parking and the maximum density, the Commission has the ability to approve both of those in the PUR zone, or deny them. But if they approve them, they simply must make special findings as to why they warrant exceeding the maximum limits and allowing less than the required parking.

Commissioner Coke said first of all she will tell them she loves the project and she thinks it is wonderful. She doesn't even mind their sneaking another floor in on it, so long as it is underground. She thinks they can actually justify the 41 units per acre because it is downtown and they are trying to encourage people to come downtown and live. That being said, in all good conscience, she can't support anything that is going to be 84 feet, 10 inches, after just a year ago this Commission said 65 feet. If they were going with architectural features to 70 feet or 71 feet, they might have had half a shot. She would love to support the project because she thinks it is wonderful, but she just cannot support 84 feet, 10 inches.

City Manager Beach said if he may, he would just like to ask a question for clarification. He understood the motion to be, "to approve the project with the recommendations of staff". The recommendations of staff was to limit it to four stories and 30 units per acre. The request in front of them by the developer is for the construction as they see it, 64 feet to the top and then of course the architectural features to 84 feet, and 40 units per acre.

Mr. Jacquin said it is 40 units per acre, 41 units total.

City Manager Beach said that is the request in front of them. He just wanted to clarify that.

Commissioner Coke asked so if she votes for Commissioner Nelson's motion, then she is voting for her 65 feet?

City Manager Beach said yes.

Commissioner Becht said he appreciates the clarification because that is not what he thought the motion was. So he will withdraw

his second because that is not what he understood the motion to be.

COMMISSIONER BECHT WITHDREW HIS SECOND.

Mayor Benton said on these two towers, if they were to make the third tower equal to these in height, that would probably bring it down to the 70 feet.

Mr. Jacquin said they did what staff recommended them to do and that is what has been presented. If they are making a recommendation that the tower, the architectural feature on the north end be lowered, then...

Mayor Benton said then maybe Commissioner Coke would support it, because he thinks if they had the height, they have three the same.

Commissioner Coke asked what is the height of the other one there?

Mr. Jacquin said it is 72 feet, 5 inches.

Commissioner Alexander asked they are only speaking of aesthetics, right?

Mayor Benton said right. They are talking about aesthetics.

Commissioner Coke said then they could shrink that down to 72 feet, 5 inches.

Mayor Benton said but to him, he doesn't want to see a flat building of 65 feet. He would rather have the architectural features to bring it higher. But if it is going to make...

Mr. Trias said if he could make a comment on that. That is the logic between having the four stories and the 65 feet as the two regulations, to allow for that additional decoration on top of the building. What is going on is, unfortunately this is becoming, "Let's just add another story", which is what happens when they simply have a 65 feet or 45 feet instead of having both the maximum stories and the height. In his view, frankly it is worth having the architectural detail just for aesthetic reasons. Once they make that decision to add that extra story, they really made the decision that makes an impact on the development.

Mayor Benton said his concern is that over a year ago they approved a project that basically is back in front of them. With all the improvements and all the changes and all the obstacles that are in front of them, he just doesn't know how they can say yes a year ago and then now say they don't like it. Because density wasn't an issue a year ago, if he recalls.

Mr. Trias said it wasn't because there was an office component, so the number of units wasn't as high, so the density was lower.

Mayor Benton said he agrees they need to raise the bar, but they haven't done that yet. And until they decide which areas of Fort Pierce and what the densities in those areas should be. He doesn't know what the density of the old Fort Pierce Hotel or the new Fort Pierce Hotel was in its time, but he would imagine there was, he doesn't know how many rooms in that place, but there were a lot.

Mr. Trias said for all practical purposes, whatever the Commission approves, that is going to be the standard that other developers

are going to request, so that is the significance of their decision today.

Mayor Benton said right, but when the Commission changes the codes, if they raise the bar. But right now, they haven't done that yet. They talked about it. When they do, that is another story. But tonight, because they approved this a year ago, he just doesn't know. He is not wild about the density either, but they approved it a year ago and it wasn't a problem.

Commissioner Nelson asked would it be possible or more attractive to all if that cupola was put on the center tower as opposed to the one on the end? That will bring it down considerably. Is that possible or practical? What do they think?

Mr. Trias said the reason it is located there is because that is where they see it from the streets at the end of the vista, so that is why it is there, and it makes more architectural sense in terms of the view from Indian River Drive, so that is why it is there.

Commissioner Coke asked is Commissioner Nelson going to withdraw his motion?

City Attorney Schwerer said he thinks the second withdrew his second based upon a misunderstanding.

COMMISSIONER NELSON WITHDREW HIS MOTION.

Mr. Jacquin said he just has a couple of comments. He wanted to get back to what Mr. Schwerer said in regards to the density. He knows that was an issue. There is what is called a justification letter that allows them to make the determination on what the Commission wants it to be. Eighteen is what it says for that particular zoning, but they can have a justification letter - which they have provided to staff and it had been reviewed at the Planning Board - so it is up to the Commission to decide on what they feel the density is going to be, so that covers that.

City Attorney Schwerer asked is that letter part of the record tonight? Because they would probably need that if they could get it.

Mr. Jacquin said he doesn't know.

Mr. Trias said the letter was submitted as part of the file, yes.

City Attorney Schwerer asked is it in their package tonight?

Commissioner Coke said no, she doesn't believe so.

City Clerk Steele said no.

City Attorney Schwerer asked could they make it part of the package?

Commissioner Alexander said he heard him say that tower was staff's recommendation. What staff, Mr. Jacquin's staff or City staff?

Mr. Jacquin said on the tower, it was the City of Fort Pierce recommendation to make those improvements or changes to the structure.

Commissioner Coke said she will make a motion that they approve this project with the top of this tower, she doesn't care if they lower this or however they do it, going no higher than 75 feet, because the roof base is going to be 65 feet, so that gives them 10 feet to play with for the architectural enhancements. She believes they can justify the density because they are looking to increase people being downtown, living downtown. She believes they can approve it with the 88 parking spaces, because they will be bringing the other ten spaces before the Commission.

Mr. Jacquin said 98 spaces.

Commissioner Coke said there will be a total of 98, but they don't have those in front of the Commission yet. This Development Agreement would have to be considered entirely separately, because there are several things in here she has read that she doesn't know they could approve of.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve the Site Plan for a Preliminary Planned Unit Redevelopment to be known as One Marina Place, generally located on the northwest corner of Avenue A and Indian River Drive, with the following conditions: That the top of the tower going no higher than 75 feet and there will be a total of 98 parking spaces (10 on Avenue B), and that the Development Agreement will be brought back to the Commission for consideration.

Mr. Trias said he would recommend the conditions be provided at the final approval, which is the second step of the PUR process, so that allows time to do what the Commissioner has suggested.

Mayor Benton said this is the first time he has seen this Development Agreement.

Mr. Jacquin said he is not an attorney, but he tried real hard.

Mayor Benton said he thinks they can debate that another time. But as far as the site plan, they have a motion and second.

Commissioner Becht said he doesn't have a problem with the height. They have not given clarity to the business developers at this juncture without the benefit of a workshop so that developers know what the parameters are as they try to design something. He thinks the omission or deletion of the cupola or whatever they want to call it at the north end of the building makes it less attractive so he would prefer to keep it with that on top of it. He thinks the underground parking that is being provided in the downtown area is sufficient to support this structure. The off-site parking that is going to be provided is a sufficient basis for giving him the extra density they are talking about.

Commissioner Alexander said his question was verses the 75 feet that Commissioner Coke was speaking of, what is the height on this existing project now?

Mr. Jacquin said to the peak of the cupola as they are all referring is 84 feet, 10 inches. That is to the very top.

Commissioner Nelson asked is that the lightening rod?

Mr. Jacquin said no.

Those voting in favor of the motion were: Commissioners Coke, Nelson, and Benton. Those opposed: Commissioners Alexander and Becht.

Mr. Jacquin said they will work with staff on the developer's agreement.

Commissioner Nelson asked is he going to get with the attorney and staff concerning working out this agreement, right?

Mr. Jacquin said yes. He will let the attorneys talk.

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted for Coggin BMW Automotive to construct an automobile dealership at the northwest corner of Weatherbee Road and South U.S. #1; said property concurrently to be annexed into the City as C-3, General Commercial Zone.

City Clerk Steele said there was to be a Public Hearing on the Site Plan for Coggin BMW. There is a request that it be postponed until the January 18th meeting so it will come after the annexation ordinance final reading.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to postpone the Public Hearing for the Site Plan Review for Coggin BMW Automotive to the January 18, 2005.

Commissioner Becht said this project is at the corner of Weatherbee Road and U.S. #1. He is not sure what he learned at the County today, but he knows that the County is in discussions with FDOT concerning both signalizing and putting in turn lanes. And when he says turn lanes, he means turn lanes off Weatherbee Road on the east and west sides of U.S. #1. As this project is brought to them, he would like for staff to explore, with the consensus of two other Commissioners at least, what is appropriate in terms of what he is going to call off-site improvements of this owner, vis-a-vis getting that intersection signalized. This is a wonderful project what they are going to do here, but it is going to impose additional traffic at Weatherbee Road.

Commissioner Alexander said he is in agreement with him on that. But along with that, he is speaking of a turning lane off U.S. #1 into this property. He didn't see anything to address that.

Commissioner Becht said no. What he learned today is that the County has already started the process; and they represented and then they backed off of telling him that they had a traffic report that the FDOT had accepted confirming that it did need to be signalized. Mr. Anderson started off telling him that FDOT had approved the signalization of it; and then he brought in - he thinks Mr. West - and Mr. West said they have talked about it, but it has not been put in concrete. The sense he got out of the conversation is that they are on the verge of getting a commitment from FDOT that it does need to be signalized. It does need to be signalized. It will need to be signalized in part because of this project. The City has not yet to his knowledge adopted any hard and fast rules for acquiring donations for signalization anywhere in the City. Maybe they have, he hasn't seen it in the year he has been here. But he thinks this project warrants, if the traffic study shows what he has been led to believe it is going to show, that this developer contribute toward the signalization.

