

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 MONDAY, OCTOBER 4, 2004.

Mayor Benton called the meeting to order.

Reverend Warren Bennett, White City United Methodist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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

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

-----

The next item on the Agenda was Hurricane Jeanne Damage Survey Photographs submitted by the Department of Development (September 28, 2004.)

City Clerk Steele said that is just for their review. There is no action needed.

-----

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

Letter from Charlie Crist, Attorney General of the State of Florida, in recognition of the service and accomplishments of Fort Pierce Police Officer Dennis McWilliams.

Letter from Jean Karowitz thanking Fort Pierce Police Officer Daniel Foote for his assistance.

Letter from Roy Chapin, Oceanhouses at Southpointe Association, Inc., in acknowledgment of the assistance and support of City Staff in the Department of Development and the City Engineer's Department.

-----

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

Commissioner Nelson said he would like Item 7b (Contract with

Dickerson Florida, Inc. for Georgia Avenue Project) removed for discussion.

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

a. Approve the Minutes of the Special Meeting on September 15, 2004; and the Minutes of the Special Budget Meeting on September 20, 2004.

c. Accept the renewal proposal for **Marina Operator's Liability Coverage** from OneBeacon America Insurance Company (provided by Brown & Brown Insurance) and purchase bumbershoot (umbrella) policy from Northern Assurance, for a total premium of \$21,304.

d. Approve travel and attendance by City Manager Beach to the ICMA (**International City Managers Association**) 90th Annual Conference on October 15-20, 2004, in San Diego, California.

e. Approve travel and attendance by Commissioner Alexander to the **Florida League of Cities** Legislative Policy Committee on October 15-16, 2004, in Orlando, Florida.

f. Approve travel and attendance by Commissioner Alexander to the **Florida League of Cities** Criminal Justice Police Committee on November 17-18, 2004, in Orlando, Florida.

g. Approve travel and attendance by Commissioner Alexander to the 2004 **Advanced Institute for Elected Municipal Officials** on December 2-5, 2004, in Deerfield Beach, Florida.

-----

The next item considered was Item 7b, which had previously been removed from the Consent Agenda: Approve Change Order No. 1 to contract with Dickerson Florida, Inc. for the **Georgia Avenue Project** for relocation and improvements to the water, sewer, paving, and drainage associated with the reconstruction of Georgia Avenue in an increased amount of \$428,787.90; and authorize staff to recoup certain expenditures from BellSouth, Comcast, and the Fort Pierce Utilities Authority due to delays in construction in the amount of \$59,502.50.

Commissioner Nelson said he wants to look at that a little deeper in that some time ago he expressed some concern with respect to

delays over there in that project and the cost. He met with the contractor on this regarding the delays and what could be done to have some improvements on that project. He thinks the author of this document (Memorandum from City Engineer dated September 14, 2004) alluded to some of that for later on discussions. He would like to know are they satisfied that this is going to correct the problems and with a follow-on amelioration of the amounts that are not included in here, i.e. the \$59,502.50 attributed to delays of that project?

Mr. Hector Arias, City Engineer, said the payment of \$59,502 is because of delays. And because of delays, the maintenance of traffic changed and it was more and there are other items. The total increase of the project budget is \$35,738, which is less than 2%. What they did is group all the contracts together; and when they collect this from Bell South, Comcast, and the Utilities Authority, they are going to be only over on the project by \$35,000 which is less than 2%.

Commissioner Nelson asked has staff made any preliminary talks with these people? If so, what are their feelings with respect to defraying these costs?

Mr. Arias said he thinks they have been informed; and in the past they were very successful in collecting these types of fees.

Commissioner Nelson asked does he think they will be amendable to paying for these delays?

Mr. Arias said yes. They are going to have to because staff can prove very easily that it was their doing.

Commissioner Nelson asked they are going to have to?

Mr. Arias said yes. The other question Commissioner Nelson raised, everything is being worked out with the contractor. They are moving in a great pace now. They have one of the best piping contractors on the East Coast of Florida, which is Johnson Davis, Inc. So they are very happy that they have this type of sub-contractor now to do the piping and they are moving along very well.