Mr. Ramon Trias, Director of Development, said what the traffic study shows is that this project contributes to 1.5% of the daily capacity of that intersection and the conclusion of the engineer was that was not needed. However, there are other engineers and other opinions. And that may be the case in the meeting Commissioner Becht is talking about.

Commissioner Alexander asked isn't this the same area that they spoke with the group about building at the eastern section of Weatherbee Road?

Mayor Benton said yes, they were talking to the folks from Gator Trace. There has been letters, he believes, from this Commission and the County asking for signalization at that intersection.

Commissioner Alexander said this wouldn't be the first time it has come up.

Mayor Benton said not at all. They have been looking for improvements for years. But FDOT... He knows Commissioner Nelson on the MPO, they have talked about this Weatherbee Road and U.S. #1 intersection, but they have gone nowhere. So maybe they can do something there.

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

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by the Greenfield Group for HCA Realty, Inc. to construct a two-story medical office building to be known as Lawnwood Medical Park, generally on the west side of South 23rd Street between Nebraska Avenue and Frist Boulevard; said property zoned C-1, Office Commercial Zone.

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

Mr. Al Brodeur, Thomas, Lucido & Associates, P.A., said what they are proposing tonight, there are two buildings. Each one is 24,800 square feet with two floors. This is a project of urban in-fill. It is right across the street from the hospital. It is in the C-1, Office Commercial zone, as that whole area is designated. He feels they are following the intended uses of the area. He would like to take a moment to explain the site plan a bit. It may be a little bit confusing. (Mr. Brodeur displayed a drawing.) The drainage system for this area was planned probably 15 years ago; and what they did was they allocated this site right here, which is an existing retention area at this time and it actually provides retention for the bank there. This property is also planned to provide drainage retention for this site once it is developed. There are easements that provide access to it and it has been engineered to be able to handle the higher amounts of water that would be entering it. At staff's recommendation, they are screening it. As he said, it is existing; but they are going to be proposing to screen it with increased landscaping. And with staff's recommendation, they will be constructing sidewalks along the three corridors with live oaks to shade the sidewalks. This will be lease space to doctors or any other kind of medical uses. There are two drop-offs for each building and a courtyard in the middle. He would be happy to answer any questions they may have.

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 recommendation?

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

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the Site Plan submitted by The Greenfield Group for HCA Realty, Inc. to construct a two-story medical office building to be known as Lawnwood Medical Park on the west side of South 23rd Street between Nebraska Avenue and Frist Boulevard.

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

The next item on the Agenda was Public Hearing on Application for Conceptual Site Plan Review submitted by Mazal Investment & Development LLC for Pioneer Gardens, 296 townhomes generally located on North 29th Street between Avenue M and Avenue O; said property (zoned R-4, Medium Density Residential Zone) concurrently being considered for rezoning to PUD, Planned Unit Development.

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

Mr. Al Brodeur, Thomas Lucido & Associates, P.A., said he would like to start this out by making this clear. This is a conceptual approval that they are requesting tonight. These are not apartments, these are condos. There will be ownership. There will be a Condo Association to insure that the grounds are maintained properly. This is a project that they brought to Mr. Trias and he requested that they bring this to the Commission conceptually because it is quite an impact in the northwestern section of town. They are here tonight to ask for their insight and maybe suggestions on the project. (Mr. Brodeur displayed a drawing.) What has been planned to be interconnected with the Pioneer Village, so it is not gated, there would be more than one entry. They are looking for a grid pattern. If this were to be connected here in the future, it would also allow for a connection here and possibly an interconnection down there. He would be happy to answer any questions they may have.

Mayor Benton said the only thing he would like to add to it is, he would hope after what they learned from these storms is they upgrade the roofs and the clubhouse can be maybe the safe space in a storm that can be built really well.

Mr. Brodeur said yes. That is a lot of residents, which means a higher demand on the shelters and everything. He understands that. These would be built to the code, the post-Andrew building code, and the other conditions. It is a PUR. If any other conditions, they would like to have them now, which is what they are doing.

Mayor Benton said he is looking at, he just realized that Dade County codes are a lot stricter than the newer codes throughout the State of Florida. He hopes the State changes the codes throughout the whole coast of Florida to equal that. But this is a big development, and because they have no shelters here, he thinks they

all have to look at it. He doesn't know where the money is going to come from to build new shelters. To him, if they build each unit better, it doesn't take a lot because a lot of the requirements were shutters. But if the roof fails, who cares about shutters? And most of the roofs as they saw, even though his asphalt roof was fine, most of the roofs around the City that failed were asphalt.

Mr. Brodeur asked if they were to bring this before the Commission formally in the future, they would be looking for a clubhouse that is approved as a shelter. Is that what he is saying?

Mayor Benton said yes. It can be built very well. And maybe metal roofs. He doesn't know how much it would cost on a project like that, but please take a look at it, because they owe it to folks. Not everybody can evacuate in Florida. And if they build better; and hopefully soon, they will be required to build better. Maybe by the time they bring it back before the Commission, maybe they will have new codes.

Commissioner Becht said just a couple of thoughts. The density is bordering on 17 units an acre, which is kind of high. He got confused as he was trying to read the Planning Board minutes. But as Mr. Boggs stated in the minutes, he said what the plans call for essentially is three different project types - townhouse, two-story garden apartment, and then two quadraplexes.

Mr. Brodeur said he thinks Mr. Boggs mis-spoke on that. He didn't attend the Planning Board meeting, but in the discussions with their client and his boss today, he was supposed to make this very clear that this would be ownership, not rentals. So if Mr. Boggs said apartments, then he believes he mis-spoke. Because the intent of this project would be to provide an ownership opportunity for people in this area.

Commissioner Becht said that is critical. If he talks about quadraplex, a quadraplex can be owned by one person. Are they going to have individual units for sale, or are they selling quads?

Mr. Brodeur said these are fee simple individual units for sale. There are a few buildings here that are disconnected with the rest and he thinks Mr. Boggs meant there are four units in those buildings.

Commissioner Becht said he just wanted to make that clear. Now it would be important to him that they attach a condition to this that no Certificate of Occupancy would be issued until all the amenities are built. So they can ensure that the amenities are built and built rapidly, rather than put off until the end and then somebody runs out of money or runs out of town. Has staff given any thought to the offsite road impacts that 296 units might have, and whether they should get any improvements connecting up to Avenue Q?

Commissioner Alexander said Avenue M and Avenue Q.

Mr. Ramon Trias, Director of Development, said yes; and the thought deals with as many connections as they can. Basically what the issue here is, if they have a grid and they have many streets, they can be small streets but traffic flows fairly well. If they have only one street, then they have to do all the improvements that they hear about in the County and so on and the roads get much bigger. So that is the level of thought they have discussed, and

he thinks the design accomplishes that.

Commissioner Becht said it concerned him that the entrance west of 29th Street, there is a fairly large number of units that come in and out, if he is reading this correctly, of one point. If they connect up to Avenue Q, then they could take some of the load off of that single entrance.

Mr. Trias said that is what is shown in the site plan, that right-of-way that takes them to Avenue Q, and that is the way that parking area is designed. But Commissioner Becht is absolutely right, that is something he thinks should happen.

Mr. Brodeur said if he may address his past concern. Normally it is standard that the amenities would be constructed first as a selling point. But that would definitely be a condition they could...

Commissioner Nelson said this plan reminds him of the type of plans they had for construction of project houses in the 1950's and 1960's. With his experience in dealing with housing projects over the years, this plan is unacceptable to him. He doesn't think they portray the current day thought of having things not in box-like affairs, row type houses, and it even doesn't appear to be compatible with the proposed Pioneer Village that is going to be situated in the same area. How does he justify this in this day and age? Is it because of where it is going to be located? He hasn't seen a project that has come before them in his nine years on this Commission that is so simple, so compact, so colloquial in all the time he has been on this Commission.

Mr. Brodeur said the reason they are here tonight is not to ask for their approval on a project. They are here for a conceptual design where they have laid out a very basic plan and they are looking for the Commission's insight.

Commissioner Nelson said that is what he is giving him. The insight he is giving now is what Mr. Brodeur is portraying to him is unacceptable. Six buildings in Phase I are like little boxcars in there. That is not the way they build today. That is not the way they get communities. Just think about it. Think of all the cars that are going to be parked out in the road. They have a similar problem right now over there on Avenue O and 12th Street, and go back to 16th Street between Avenue O and Avenue M, the housing there cater-corner, the worst type of housing set up they can have, the very worst. It brings out the worst in people. No way would he approve that.

Mr. Trias said they had the same reaction at first. What the developer attempted to do was address the issue by creating those roundabouts and then a canopy of trees that, if they look at the parking, that is what they are going to be able to see is a nice canopy and so on. He thinks there are many other opportunities that can be done. However, he thinks from a design point of view, they have done some things that are actually pretty good in terms of connecting to the rest of the neighborhood and so on.

Commissioner Nelson said he would prefer on this that they go back and reconsider this project. For that area, what they are trying to do and the need to raise the bar, to elevate the hopes and wishes of people, that doesn't do it. He can tell them by his years of experience, that is going to put people back down to the

ghetto in due time. And he will not vote for it in that concept.

Commissioner Alexander said he has a couple of concerns. When he is looking at Phase I, could they explain the type of buildings? Are these going to be purchased by owners?

Mr. Brodeur said these would be in ownership.

Commissioner Alexander asked are they apartments or what?

Mr. Brodeur said no, they are not apartments. These would be condominiums.

Commissioner Alexander asked townhouses, two stories?

Mr. Brodeur said yes.

Commissioner Alexander asked are they going to be that close in proximity?

Mr. Brodeur said yes.

Commissioner Alexander said his next concern is, he is looking at the roundabout here on the most southern portion of that. What kind of barriers are they going to put around this property? What type of buffers?

Mr. Brodeur said that roundabout was constructed there just so if there is a future connection from the south, it would allow inner-connection from the Pioneer Village.

Commissioner Alexander said it seems like they have a connection from the east also, right?

Mr. Brodeur said right. There would be a connection here and here and here, they have three points; and they possibly allow for future connection to the park.

Commissioner Alexander said that would be understandable. But what type of a buffer is he speaking about putting around this complex? Shrubbery or walls or what?

Mr. Brodeur said right now it is brick pavers with some landscaping around it. Again, they are here for the Commission's input. If he has something he would prefer.

Commissioner Alexander said he knows; but he does have a concern here. There is an existing church there on Avenue Q in the north section and there is a future church site there. He does have some concerns for the public themselves. Is he going to expect to have how many?

Commissioner Nelson said 296.

Mr. Brodeur said unfortunately the applicant couldn't make it tonight.

Commissioner Alexander said he is asking him now. Did he say 296? If he doesn't sell 296 units, what is he going to do with them?

Mr. Brodeur said it is a business venture that the applicant is making. He thinks there is a consequence if he isn't able to sell

them all.

Commissioner Becht said he agrees with Commissioner Nelson, as strange as that might seem. If the applicant can't do some architectural enhancements with these buildings, the 296 units with that heavy a density is not acceptable to him unless they are doing something nice. This is plain, this is simple, this is row housing. So the developer needs to think about how he is going to have the architect to dress up the buildings so they don't look like that.

Commissioner Coke asked what is the average square foot per unit?

Mr. Brodeur said he believes it would be around 1,300 square feet.

Commissioner Coke asked does he have some units that are smaller than that?

Mr. Brodeur said probably.

Commissioner Coke said she thinks they are looking at putting people in little tiny cans and that is not a good thing any place.

Commissioner Alexander asked what kind of price are they asking for?

Mr. Brodeur said again, he is not the owner. The owner wanted to bring this before the Commission as a test run. He believes they are getting an impression on how the Commission would feel about it.

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

Mayor Benton asked what was the recommendation from the Planning Board and Staff?

Mr. Trias said this doesn't have a recommendation because it is a conceptual site plan.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that the Conceptual Site Plan by Mazal Investment & Development LLC for Pioneer Gardens, 296 townhomes on North 29th Street between Avenue M and Avenue O, be sent back to Staff to get with the developer and come up with a better plan.

Commissioner Alexander said he just wants to say one thing. He thinks Mr. Brodeur presents projects to this community that really gets him uplifted, so he doesn't want him to think they are knocking this. It is just not going to work.

Mayor Benton said he thinks they could lower the density and make them more of a single family type unit with a little bit more quality. They don't want any more row houses. He thinks those days are over, especially in Fort Pierce.

Commissioner Nelson said remember Booker Gardens.

Mr. Brodeur said he appreciates their comments. If the Commissioners don't like the project, that is their opinion and that is what they are here to hear, and they are going to change it to make sure they do like it.

Mayor Benton said he for one, he can't say for the rest of the Commission, but he wouldn't support something that if it wasn't sold, it could become rentals. They don't need any more rentals. Home ownership is very important to people in Fort Pierce. They need to provide something that would interest people. He doesn't think that is the product that will.

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

The next item on the Agenda was (a) Ordinance No. K-325, Amending the Future Land Use, (b) Ordinance No. K-326, Rezoning, and (c) Conditional Use and Site Plan submitted for Platts Creek Developers LLC, to construct an additional 102 residential units on **Platts Creek Development** located at 4000 South U.S. #1.

City Clerk Steele said there is a request to postpone. This has to do with a rezoning and they need to get some notices out.

Commissioner Nelson asked the request is to postpone it?

Mayor Benton asked did that request come from staff?

City Clerk Steele said it comes from staff.

Commissioner Nelson asked staff is not ready?

Mr. Ramon Trias, Director of Development, said right.

Commissioner Nelson asked to what date?

City Attorney Schwerer said give it 30 days.

Commissioner Nelson asked when would that be?

City Clerk Steele said February 7, 2005.

City Attorney Schwerer said that should be sufficient.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to postpone Ordinance Nos. K-325 and K-326, and the Public Hearing on an Application for Conditional Use & Site Plan submitted by Platts Creek Developers until the February 7, 2005, City Commission meeting.

Mayor Benton said he thinks he needs to apologize to the applicant. Did he have knowledge of this?

Attorney Robert James Gorman said no, it comes as a complete surprise. He is here on behalf of Platts Creek Developers, LLC. There were three matters for presentation. He is not sure whether this affects all three of them and what notices this is about. This is the first he has heard of it. He has people from out of town who are ready to present to the Commission the matters that are important here.

Mayor Benton asked do they have any kind of explanation?

Mr. Trias said yes. The rezoning requires sending letters before the meeting and those letters were not sent before this meeting because the meeting was not listed in the tentative agenda, so

there was a mis-communication as far as when the meeting was going to occur. So that is what happened, it is very unfortunate, and it can be remedied very easily by sending those letters.

Mr. Gorman asked how much notice needs to be given on those?

Mr. Trias said he believes it is 15 days. The City Clerk can probably be more accurate on that.

Mr. Gorman said that would put them again on the first meeting in the month of February?

Mr. Trias said right.

Mr. Gorman asked is there any notice required on amending the Land Use Designation?

Mr. Trias said they go together.

Mr. Gorman said so really there is nothing they can present tonight except the Site Plan.

Mr. Trias said unfortunately, the Site Plan, unless they rezone it, they can't do that.

Mr. Gorman said it would have to be contingent upon the rezoning.

Mr. Trias said right.

Commissioner Nelson said he apologizes on behalf of himself. He hopes the City Manager will take note of that. They have to follow through with the legal requirements of notifying the public on these issues and they will probably do the right thing in the future.

Those voting in favor of the motion were: Commissioners Becht, Coke, Nelson, and Benton. Those opposed: Commissioner Alexander.

Mayor Benton said he does apologize. The Commission just found out this tonight themselves.

Attorney Gorman said he understands.

Commissioner Alexander said he apologizes.

Commissioner Nelson said Mr. Gorman knows they have to do it right.

Attorney Gorman said he doesn't want to have a problem with it later.

The next item on the Agenda was Public Hearing on Application for Conceptual Site Plan Review submitted by FLS Investment Inc. for a **Conceptual Development Plan** in order to construct **Southland Homes** - consisting of two commercial outparcels along South U.S. #1 and 250 townhomes to the rear of the property - generally located on the east side of South U.S. #1 and north of Southland Drive; said property zoned C-3, General Commercial Zone.

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

Mr. David Knight said he is with Knight, McGuire & Associates from

Vero Beach. He is here representing the contract owners and developers, Sam Nevel & Associates. The architect is also here with them tonight if they have any questions related to that. This is a conceptual site plan application for a project that is on Southland Drive and South U.S. #1 area. It has two commercial outparcels that were designated at the recommendation of the Planning Board and the balance of the project is townhome villas. This is not an entry level project. (Mr. Knight displayed a drawing.) It is stucco construction with barrel tile roof. The average units range from the smallest of about 1,400 square feet to just over 2,000 square feet. The site was laid out with a lot of consideration for pedestrian activities, parks, recreation areas, a clubhouse, and a large lake in the center. Some of these smaller dry retention areas with non-rain events could also be used for recreational areas. There are a number of rotaries - brick paver circles, rotary entries, four corners of the site. And numerous individual parks throughout the site. He didn't count them, but maybe ten separate park areas. The overall density is just under twelve units per acre. The typical units in here are three to four bedrooms, whether the fourth bedroom is a den or office, it can go either way. They have no plans for commercial development on the outparcels at this time; however, those will be left out for a future phase when the market demands. They are available for any questions.

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

Mayor Benton asked did Staff and the Planning Board look at this?

Mr. Ramon Trias, Director of Development, said yes, but it is not an official process. The comments were positive.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the Conceptual Site Plan submitted by FLS Investment Inc. for a Conceptual Development Plan in order to construct Southland Homes generally located on the east side of South U.S. #1 and north of Southland Drive.

Commissioner Becht said he has discussed this with City Attorney Schwerer. He thinks he needs to announce that he must abstain at this point. Does he need to give any reason other than that?

City Attorney Schwerer said no. Just file the required form.

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

City Clerk Steele asked does he have to state the nature of the conflict?

City Attorney Schwerer said it is a conflict of interest that Commissioner Becht was supposed to state.

Commissioner Becht said he has a conflict of interest.

The next items on the Agenda were: (1) Application for Site Plan Review submitted by Beach Group Investments, LLC, for a Preliminary PUR commercial retail and residential mixed use project at 222 South Ocean Drive. (Postponed from August 2, 2004. Public Hearing held on August 16, 2004 - Action on Application postponed to

September 20, 2004. Action on Application postponed to October 4, 2004. Postponed to November 15, 2004, at applicant's request. Postponed to December 6, 2004. Postponed to January 3, 2005, at applicant's request.) (2) Ordinance No. K-284, Rezoning property at 222 South Ocean Drive from C-5, Tourist Commercial Zone, to PUR, Planned Unit Redevelopment Zone. (Postponed from August 2, 2004. Postponed from August 16, 2004. Postponed from September 20, 2004. Postponed from October 4, 2004. Postponed from November 15, 2004. Postponed from December 6, 2004.)

City Clerk Steele said there is a letter from Robert Klein, representing Beach Investment Group, LLC, requesting a postponement.

Commissioner Coke said first of all, she would like to state that she has received letters from Surfside Homeowner's Association and the South Beach Homeowner's Association, requesting that if the Commission does grant this postponement, that they do it to February because they had intended to be here this evening with several hundred people to voice their objections to this project. And the other point she wanted to bring up is, they have now postponed this seven times and she doesn't really see that there has been any change in the project. They are still talking a density that is beyond anything she is going to support and the height is beyond anything she is going to support. She doesn't know how the rest of the Commission feels, but she feels very badly that the general public was all up and ready to come and be here, and then all of a sudden at the last minute this gets pulled again and now these poor people have to rearrange their lives again to get their voices heard. She does not think that is acceptable to continually do this to them.

Mayor Benton said he would agree and he voiced his concerns. He doesn't know whether they have been addressed yet. He hasn't seen any information to show that it has. He doesn't think it will be. But he can deal with it tonight or he can postpone it, but he would like the public and these folks who have gotten very involved with it now to have the opportunity to come and speak their mind on it.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to postpone action on the Site Plan submitted by Beach Group Investments, LLC for a commercial retail and residential mixed use project at 222 South Ocean Drive, and Ordinance No. K-284, to the February 7, 2005, City Commission meeting.