Commissioner Alexander said just one question concerning the Georgia Avenue Corridor. There was no reason whatsoever was there any problems coming from the flooding they had in that area over

there from this?

Mr. Arias said no. In fact, the flooding they had on Georgia Avenue to his understanding was because of the hurricane. Is he talking about Beach Court and Easter Avenue?

Commissioner Alexander said yes.

Mr. Arias said that has nothing to do with this. In fact, the Commission already approved that work, he thinks at the last Commission meeting, and they already gave the plan to the contractor. The contractor is ordering the structures and they should be starting work in there within the next two or maybe three weeks. They are connecting that system to the 7th Street system directly.

Commissioner Alexander said 7th Street from Georgia Avenue to Delaware Avenue, that has nothing to do with any of that flooding. Is that what he is saying?

Mr. Arias said no. What happened is, Beach Court and Easter Avenue is a low point in that area; and everything comes from 7th Street to that intersection from Georgia Avenue and every place else. What they are doing is, they are removing and replacing the intersection with enough inlets to take all the water to the 7th Street big pipe.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve Change Order No. 1 to contract with Dickerson Florida, Inc. for the Georgia Avenue Project for relocation and improvements to the water, sewer, paving, and drainage associated with the reconstruction of Georgia Avenue in an increased amount of \$428,787.90; and authorize staff to recoup certain expenditures from Bell South, Comcast, and the Fort Pierce Utilities Authority due to delays in construction in the amount of \$59,502.50.

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

-----

The next item on the Agenda was Application for **Conceptual Site Plan** submitted by John Boinis for **South Beach Jetty Park** Mixed Use (condominiums, restaurant, and retail) at the northeast corner of Seaway Drive and South Ocean Drive; said property zoned C-5, **Tourist Commercial Zone**.

City Clerk Steele said the Public Hearing was held on August 2, 2004 and action on the Application was postponed for 60 days, so it is in front of them now.

Mr. Ramon Trias, Director of Development, said he spoke with the project architect and he requested a postponement. They are not ready to give them the details the Commissioners requested the last time. So he would imagine another 60 days would be an appropriate time.

Mayor Benton said he didn't see the information provided had changed any.

Mr. Trias said the information has not been developed yet. They are still working on it; so it isn't that they didn't send it in time, they have not done it yet.

Mayor Benton said when they do, he hopes there is a lot of public involvement in it, because it is probably one of the most public places in Fort Pierce.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to postpone action on the Application for Conceptual Site Plan for South Beach Jetty Park Mixed Use (condominiums, restaurant, and retail) at the northeast corner of Seaway Drive and South Ocean Drive until the December 6, 2004 City Commission meeting.

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

-----

The next item on the Agenda was Application for **Site Plan Review** submitted by Twenty Six Associates, LLC, for construction of a 200-unit multifamily housing development to be known as **Mariner Cove** at the southeast corner of Edwards Road & Jenkins Road; said property zoned R-4, Medium Density Residential Zone.

City Clerk Steele said the Public Hearing was held on August 2, 2004 and this has been postponed three times, a couple of times due to hurricanes.

Mayor Benton said plus they are looking for information, he thinks.

Mr. Ramon Trias, Director of Development, said the information was provided, but it was provided today. Staff has reviewed it and he

has the copies here if they want to take a look at them at this point. He knows this is against their policy. However, he has to tell them staff has reviewed the revised site plan and it does contain all the changes that were requested.

Commissioner Coke said she doesn't know if this is going to fall under the umbrella of their soon to be joint agreement with the County where they would review things. Number one, her concern is if it does, the County certainly has had no time to review it; and number two, she has not had time to review it.

City Manager Beach asked did Mr. Trias get input from the County on this? Did they submit their...?

Mr. Trias said the applicant did that. The right-of-way is located on the drawing. The applicant can explain it in more detail.

City Manager Beach asked can the applicant describe what they have done?