Commissioner Nelson said he understands the frustration on the part of the people gearing up to support or oppose an action. He thinks they need to recognize the rights of people to select for whatever reason when they want their case presented and he thinks that is a legal process they must endure. So he can support the motion at this time because of those thoughts.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Nelson, and Benton. Those opposed: Commissioner Coke.

The next item on the Agenda was Application for **Conditional Use & Site Plan** Review submitted by Lisa Williams & Richard Dallett for construction of a third floor to an existing duplex located eastward of the Coastal Construction Control Line at **316 South Ocean Drive**; said property zoned R-4A, Hutchinson Island Medium Density Residential Zone.

City Clerk Steele said the Public Hearing was actually held on December 6th and action on the Site Plan was postponed to this meeting for modifications.

Mayor Benton said he is trying to remember why they waited to make a decision until tonight.

Commissioner Becht said he could help him with that. One of the owners came to speak with him. The reason they postponed this was so that, his recollection is, the current dune line could be located post-storm. Because on the drawing they had before them at that time - and apparently is still on the drawing that is before them tonight - the dune line is located as of April 2, 2002, which is well before the two or three storms that hit Fort Pierce this year. So he had asked that the dune line be located so that the Commissioners could do their job. The plan he is looking at, he doesn't see the dune line has been located.

Mr. Bruce Moia, Mosby, Moia, Bowles, & Associates, Inc., said if he may, he would like to explain why. He is representing the owner on this project. He was here before them in December and his notes show that there were three actual issues. One was that they wanted more professionally done floor plan elevations; and he believes they have provided that to the Commission on an auto cad drawing. There was a question of the location of the dune line that was shown on their plan which was done based on a survey that was provided when they prepared the plan. The owner has had the surveyor go out and re-verify that and he had the survey certified by the Surveyor dated December 29, 2004, that says the dune line is still in the location that is shown on the plan. The third comment was about showing the landscape on the site plan; and they have confirmed that the proposed and required landscaping is shown on the site plan.

Commissioner Becht asked has Mr. Trias reviewed the survey that locates the dune line?

Mr. Ramon Trias, Director of Development, said no.

Commissioner Becht asked has Mr. Trias seen the elevations he is talking about?

Mr. Trias said no.

Commissioner Becht asked what was the third thing?

Mr. Moia said the required landscaping was indeed shown on the site plan that was provided. He apologizes for the survey. They did not get the survey from the surveyor until it was past the deadline to submit for their review and he believes Mr. Trias was not in the office prior to their getting this information to the Board. But he does have a certified survey with him that does show that the dune line is consistent with what is shown on the plan the Commission has.

Commissioner Becht said he feels bad because he met with their client, the owner of the property; and he told him as far as he was concerned, if he could get the dune line located before the next meeting, it wasn't going to be a problem for him.

Mr. Moia said right, and he did that.

Commissioner Becht said no, he has not done that. Because this was in his Agenda packet. (Commissioner Becht displayed Sheet C1, Site Plan Modification for Williams/Dallett Duplex Expansion.) This is the extent of his packet on this project.

Mr. Moia said they provided plans to the office and he even contacted Dianna (Rose) with their office and she assured him that the Commissioners had the revised plans sent to them showing floor plans and elevations as requested by the Mayor at the last meeting. And because the survey showed that the line had not moved, there was no revised site plan submitted; and the survey was not provided by the surveyor unfortunately until the deadline to get information to the Commission. So he stands here with the certified survey swearing that it does show that it is the same.

Commissioner Becht asked how many copies does he have?

Mr. Moia said he has one with him that he could submit to the record. (Mr. Moia did not submit the survey for the record.)

Commissioner Nelson said he apologizes. He doesn't have sufficient data. He doesn't even have the data when they addressed this issue in the past. There is not even a memo from staff. All he has in his package is this here (Sheet C1), whatever this is. He is not sure they are properly staffing this thing to make sure they get enough information in their package to make an intelligent decision.

Mr. Trias said he doesn't have that information either.

Mr. Moia said it wasn't more than a week after the meeting that they submitted the updated floor plans and elevations and made the request for the survey. They forwarded them to Mr. Trias' office and he even followed up with a phone call and they assured him that was forwarded to the package.

Commissioner Nelson said as a minimum, the minutes of the previous action on the item should have been in the packet so they would know what they are talking about. He apologizes to Mr. Moia.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, that this be submitted back to Staff for better coordination with the developer.

Commissioner Nelson said he apologizes again. Mr. Moia can't ask him to make a decision on something he can't make a decision on. It has got to make sense.

Mr. Moia said he understands. But based on the three comments that were made at the meeting on December 6th, they forwarded the information to the proper channels and did what was requested.

Commissioner Nelson said it is not here for the Commission to act on. They don't know what staff's input is on it. They don't have Mr. Moia's input on it. They don't even know what their own input was.

City Manager Beach said his understanding is that staff is telling the Commission that they have not received additional information on this subject. Is that correct?

Mr. Trias said he doesn't have that information. Unless Mr. Moia

can provide it, he doesn't have it.

City Manager Beach said the Commissioners don't have it because Mr. Trias didn't get it.

Mayor Benton asked Mr. Moia has said he brought it and dropped it off on the second floor?

Mr. Moia said yes. Dianna (Rose) does work in his office, correct?

Mr. Trias asked does Mr. Moia have a copy of the information he is talking about he can display?

Mr. Moia said he doesn't have his file with him.

Mr. Trias said he doesn't have it either.

Mr. Moia said what he has is signed... When he dropped it off, they signed for it. The secretary signed as it was received.

Mr. Trias said he will look into this.

Commissioner Nelson asked does he have a Dianna in his office?

Mr. Trias said yes.

Mr. Moia said he even followed up with a phone call and she said it had all been forwarded to the Commission, because they didn't want this to happen. It happened. He assures them, he personally followed up with a phone call. He knows Mr. Trias was gone.

Mr. Trias said he probably was on vacation. He certainly did not speak to him. However, the information is not in the file. He has not seen it and it is not being displayed tonight.

Mayor Benton said they will apologize, but they will look into this. Because this is not the first time tonight and they need to find out where there is a lack of communication or something, but somehow they have to straighten this problem out.

Commissioner Nelson said as a minimum they should have a statement indicating what they are looking at.

Mr. Moia asked so when does this set his client back?

Mayor Benton said this puts it off until the next meeting.

Mr. Moia asked what date would this be?

City Clerk Steele said January 18th.

Mr. Richard Dallett said he bought a house in Fort Pierce. He just moved to this community. They got wiped out by the hurricane. He still can't live in the house because he doesn't have a permit to put a roof on, on the second floor. They were denied the last time. They had already submitted the plans the last time and you didn't have them. He understands they had some objections, the three objections that have been discussed. They have met those objections. They have submitted plans now twice that the Commissioners have not had in their possession. He can't live in his house. He doesn't have a place to live. He appreciates that they can't make a move to approve something where they don't have

the information. But he discussed this with Mr. Moia to make sure they had all the plans one week after the last meeting. To him as a new citizen of this community, it is beyond his imagination how the inefficiencies have caused him not to have a house to live in. He doesn't know what they can do to approve something they can't see, but he knows the plans were submitted now twice and he has been before them twice to put a roof on the second floor of an existing building. He hears them discussing all these complicated 400 unit buildings and he is asking to put a roof on his house so he can move in.

Mayor Benton said that is not what is in front of them tonight. They are looking to put another floor on. They do apologize.

Mr. Dallett asked is there no exception? It is a building code issue. Because it is on the beach, he understands the code issue.

Mayor Benton said he doesn't think it is a building issue. If he submitted the information and it hasn't gone through their staff to get to the Commission, they have some problems.

Mr. Dallett said twice.

Mayor Benton said the first time if there were some items that weren't current, but the second time if he submitted stuff that was up to date that the Commission needed tonight to make a decision and it hasn't got to the Commission, he thinks they need to clean up that mess.

Mr. Dallett asked is there any way they could make a decision before the next meeting?

Mayor Benton said he can't explain what happened, but they will be looking into this matter tomorrow he hopes.

Mr. Dallett asked is there any way a decision could be made if the plans were submitted to everyone before the next meeting or does he need to wait another month?

City Attorney Schwerer said no, it takes a Public Hearing and that would be a violation of the Sunshine Law.

Mayor Benton said they already had a Public Hearing. They just have to have the information that was asked for.

City Attorney Schwerer said they need additional information submitted and it needs to be submitted at a Public Hearing.

Mr. Trias said the Commission requested additional information and that is a request that the Commission has made. Clearly, they could have approved the project previously if they had decided to do so. That is where they are right now. They requested more information and apparently they don't have it. That is the situation.

Mayor Benton said he thinks if he made five copies and brought it to each one of them.

Mr. Moia asked can he have some assurances that if he met with Mr. Trias tomorrow morning he could have him personally accept this information?

Commissioner Becht asked does he have a receipt for having dropped this off?

Mr. Moia said yes, he does.

Commissioner Becht said he as one Commissioner would like to see a copy of his receipt so he will know where the error might fall here. They all make mistakes, please understand we are human. He is not delayed 30 days, he is delayed two weeks. That may be too much under the circumstances because it does appear that it might be the City's fault, particularly if he has a receipt. The City Attorney has advised the Commission that they can't do anything tonight and without having it in front of them... They even have less information in front of them tonight than they had the last time Mr. Moia came before them.

Mr. Moia said that is certainly no fault of the applicant.

Mayor Benton said that is not his fault. That is the City's fault.

Commissioner Becht said he wishes there was something he could do.

Mr. Moia said if there is nothing they could do, could they please make sure Mr. Trias is available so that he can give it to him first thing in the morning. Is that possible? He will drive here personally and hand him the information.

Mayor Benton said talk to the City Manager.

City Manager Beach said he will be here. Mr. Moia can give it to him.

Mayor Benton said he does apologize.