Mayor Benton said he thinks it would have been nicer if this information would have been in their packet so they had an opportunity to review it.

City Manager Beach said as Mr. Trias indicated, it came in today, so this is clearly not typically how they do things and it is not how the Commission asked for this to be done.

Mayor Benton said so before they get very far along here, he knows he is not going to be voting on this tonight until he has an opportunity to digest the information. He doesn't know how everyone else feels. But if they had gotten this information earlier, maybe last week.

Mr. Trias said his recommendation is that they postpone this. Like he said, the information is here for their review and it is ready for them to look at.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to postpone action on the revised Site Plan submitted by Twenty Six Associates for construction of a 200-unit multifamily housing development to be known as Mariner Cove at the southeast corner of Edwards Road & Jenkins Road until the October 18, 2004 City Commission meeting.

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

-----

The next item on the Agenda was Application for Conditional Use & Site Plan Review submitted by John Grenier for construction of a 117-unit multi-family development known as Tumblin Oaks Condominiums at 608 Tumblin Kling Road; said property zoned R-4, Medium Density Residential Zone. (Postponed from September 7, 2004 due to Hurricane Frances. Public Hearing held September 20, 2004. Action on Application postponed to October 4, 2004.)

City Clerk Steele said they have received a letter from Al Brodeur with Thomas Lucido & Associates on behalf of John Grenier requesting postponement to the November 15, 2004 City Commission meeting.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to postpone action on the Conditional Use & Site Plan submitted by John Grenier for construction of a 117-unit multifamily development known as Tumblin Oaks Condominiums at 608 Tumblin Kling Road to the November 15, 2004 City Commission Meeting.

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

-----

Ordinance No. K-285 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY GENERALLY LOCATED ON THE **WEST SIDE OF STATE ROAD A-1-A, NORTH OF BLUE HERON BOULEVARD (LOT 11, BLOCK 17, RE-PLAT OF SURFSIDE PLAZA UNIT NUMBER ONE)**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; 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 second and final reading and read by title only. (Owned by: Aslan, Inc.)

Mayor Benton declared a Public Hearing on Ordinance No. K-285 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton

declared the Public Hearing closed.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-285 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-285 on second and final reading were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: None.

-----

Ordinance No. K-286 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY GENERALLY LOCATED ON THE **WEST SIDE OF STATE ROAD A-1-A, NORTH OF BLUE HERON BOULEVARD (LOT 12, BLOCK 17, RE-PLAT OF SURFSIDE PLAZA UNIT NUMBER ONE)**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; 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 second and final reading and read by title only. (Owned by: Marion Paul Broome)

Mayor Benton declared a Public Hearing on Ordinance No. K-286 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-286 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-286 on second and final reading were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: None.

-----

Ordinance No. K-287 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **TWO PARCELS OF LAND LOCATED AT THE EAST END OF BARREL AVENUE, EAST OF OLEANDER BOULEVARD AND WEST OF PLEASANT ACRES ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; 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 second and final reading and read by title only. (Owned by: Accurate Septic Services, Inc., David Whiteside)

Mayor Benton declared a Public Hearing on Ordinance No. K-287 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-287 be passed on second and final reading.

Commissioner Alexander asked is this the same parcel that came before them with two parcels and one with land value and the other with a zero value or unknown value? How are they going to assess taxes to some unknown? Is this the same pieces of property he questioned before?

City Manager Beach said he thinks their annexation person may be able to deal with that.

Ms. Anne Satterlee, Administrative Assistant to City Manager, said yes, it is. She believes the City Clerk distributed a revised map. They had some questions at the last meeting for the first reading.

Commissioner Alexander said it is not the map he was concerned about, it is the value of the property.

Ms. Satterlee said that was from the Property Appraiser's office; and she believes when it was sold to this company, that had not been updated. And that is the information typically the staff goes on when they pull it off the website. The value is obviously more than what it shows.

Commissioner Alexander said it says, unknown.

Ms. Satterlee said right. She believes it is also dated April.