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

Ordinance No. K-303 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTIONS 15-6(b)(3)(a); 15-6(b)(3)(b); 15-8(4)(a)(2); 15-8(5)(a)(3); 15-6(b)(3)(e); AMENDING THE **SIGNS AND BILLBOARD** HEIGHTS, SETBACKS, SIZE, AND LANDSCAPING REQUIREMENTS IN C-2, C-5, C-6, OS-1, OS-2, A-1, A-2, C-3, C-4, I-1 AND I-2 ZONING DISTRICTS; AMENDING SECTION 15-8(7)(b), AMENDING THE I-95 AND TURNPIKE SPECIAL SIGN DISTRICT, CREATING SECTIONS 15-6(b)(3)(a)1, 15-6(b)(3)(a)2, 15-6(b)(3)(a)3, AND 15-6(b)(3)(a)4; PROVIDING FOR PROSPECTIVE APPLICATION; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT, PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-303 in session and asked if anyone in the audience wished to be heard.

Mr. Pat Murphy said he just wants to commend Mr. Trias on a lot of hard work he has done and the Mayor along with the Chamber of Commerce. He thinks they made a lot of progress getting to where they are tonight. He is actually, this may be a surprise, coming here pretty much in favor of it. There are a few questions he has, some tweaking so to speak, and he is going to show them some pictures, some examples. He thinks they might hear also a couple other... At the end of the day it is kind of how it applies to real life situations that is important and how it is going to

affect people. By the way, he didn't have nothing better to do on New Year's Day than build a demonstration sign for them in front of the Dollar Tree store. Mr. Murphy said what was interesting about that - and he thinks Mr. Trias will find this interesting - they calculated their square footage and knew they were less than three acres and he knew it was going to be ten foot. He was thinking, this ten foot is a problem. But when they built it... He wanted to make sure that plaza, the businesses in and out of there since 1959 who always had exposure, because they had to have a pretty tall structure the way that plaza is positioned, that they weren't going to lose it. They have a lot of non-profits in there, St. Mark's Thrift Store for example. They are pretty reliant on every little bit they can get there among other stores. (Mr. Murphy submitted photographs to the Commissioners.)

Mayor Benton said he was wondering what he was doing there. He saw him working in the parking lot on New Year's Day.

Mr. Murphy said nothing better to do on New Year's Day. It was the size. He just wanted to see the size. So there is an example. They are fortunate, assuming that Georgia Avenue is the frontage that would be used in the calculation. He thinks everybody would agree that is the main exposure. So he guesses it works. He can basically live with it. His questions come up with more details on how it is going to be interpreted and he didn't see this anywhere in the sign ordinance. And if he might, he will start with Mr. Trias on this. The Harbor Federal sign on Virginia Avenue, is that a pediment?

Mr. Ramon Trias, Director of Development, said it is a cornice.

Mr. Murphy said he will just pass this photo around. That is the only copy he has. That is the Harbor Federal sign on Virginia Avenue. The decorative portion on the top of that, his concern is...

Commissioner Alexander asked what is the height on this?

Mr. Murphy said that happens to be a 12 foot sign by the way. Would the measurement be to the top of the cornice or the decorative portion, or the very top of the sign, or the very top of the decorative portion? That is really important, because Mr. Trias has taught him over the years that in a lot of ways form is as important as function.

Commissioner Coke said Mr. Murphy knew he would get "brownie points" for architectural enhancements.

Mr. Murphy said he is just trying to figure out how they measure it. Because again, the one that got blown out there, he thinks that is ultimately going to come down. But are they measuring to the top of the whole structure? Because he thinks that is a problem because that is going to create a bunch of nondescript signs at the end of the day and he is hoping there is something to motivate better looking creative signs. It is just a question that comes. They can work from the ground up. (Mr. Murphy displayed another photograph.)

Mr. Trias said this one is actually a pediment, this design. They are getting into serious architectural history here.

Mr. Murphy said he thinks he needs to review the little book Mr.

Trias put out. It could work even from the ground up. He is going to use again things he is learning from Mr. Trias. If they built a beautiful planter that has the coral stone that they see in the roundabouts, if that is built as the start height from the ground, or if they have a beautiful expensive rock or base that they built. They might say this is nit-picking at the depth. But he thinks at the end of the day he would rather see a good looking building, a good looking sign, when it is done. He reads nothing in the ordinance to that effect.

Commissioner Alexander said he thinks when they use that word "monument", it is putting it like a headstone. He is serious, he questioned that because he has seen so many of those monuments or head stones that it is not very aesthetic. But his question to him, is he going to have to remove the beautiful trees there?

Mr. Murphy said the one in front of the Dollar Tree? Yes. Some of those don't meet the 18 inch... But they will deal with that.

Commissioner Alexander said as long as they have visibility.

Mr. Murphy said they are going to have to. They are going to have to put new lower plantings in there.

Mayor Benton said he agrees with Mr. Murphy, because that was one of their issues was to make the signs aesthetically pleasing, looking nicer. It would be difficult for them to say they can add maybe a foot to the bottom or two feet to the bottom, and he doesn't know how many inches, whether it be 12 inches to the top, to make it more aesthetically pleasing for architectural reasons. How can they say no?

Mr. Murphy said again, somewhere in the ordinance, the measurements do not include architectural embellishments on the top of the sign. He is hoping that wording can be put in there. By the way, he will admit and he is guilty of violating the City's sign ordinance by popping that on there, but he had no choice, he had to stay in business.

Commissioner Coke asked does he think it would suffice if they were to vote on this and ask staff if they could come up with an amendment to this ordinance reflecting a certain percentage increase in size to be allowed for architectural enhancements, but a specific thing, a specific percentage.

Mr. Murphy said also, he thinks they are going to hear some examples tonight, some hardship situations where they don't really fit into this code, but there are businesses who have had signs for decades. How do they tell them now they can't have those? He doesn't know if there is a variance provision that they can come back and ask to get a sign when they don't meet these requirements.

Mayor Benton said he thinks they discussed that and he knows with the setbacks, he thinks that is something through...

Commissioner Coke said she thinks it is in here already.

Mr. Trias said through a variance.

Commissioner Alexander said he just wants to go along with what Mr. Murphy is saying about, maybe they can say ten feet be the facial

of it and with some space or room to use for aesthetics on it.

Mayor Benton said he just wants to make sure whatever changes they make, they approve this tonight, they don't put this off for another 30 days.

Mr. Murphy said he thinks that is fabulous because he thinks a lot of businesses need that. They want to get in starting for permitting and putting in for their signage too and get rid of the remnants that are in front of the Dollar Tree and in front of his buildings too.

Mr. Rick Haisley, Haisley Hobbs Funeral Home, said since this all started on December 31st, his other sign - which is a monument - was taken out. He doesn't know if any of them have been out there on the Okeechobee Road corridor, but they had an accident and that sign is down now as well. It was approximately an 8,000 pound piece of granite. So he is nameless right now.

Commissioner Becht asked what moved that?

Mayor Benton asked did the people live through the accident?

Mr. Haisley said they are at Lawnwood Hospital. Hopefully they are doing well. Again, thank you to Mr. Trias and the work that everyone has done and thank you for listening to them. He comes here with what he considers to be a hardship case. He has a piece of property where he operates his pre-arrangement center that is on the corner of 31st Street and Okeechobee Road. That is where his personal private office is and his pre-arrangement business which is a separate entity. The property is approximately 50 feet and doesn't meet the criteria of the 60 feet or more. His sign was damaged; and after Hurricane Frances, it was leaning. He did what he thought to be the right thing for safety reasons. So instead of pushing it back up and putting a spot weld on it, he thought he was doing the right thing and he had someone push it on over and destroy it and then was just going to rebuild it later. Then they got into the moratorium, etc. He has about six parking places there and with the 18 inch setbacks he is fine. But if they move it to 5 feet, he has lost all his parking, and he won't be able to make the square footage either. That is his situation regarding that, so he is just asking. In concept, he thinks this is good. He has studied it some. But he thinks there are going to need to be some grandfather clauses to be considered or hardship cases. He just singled-out his business out on Okeechobee Road. He has been there 30-plus years. It would affect him greatly.

Mayor Benton asked can they assure Mr. Haisley that in the future he could rebuild that sign or at least a sign inside that distance he is looking at?

Mr. Trias said any issues that deal with dimensions can be resolved through variances. That is what the variance process is, so that will be the appropriate process, and it is available.

Mayor Benton said especially when somebody has already had a sign like that, he would hope it wouldn't be a problem.

Commissioner Coke said already in this ordinance is, if they had a sign, they can keep the 18 inches.

Mr. Haisley said his concern, and maybe he didn't read it right,

but if they sustain over 50% damage, wasn't that another part of that?

Commissioner Coke said no, not here. It is talking about minimum location from rights-of-way. If they had an existing sign, it is 18 inches.

Mr. Haisley said he can live with that.

Commissioner Coke asked he has an existing sign there, it just fell down, right?

Mr. Haisley said right.

Mr. Trias said even if it was an additional problem, for whatever reason, they could still go through a variance process. If it is a hardship that is not created by him, if it is a hardship that is created by the configuration of the site and the location and so on.

Mr. Haisley said he has one other question then. Regarding the accident that occurred, they actually moved the whole foundation a couple of feet when they hit it. Does he need to have that permitted to have that replaced?

Mayor Benton said he couldn't answer that.

Mr. Haisley said that is not a hurricane issue.

Mayor Benton said right. He couldn't answer that question. He wouldn't think so, but that is a question probably for the City Attorney. He would hope he could put it back as soon as possible.

Mr. Haisley said what he plans to do is to put an identical sign back there that is the same design. But the foundation has been moved. And to do it right, it needs to be just torn up, removed, and do it right.

City Manager Beach said those are questions that the Commission or the City Attorney or probably no one in this room could answer. The best thing to do it make application for it and see what happens with the application.

Mr. Haisley said he would like to ask one other question. Can he erect a temporary sign of some nature?

City Manager Beach said he doesn't think there is a provision in the existing ordinance for temporary signs. He doesn't know that, but he doesn't believe there is.

City Attorney Schwerer asked the sign he had was a monument sign, right? There is no prohibition on monument signs. There is no moratorium on that.

Mr. Haisley said it was a monument sign.

City Attorney Schwerer said he can apply for whatever he needs through the Building Department and they can review it. There is no moratorium on monument signs.

Commissioner Nelson said there are several signs up and down U.S. #1 made out of cloth, canvass, or something on a temporary basis.

He should think that type of sign...

City Attorney Schwerer said he would rather not have the Commission authorize that. That is something that Staff needs to really deal with.

Commissioner Nelson said he thinks as a Commission they can authorize that.

Mayor Benton said John Alcorn, the Director of Building & Community Response, is in the back. He is sure Mr. Haisley could speak with him and he would let him know what he would have to do.

Commissioner Nelson said he can put up a temporary sign. They put up temporary signs all the time. They say they are going to build a road down there, they put up a temporary pole sign down there. Why can't they let a man put up a sign that says Haisley Hobbs Funeral Home?

Mr. Haisley said he doesn't want to cause any problems.

Mayor Benton said Mr. Alcorn will work with him. They don't want to create any hardships.

Mr. Kenneth Jackson said he owns Jackson Drugs on Okeechobee Road. He had several things. He wasn't able to make the first meeting concerning some of the proposals. He knows there has been work done on this. He also did the same thing that Mr. Haisley did. He had a sign, it was a bigger sign than Mr. Haisley's. It was leaning over and had a leg that was damaged and broken. So not to try to temporarily put it up and stake it down, he had them take it down in sections, thinking that he was going to put it back up. He did not have an idea there was going to be a moratorium here. He has several issues, not maybe just to his location. He basically is a small shopping center and he doesn't see really anything in the proposal to smaller shopping centers. His sign was 30 feet tall. It has been a sign that has been there a lot of years and had a reader board underneath it. He wants to address one thing in the signage. On the one part of the property there are four existing businesses on that property and they had a reader board. And he would like possibly before they make a decision on this that different type of businesses for competitive nature sometimes utilize different types of signs. Any of their CVS and Eckerd's and Walgreens or chain stores have reader boards under their signs. The other thing is, he is saying a small shopping center. There were two signs currently on that 300 foot frontage piece of property on Okeechobee Road. There is a Dunkin Doughnut sign, which has been injured, and his sign which was Jackson Drugs, which they took down in sections. He has a concern in that if they go to, he is less than three acres, but in the entire business piece of property, they potentially have ten tenants. That is sometimes kind of hard to advertise ten tenants with the restriction under three acres of having a height not greater than ten feet and not more than three feet or two feet. It says one square foot of signage for every three linear feet of frontage. Not only do they lose their height, they lost their width. As Mr. Haisley mentioned a minute ago, this does have an impact on signage in business where some business needs only one small signage and some businesses for competitive nature need a little bit larger sign. He is in the same hardship provision. He hasn't stuck anything back up. He knows the flags are up and he knows a lot of work has been done. He is not asking them to extend forever because he knows people

want to do signs. But he is in the same type hardship category. So he didn't know whether any thought was put into smaller shopping centers being able to advertise. If they had one large bank, like Riverside Bank is next to him or a Harbor Federal in other locations, they have but one sign advertising for business. He has equally as much property as they do, but can have ten tenants that all could advertise. And one tenant is able to use it all in a single entity; and those that have more are going to lose a lot of advertising space which sometimes is very essential to a business.

Mayor Benton said he agrees. He thinks he also would have a problem with the new setbacks, if he recalls.

Mr. Jackson said absolutely. That setback is going to push him into parking areas too.

Mayor Benton said he thinks they can straighten that out. It is going to create some problems for some businesses and it is unfortunate.

Mr. Jackson said he doesn't have a problem with the aesthetics. He thinks aesthetics are nice. He thinks making a sign look nice is nice. But they were at 30 feet and now they have gone all the way down to 10 feet on sites under three acres. That is a big drop. He doesn't have any problem building something structurally sound, but that is a change. He is all for aesthetic things in the City. He knows that St. Lucie West has a different look in signage. But he would just like them to be able to look at that a little bit. He thinks a little bit more height might be nice than just the 10 feet for somebody on three acres.

Mayor Benton said he knows they looked into it. One of the reasons, not just aesthetics, was the number of pole signs that did come down in the hurricanes and flew around town. They are concerned with public safety. It was an issue. He knows some people took their plates out of their sign, but a lot of the signs did come down. They are hoping to avoid that in the future. And he thinks it is not going to create a problem for new construction and new businesses. It creates a problem for the existing businesses and they are trying to work with them on it. He thinks the community will be better off. He thinks they all agree to that. It is just that some of the businesses, they are going to have to work with and allow them through the variance process to somehow...

Mr. Jackson asked are they trying to do away with the signage that has the set in panels? Is that what they are trying to do away with, and just come down to like a concrete hard base?

Mayor Benton said the poles, like the Walgreens and Eckerd's and some of those. He saw the one out on 25th Street and Virginia Avenue. Now the way they are doing it is, once that sign whatever time they have to replace that sign in a period of years, that sign will not be allowed, that sign will come down eventually. But because it is a new sign built to the newer codes, it did last through the storms and it was less than 50% damaged. But he doesn't know what the time frame is. Is it five or ten years?

Mr. Jackson asked would they allow anybody...? He has been there 28 years and his sign came down in sections. He did not know the City was going to put a moratorium on it. They were going to construct it back. To let somebody have some type of signage back,

that is what he is asking.

Mayor Benton said that is five years that they are asking people.

Commissioner Alexander asked what type of assurance are they going to give the public that has been a part of this community forever, if they go for variance? He hears the City Attorney say they can't instruct staff on what to do. But surely the Commission can make some assurance to this public that they are going to be treated fair. He heard Mr. Haisley speak of it. They have to be assured that they have a viable interest in this community that they be treated well. He is not in disagreement at all with these signs, but they have some things that should be grandfathered-in.

Mayor Benton said he thinks at least with their Board of Adjustment, and he knows Joyce Calvert is on the Board of Adjustment in the back there, but that Board is made from business people and citizens in the community that do understand the issue and the hardship they created with people, and he would think they would be granting these requests. He would hope their staff would support it at least for now. Because his issue is, they have been debating this now for months and it is time they get businesses back on track and get the message out that it is time they can start building their signs and putting them up. Because it has been so long; and the longer they put this off, each time they change the wording in it, they have to advertise it and it just creates a lot more problems for the businesses waiting in line to put their signs back up.

Mr. Jackson asked with 300 front feet and two signs, is that going to become a problem if he goes for a variance or comes back to the Commission? Because there has been two signs there since Harbor Federal had that location. That was their sign that was remodeled and then he has his sign.

Mayor Benton said he couldn't tell him.

Mr. Trias said as the City Attorney said, the best thing to do is to apply and then it goes through the process and they are able to review it. The Commission cannot evaluate an application that doesn't exist at this point.

Mayor Benton said right; and the City Commission doesn't make that call. He believes it is the Board of Adjustment.

Mr. Trias said right. The variance, the final decision is made by the Board of Adjustment, so it doesn't even come to them as a Commission.

Ms. Linda Cox, Executive Director of the St. Lucie Chamber of Commerce, said she just has a few quick points of clarification that she would like to ask about. She knows at the last Public Hearing, Commissioner Becht had discussed changing some language about the setbacks. Instead of doing the 18 inch rule for all properties, if they could move their sign back 5 feet, they would do that.

Commissioner Becht said what he had asked staff to look at is what she just said, there was a hardship provision, like Mr. Haisley pointed out earlier. Although he does think he could eliminate Hobbs off that sign, it is about time. If there is not a hardship

and if the sign can be moved back 5 feet, he didn't think there was any reason for it. But staff as they represented it to them didn't think that was an important change.

Ms. Cox said okay. That was her point of clarification. The other question she had was about the special work session that is scheduled. She just saw that from somebody, on sign ordinance issues, for next Monday?

Mayor Benton said no, this is mainly building codes. They are looking to raise the bar for development here.

Commissioner Becht said they would love to have her there though.

Mayor Benton said they would love to have input from the Chamber and Realtors also.

Ms. Cox said as for the five years making the signs come into compliance within five years. She knows there are a lot of signs out there that are going to be like a foot off or two feet off. Is that going to be something that is strictly enforced for a sign that has been there for a long time that they know has already withstood the two hurricanes? It might do it in the future, God help them if it does.

Mayor Benton said he can't speak for the rest of the Commission or their staff, but with all the problems they have in Fort Pierce, he doesn't think their Code Enforcement people need to be checking signs for a few feet.

Ms. Cox said she knows it is going to be a question that is going to be asked of her, so she would like an answer.

Mayor Benton said he knows for one guy that is not going to be a priority. They have priorities and he would hope that is not one of them.

Mr. Trias said what he anticipates is whenever work is done on a sign, that is when those things will be checked.

Ms. Cox said it is not a drop dead five year date, it is just kind of as things progress, work is done, improvements...

Mr. Trias said that is the practical interpretation of this.

City Manager Beach said what they should do, how they should interpret the ordinance is how it is written and what it says, not what he says or Mr. Trias says or the Commission says, because they will all be gone in five years. So what they deal with is what the ordinance says.

Ms. Cox said okay.

Commissioner Alexander said he plans to be here.

Ms. Cox said thank you all very much for working with them on this.

Mayor Benton said thank you for the business community and the Chamber working with the City on this, because it was a difficult time for all of them, but it made their job a lot easier.

Ms. Cox said yes, but now they are going to get through it and the

moratorium is going to be lifted and business as usual.

Mayor Benton said he sure hopes so.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-303 be passed on second and final reading.

Commissioner Coke said she wishes at this point to ask staff if they could please work immediately on that amendment to this for a certain percentage allowance for architectural features.

Mayor Benton said he would agree.

Those voting in favor of the passage of Ordinance No. K-303 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ordinance Nos. K-313 through K-324, Annexing property into the City Limits.

City Clerk Steele said Ordinance No. K-321 is being pulled by staff. It is not contiguous. It was supposed to be in a different set of annexations that are coming back later.