Commissioner Alexander asked how can they annex something that has

no value to it and they don't have a value?

Commissioner Coke asked could she point something out? She knows quite often if they purchase property and they purchase one or two lots together and do it as one purchase, the County will assign the entire value to one lot and leave the other lot as a value of zero.

Commissioner Alexander asked is that what they did?

City Manager Beach said he doesn't have an answer to his question. He thinks with the annexation process, the information about the value of the land is just information that is passed on. It really doesn't affect the annexation process or the decision to annex the property. It is for information. And apparently that information simply wasn't known in order to fill that blank.

Ms. Satterlee said that is correct. That information they obtain comes from the County Property Appraiser's office.

Commissioner Alexander said but when the City Clerk reads into the Minutes that it is two parcels and then they tell him it has an unknown value, then what is she going to send to the Tax Collector to tax on? Only one piece of property as Ms. Coke spoke of as being a combination or what?

Ms. Satterlee said she would hope by then the County would have their records updated. If he would like that information, she can find out for him. She can call the Property Appraiser's office.

Commissioner Alexander said he is just concerned about how they are going to send it to the tax people as unknown.

Assistant City Attorney Schwerer said the ordinance in Section 2 directs the St. Lucie County Property Appraiser and the St. Lucie County Tax Collector to place upon and add to the assessment roll and to collect taxes on the land described in this ordinance as of January 1, 2005 and subsequent years and to enter the same at such evaluation that it will bear an equal and just proportion of taxes as of that date in subsequent years. So they are asking the Property Appraiser to place such just valuation on it as he is charged with the responsibility of doing for January 1, 2005. This property will actually show up on the tax rolls next year, but will not be billed for those taxes until November 2005. If staff has any issue dealing with the assessed value of the property, they will have enough time to take it up with the Property Appraiser;

but it is his job to value it.

Commissioner Alexander said okay.

Assistant City Attorney Schwerer asked is this improved property at all? Because it is not showing up and he didn't want to have another situation like they had with that one that was annexed with an industrial use on it.

Ms. Satterlee said she doesn't believe it is.

Those voting in favor of the passage of Ordinance No. K-287 on second and final reading were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: None.

-----

The next items on the Agenda were (a) Application for Site Plan Review submitted by Beach Group Investments, LLC, for a proposed Preliminary Planned Unit Redevelopment for a commercial retail and residential mixed use project at 222 South Ocean Drive; said property concurrently being considered for rezoning from C-5 to PUR. (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.) and (b) Ordinance No. K-284, Rezoning property at 222 South Ocean Drive from C-5, Tourist Commercial Zone, to PUR, Planned Unit Redevelopment Zone. (Owned by: Beach Group Investments, LLC) FIRST READING (Postponed from August 2, 2004. Postponed from August 16, 2004. Postponed from September 20, 2004.)

City Clerk Steele said they have a letter from Al Brodeur with Thomas Lucido & Associates on behalf of Beach Group Investments, requesting postponement to the November 15th City Commission meeting.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to postpone action on the Site Plan for a proposed Preliminary Planned Unit Redevelopment for a commercial retail and residential mixed use project at 222 South Ocean Drive and Ordinance No. K-284, Rezoning property at 222 South Ocean Drive from C-5 to PUR, until the November 15, 2004, City Commission Meeting.

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

-----

Ordinance No. K-288 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING ARTICLE VII, SECTION 84 OF THE CHARTER OF THE CITY OF FORT PIERCE, FLORIDA; CHANGING THE COMPENSATION OF **CIVIL SERVICE APPEALS BOARD** MEMBERS FROM \$5.00 TO \$10.00 PER MEETING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND 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-288 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-288 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-288 on second and final reading were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: None.

-----  
Ordinance No. K-289 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A PORTION OF CITY RIGHT-OF-WAY KNOWN AS AVENUE "G"** (a/k/a NORWAY PLACE) LOCATED BETWEEN NORTH SECOND STREET AND THE FLORIDA EAST COAST RAILROAD; AND RESERVING A UTILITIES EASEMENT THEREON; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only. (Applicant: Victoria & Murray Tillman - St. Lucie Outboard Marine, Inc.)