Ordinance No. K-313 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE NORTHWEST CORNER OF WEST WEATHERBEE ROAD & SOUTH U.S. HIGHWAY #1, KNOWN AS **4429 SOUTH U.S. HIGHWAY #1, 4417 SOUTH U.S. HIGHWAY #1, AND 414 WEST WEATHERBEE ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Car AAG FL FT PIE LLC - Coggin BMW Automotive)

Ordinance No. K-314 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH OCEAN RIVE, NORTH OF BLUE HERON BOULEVARD KNOWN AS **SURFSIDE PLAZA UNIT 1, BLOCK 17, LOT 6**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Karen Swinson)

Ordinance No. K-315 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH OCEAN DRIVE, SOUTH OF JESSAMINE STREET AND EAST OF CHARLES STREET KNOWN AS

SURFSIDE HARBOR, BLOCK 10 LOTS 1-7; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Marlene Veltre and Josephine & Samuel Alimo)

Ordinance No. K-316 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4720 KIRBY LOOP ROAD;** DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Donnie & Linda Minor)

Ordinance No. K-317 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **2306 KINGS HIGHWAY;** DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Florida Masters Packing, Inc.)

Ordinance No. K-318 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **6740-6780 ANDREWS AVENUE;** DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Heriberto & Maria Luna)

Ordinance No. K-319 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **5245 EDWARDS ROAD;** DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by:

Herman Goins)

Ordinance No. K-320 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **5234 EDWARDS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Donnie & Elizabeth Hamrick)

Ordinance No. K-322 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3195 MCNEIL ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Mildred Lindsey)

Ordinance No. K-323 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3163 MCNEIL ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Christopher Quigley)

Ordinance No. K-324 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4601 & 4603 OKEECHOBEE ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Robert Steiner)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-313, K-314, K-315, K-316, K-317, K-318, K-319, K-320, K-322, K-323, and K-324 in session and asked if anyone in the audience wished to be heard.

Mr. Christopher Quigley said he believes it is Ordinance No. K-323. He doesn't have a paper in front of him, property owner of 3163 McNeil Road. He would just like to ask for verbal postponement on that for him it was just for minimal notification. He thinks he caught the last advertisement in the newspaper on either December 27th or 29th.

Mayor Benton said whoever, whether it was Mr. Quigley or the previous owner of the property, somebody would have had to sign an agreement with the City.

Mr. Quigley said yes. That would have been 1997. It would be nice to be forewarned when it is coming. He thought personally that he would receive a letter in the mail or something of notification. He didn't know it is only an advertisement. Apparently that is the issue. Is that the only notification that is sent out?

Ms. Anne Satterlee, Assistant to the City Manager, said the notifications went out late last week. They may still be in the mail because they tried to get those out right before the holidays and there was a delay there. However, they typically do send them out far enough in advance, also with the two notices that go in the paper.

Mayor Benton said there are two Public Hearings on this, right? And this is the first one. There will be another one before he is annexed in anyway.

Ms. Satterlee said yes.

Mr. Quigley said he just wanted to find out the information on what happens when he gets annexed, a little more information on it. Obviously in 1997 he signed the paper and knew it would happen, but he didn't even know the property next to him had been annexed. He also thought he would be notified of that. He found it researching trying to go for a building permit through the County that the property next door, which is 51 plus acres, has been designated into the City. He just wanted to clarify everything.

Mayor Benton said there are benefits. He would ask Mr. Quigley to call Ms. Satterlee, who is their annexation expert. She could answer any questions he probably needs.

Mr. Quigley said absolutely. Like he said, it was December 29th or December 27th he saw it in the paper. And with holidays and everything, it makes it a little tough to get a hold of somebody.

Commissioner Becht said Mr. Quigley signed his annexation agreement in November 1999. This is the first reading of the ordinance. It will be read again in two weeks. So he has two weeks to do whatever it might be.

Mr. Quigley said to find information. That is what he was unaware of. That is why he came tonight to find out. Other than that, he doesn't have a problem. He has been here all his life. That is not an issue.

Mayor Benton said in two weeks they can say welcome to Fort Pierce.

Mr. Quigley said the other question would be, when would the taxes become effective. Would it be starting January 2005 or would it be

the date of annexation?

City Clerk Steele said it is effective the date of annexation.

City Manager Beach said but his bill wouldn't come out until January 2006.

Mayor Benton said probably November 2005.

Mr. Quigley said having just paid the County taxes with the new incorporated garbage fee, his concern was how that is going to affect the new City garbage fee that will occur when he gets annexed into the City.

Mayor Benton said come November he thinks is when the taxes go out. So he won't be paying that County fee. Ms. Satterlee can answer those questions tomorrow. He can't answer them. There are certain areas there is an issue with garbage.

Mr. Quigley said there are some gray areas there he just wanted to check into. He didn't know whether to ask for postponement. But like he said, he didn't know it would come before them again.

Mayor Benton said he did the right thing.

Mr. Quigley asked whose district would he be in?

Mayor Benton said he will be in Commissioner Becht's district and Commissioner Coke's district, but they all represent the whole City. So any time he has a problem, call any one of them or all of them.

Mr. Quigley said he is used to going to the County, but now he will come to the City.

Mayor Benton said he is also represented by them too, because he is still paying County taxes like the rest of them.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance Nos. K-313, K-314, K-315, K-316, K-317, K-318, K-319, K-320, K-322, K-323, and K-324 be passed on first reading.

Those voting in favor of the passage of Ordinance Nos. K-313, K-314, K-315, K-316, K-317, K-318, K-319, K-320, K-322, K-323, and K-324 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ms. Gloria Washington-Shaw request waiver of \$283.02 in Interest, Penalties, & Fees against 1304 North 15th Street upon payment of Lot Clearing Liens in the amount of \$244.00.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to waive \$283.02 in Interest, Penalties, & Fees against 1304 North 15th Street upon payment of the \$244.00 within six months.

Those voting in favor of the motion were: Commissioners Alexander,

Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Chris Berkeley, Dream Team Fishing Tournament, Inc., request **Alcohol Beverage Permit** for Fort Pierce Billfish Derby at the City Marina on January 13-16, 2005.

Mr. Dean Kubitschek, Manager of City Marina, said before they go ahead for approval, Chris Berkeley asked him to speak for him on the application. There has been a request for a modification on the Alcohol Beverage Permit. The Bottoms Up Beverage who is donating these beverages for the Captains Kick-Off party is requesting that he can go ahead during the barbeque they have on Sunday to have a two hour cash bar during that time period so he could potentially just recoup some of his money during that time period. That would be the only modifications that he is requesting.

Mayor Benton asked he has all the licenses?

Mr. Kubitschek said all the licenses and insurances are in place, that is correct.

Commissioner Nelson asked what time is he going to be serving beverages?

Mr. Kubitschek said after the fishing, so probably it would be in the evening for two hours. And it would only be served to the people participating in the tournament. It will not be sold to the public.

Commissioner Nelson said what he is trying to lead to is whether or not it is going to be served... It is on Sunday, right? It is going to be after 1:00 p.m.?

Mr. Kubitschek said yes, after the fishing has taken place.

City Clerk Steele asked give her the exact hours again, the date and time, so she can get it in the permit if it is approved.

Mr. Kubitschek said the barbeque will be Saturday, January 15th; and it will be behind the Tiki Bar from 6:30 to 8:30 p.m.

City Clerk Steele asked 6:30 to 8:30 p.m. cash bar?

Mr. Kubitschek said yes, during those two hours.

City Attorney Schwerer said it is implied that it is conditioned upon him having all the applicable permits for alcohol sales, just so it is in the record.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve Alcohol Beverage Permit for Fort Pierce Billfish Derby at the City Marina on January 13-16, 2005, allowing cash bar sales from 6:30 p.m. to 8:30 p.m., conditioned upon having all the applicable permits for alcohol sales.

Commissioner Nelson said this application says no sales allowed.

Commissioner Coke said that is why he wanted to modify it.

City Attorney Schwerer said it is being amended to include that one two hour period for sales only.

Mr. Kubitschek said it is a last moment request. That is why he is here.

Commissioner Alexander asked does Mr. Schwerer have a say on that?

City Attorney Schwerer said the application can be amended for the sales if all the requirements are met by the law for purposes of having all the licensure.

Mayor Benton said Bottoms Up does have an alcohol license.

City Attorney Schwerer said the City Clerk is going to issue a permit that says these sales are permitted based upon him having all the correct licensure. If he doesn't, then it will be a Division of Alcohol Beverage issue, which he can assure them they enforce strictly, at least they were the last time he heard.

Mayor Benton said he knows they have done several fishing tournaments on this property.

City Attorney Schwerer said the other portion of the tournament is going to be an alcohol provided no charge.

Commissioner Alexander asked that isn't a different permit.

City Attorney Schwerer said that is correct.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-01

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **SHIRLEY WALKER** AS A MEMBER OF THE **CITY TREE BOARD**, PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 05-01 be adopted.

Those voting in favor of the adoption of Resolution No. 05-01 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-02

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ACCEPTING THE PROPOSAL OF SUNTRUST BANK TO PROVIDE THE CITY WITH A NOT EXCEEDING \$15 MILLION **LINE OF CREDIT** TO FINANCE THE CITY'S COSTS OF DEBRIS CLEANUP AND RELATED EXPENSES ASSOCIATED WITH STORM DAMAGE RESULTING FROM **HURRICANES FRANCES AND JEANNE** (THE PROJECT); AUTHORIZING THE EXECUTION AND DELIVERY OF A **LOAN AGREEMENT** WITH SAID BANK PURSUANT TO WHICH THE CITY WILL ISSUE A NOTE TO SECURE THE REPAYMENT OF SAID LOAN; PLEDGING TO THE REPAYMENT OF THE NOTE AD VALOREM TAXES, FEMA PROCEEDS AND STATE

PROCEEDS (AS DEFINED IN THE LOAN AGREEMENT); AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO TAKE ANY OTHER ADDITIONAL ACTIONS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE NOTE, AND THE SECURITY THEREFOR; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH SAID LOAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

City Manager Beach said they have presented this to the Commission for discussion on a couple of different occasions. They can certainly answer any questions they may have between the Finance Director, the City Attorney, and himself. They have all been involved with this for the past couple of months. He wants to re-emphasize that this is a line of credit; and the only debt they will be assuming is that portion of the \$15 million they actually use. They don't know what that figure is yet, but he can tell them he doesn't anticipate using that entire amount for this purpose.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 05-02 be adopted.