Mayor Benton declared a Public Hearing on Ordinance No. K-289 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-289 be passed on second and final reading.

Commissioner Alexander asked when they abandon this portion of the right-of-way, would that property be replatted?

Assistant City Attorney Schwerer said it will not need to be replatted. It will simply show in the public records that the previous right-of-way that was granted to the City has been abandoned; and then the easement that is given in favor of the Utilities Authority will go in public record at the courthouse.

Those voting in favor of the passage of Ordinance No. K-289 on second and final reading were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: None.

-----

Ordinance No. K-292 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A **MORATORIUM ON REPAIR, REPLACEMENT OR CONSTRUCTION OF POLE SIGNS** OTHERWISE PERMITTED BY SECTION 15-8 ("PERMITTED PERMANENT SIGNS"); REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-292 in session and asked if anyone in the audience wished to be heard.

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

Commissioner Alexander asked when they speak about repairs, he would like for Mr. Schwerer to elaborate on repairs as far as what extent they call a repair, whether it be electrical or replacement? If some individuals have some simple electrical problems, is that a repair; or what would they consider that?

Assistant City Attorney Schwerer said the way this ordinance is drafted it would prohibit any work that required a permit. So if the work that was such that required a permit, they could not get it while the moratorium is in place.

Commissioner Alexander said he is speaking of, if someone had not structural damage to the sign but maybe it leaned over and has to be repaired. If it is an elderly person and she has to hire someone to repair that, she has to have a permit to do that work?

Assistant City Attorney Schwerer said as to what requires a permit, he doesn't think he can answer that. Mr. Alcorn, as the Building

Official, could tell them what type of repairs require permits. But in this particular case, if it is a repair that requires a permit, she won't be able to pull one until the moratorium is lifted and then until the Commission addresses the issue of what types of ground signs they are going to authorize in the future. Staff is working on bringing something back to the Commission.

Commissioner Alexander said he just wanted maybe to have Mr. Alcorn address that for him. He just had an individual come to him saying he had a sign that was not damaged but just a part of it came lose. They would not be replacing it, they would just be placing it back in place.

City Manager Beach said the intent of this ordinance and of this moratorium is to do away with pole signs to the greatest extent that they can do away with them. There is a line somewhere between how badly these are damaged and whether or not these require a permit to be repaired. To give them an example, if the sign is currently standing and it is currently lighted and it is currently working, then they don't have an issue, it is fine. But if they need to come to the City to get an electrical permit or any other type of permit to repair that sign under this moratorium or ordinance, they would not be given that permit. That is virtually for any type of repair. Is he saying that right?

Mr. John Alcorn, Director of Building & Community Response, said yes, that is true. Anything that requires a permit, they would not issue a permit under this moratorium. Should there be certain maintenance things that don't require permits, they could discuss that to see if that applies in that individual case.

Commissioner Alexander said he was just speaking of, because it says the word "repair", that is kind of broad.

Commissioner Nelson said he has some concerns in that area too. It is common practice for these signs to be blown away because of the wind. Sometimes it is a case of just having another face made or some lettering put on it and putting it up. Looking around they will see a lot of the signs were in fact damaged by wind and are still standing, but the face is gone. It is common practice also that vandals or unsavory people from time to time see these signs as they go down the road and shoot through them or throw rocks through them and things of this nature, causing damage and causing requirement for replacement. Will these types of instances require falling under the guise of the moratorium they have here?

City Manager Beach said yes, it will. If the sign needs any repair that requires a permit, that permit will not be granted under this moratorium.

Commissioner Nelson said the caveat in that, his thinking there is the scenario he gave is those certainly should not require a permit. For example, they have this big sign like the face of a television set and somebody shoots through it and they have a big hole in it - and it is a common practice - or the wind comes along and blows it down. All they have is the face of the sign that is being fixed. Does he mean