Commissioner Alexander asked did Commissioner Coke have a concern about un-used funds?

Commissioner Coke said staff promised her at the last meeting when she brought it up that next year when the line of credit time frame is over they will bring it back and lower their debt limit, and she marked it in her calendar.

Those voting in favor of the adoption of Resolution No. 05-02 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Commissioner Nelson said he would like to jump for joy if someone can tell him if the **Tiki Bar** operation is running.

Mayor Benton said yes, it is.

Commissioner Nelson said he looked at it the other day. It looks good.

Commissioner Nelson said this past Christmas and just prior to Christmas, there was an influx of motorized scooters or motorcycles or mini-bikes or whatever they want to call it, running up and down the streets. No license plates, just going all over the place. What are they doing to make sure these do not create a danger to themselves and the general public? Have they had any play on those at all?

Chief of Police Eugene Savage said those vehicles are cited because they are not street legal. And whenever, usually it is a juvenile offender is caught on the vehicles, they are either issued a warning or a citation. This is actually not the only City that is experiencing that problem. The cities both north and south of Fort Pierce are experiencing those problems. In fact, in Delray they have started impounding those type vehicles. Some of the other cities have followed suit. But yes, there is an influx as there always is during this time of year with the illegal type vehicles.

Commissioner Coke said the Chief might check, and she doesn't know for sure, but she thought somebody downtown was leasing them. Because around 2:00 p.m. in the afternoon for the last three or four days there would be eight or nine people show up in brightly

colored brand new... And it is not just kids, she is talking about people in their 50's and 60's, and they are scooting around and then they don't see them ever again on it, and the next afternoon there are other people scooting around. And they are all on the sidewalk, so it makes it very dangerous for people walking down there.

Chief Savage said he will check into that. They are not to be used on any type of public conveyance - sidewalks, city streets, or anything of that nature. As far as the leasing of the vehicles, he is not sure if that is improper, but he will look into it.

Commissioner Nelson said if there is some entity leasing them, maybe they need to touch base with the leasing agents to inform them that they are aiding and abetting people in violating the City ordinances. There shouldn't be too many of them that are doing that. But it might be, if the Chief went there and said he happens to be the Chief of Police, don't do that, they might not do it any more.

Commissioner Alexander asked wouldn't they have to have a license to lease those type of vehicles?

Commissioner Coke said she is not saying someone is. It is just very coincidental that every afternoon all these purple, pink, and blue scooters show up. She doesn't want to get anybody in trouble.

Commissioner Nelson said ask Ms. Steele. She issues the licenses down there.

City Attorney Schwerer said they may or may not be licensed.

Commissioner Nelson said they might not be.

Commissioner Nelson said at **1612 North 15th Street** where the house burned out right after the storm, Hurricane Frances or Jeanne or somebody, it is both storm and fire damaged. It is right down in front the Frances K. Sweet School. Kids are going in that burned out house playing and carrying on. He understands the people have taken out a permit to tear it down; but after three months or so, due to this location and the image it is portraying to citizens and the danger it is portraying to their kids, he would that they move to get the house removed as soon as possible. It is definitely more than 50% damage. He doubts very seriously if the owner is going to rebuild it, it is going to be real costly.

Commissioner Nelson said they have been successful to a certain extent about their sidewalk program. In that same area, people are putting basketball goals on the brand new sidewalks and playing in the streets as opposed to going to the parks and allowing the people to walk up and down the streets. Could they have those basketball goals removed from the sidewalks?

City Manager Beach said yes. Those are not permitted on the sidewalks or in the streets. All they need is an address and they will have **Code Enforcement** deal with it.

Commissioner Nelson said 1703 North 15th Street.

Commissioner Coke said he is picking on kids.

Commissioner Nelson said he is not picking on anybody. He is

trying to look out for the health and safety of his people.

Commissioner Alexander said 15th Street. That is Commissioner Nelson's neighborhood.

Commissioner Nelson said that is his neighborhood. He is only doing his job.

Commissioner Becht said before the Beach Group project is brought before them again, if he could get some explanation from staff. Several years ago they had a referendum that he thought said eight units to the acre and four stories on South Beach. It would appear that does not jive with anything he is seeing on South Beach. If he could get some explanation for how those projects... He doesn't need it tonight. He doesn't even want to talk about it.

Mr. Ramon Trias, Director of Development, asked can he address the first question briefly. The projects that don't meet that are rezoned PUR or PUD. That is the whole explanation.

Commissioner Coke asked are they actually rezoned or are they looking to be rezoned?

Mr. Trias said they are looking to be rezoned or they have been rezoned in the past. That is the explanation to the question.

Mayor Benton said he has quite a bit of information from back when that referendum passed, all the paperwork. Ms. Steele has it in her office.

Commissioner Becht said they met with the County Commission today on the Legislative Bill concerning **annexations** that they are trying to get presented he believes on Thursday. They were met with some coolness from one of the County Commissioners and some warmth with other County Commissioners. Tomorrow morning if they all can find any time to call any friendly County Commissioners. It is possible this thing may be brought up at a County Commission meeting tomorrow; and if it is, the City may not get good action on it by the County unless the City Commissioners show them that they have an interest in their tacit approval of what they are trying to do here.

Commissioner Coke asked should they all be going to that County meeting tomorrow, is that what he is saying?

Commissioner Becht said each of them need to make up their own mind. Strategically he thinks that might not be the best thing they can do. But he thinks a call, if they can find the time to call, that would be important. He hadn't really given any thought to all of the Commissioners going over there. He needs some feedback from staff on whether that is a good idea or a bad idea. He doesn't know.

City Manager Beach said at this point in time they know it is not an Agenda item. However the Chairman of the County Commission, as he understands it, can bring up items up at the end of the meeting and it is conceivable that could come up. They have two more meetings tomorrow and then another meeting Wednesday. They were trying to get all of these out of the way prior to January 6th. It would be a problem he thinks if it came up tomorrow without the staff having the opportunity to brief all of the Commissioner about where they are going with this and what they are trying to

accomplish. He doesn't know if they go over to the meetings, they may just spend the day for no reason because it may not come up at all.

Commissioner Becht said or in going, they may trigger it to come up.

Mayor Benton said that is possible.

City Manager Beach said that is conceivable.

Commissioner Becht said he thinks a call to those County Commissioners they believe to be friendly would be a well placed call. If they need any more information, they might want to talk to Mr. Beach about his meetings today.

Mayor Benton said they have some tomorrow.

Commissioner Alexander said he just has one question that came up as a result of the plan they had for 29th Street. Has the property that they said to be cleared, has that been done for Philpot's project (**Pioneer Park Subdivision**)?

Ms. Patti Tobin, Community Services Director, said she spoke with the company today and the gentleman that has actually got the job hasn't gotten back with her. They are also still waiting for some revisions to the plat done by Lindahl, Browning (LBFH).

Commissioner Alexander asked what would that have to do with the lot clearing?

Ms. Tobin said the plans haven't been submitted to the Planning Department, so clearing is premature, although she is working with the different departments so they can go ahead with it.

Commissioner Alexander said he just has a problem that when the Commission speaks of something being done, it seems like it takes forever and a day to get these things done. He thinks they appropriated the monies for that, right?

Ms. Tobin said her concern is violating the code.

Commissioner Alexander asked what code?

Ms. Tobin said the City's code on lot clearing.

City Manager Beach asked do they have a lot clearing permit yet?

Ms. Tobin said not yet. She is working that out with the company. Her concern is the plan hasn't been approved by the Commission.

City Manager Beach said she doesn't want to clear the property until that takes place.

Ms. Tobin said she is working with the Engineering Department and specifically Paul Williams so they can go ahead with that.

City Manager Beach asked do they have a time frame?

Ms. Tobin said she will find that out. She will get a memo out.

She is waiting to hear from Sunshine Land Design, the company.

City Manager Beach said Commissioner Alexander brought this subject up a few weeks ago or a month ago. Is there someone being held up by this that is inquiring?

Commissioner Alexander said no. It just came to his mind tonight when the other project came up and he thought that whole area it would be beautiful and fitting; and he just wanted to know they did take some action on having that property cleared.

City Manager Beach said yes, he recalls that. Okay. They will get him something in writing on where that is.

Commissioner Nelson said that is adjacent to Pioneer Park and he thinks it would benefit the public in large, particularly those kids playing in that park, to have that area cleaned up. There are vagrants in and around there all the time. He hates to admit it, but he suspects some drug activities going on over there too.

Mayor Benton said he has one thing and he doesn't want to point any fingers. But he does have a problem when he sits up here many nights and apologize to people that are on the agenda, developers with site plans, and for one reason or another they don't have the proper information in front of them, or signs or letters haven't gone out. And that has happened several times over the last six months or a year. It just gets old when he has to apologize to them. That happened a couple of times tonight. He would hope they can find out why and straighten that problem out.

City Manager Beach said they will find out and they will also give him a written report on what those reasons were.

There will be a Special Workshop Meeting of the City Commission on Monday, January 10, 2005, at 12:00 Noon in the City Hall, Engineering Conference Room, 10 North U.S. #1, Fort Pierce, Florida, re: Development Codes.

Monday, January 17, 2005, is Martin Luther King, Jr. Holiday in the City of Fort Pierce. All City administrative offices, with the exception of the Police Department Public Safety Services and the City Marina, will be closed. The City Commission meeting normally scheduled for Monday will be postponed to Tuesday, January 18, 2005, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida. There will be regularly scheduled garbage and/or trash collection that day.

There will be a Special Joint Meeting of the City Commission and the St. Lucie County Board of County Commissioners and the Fort Pierce Utilities Authority beginning at 2:00 p.m. on Friday, January 14, 2005, in the St. Lucie county Commission Chambers, 2300 Virginia Avenue, Fort Pierce, Florida, for the purpose of discussing the State's view of Regionalization of Water and Wastewater Facilities and County/City issues.

There being no further business, Mayor Benton declared the meeting adjourned at 10:30 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER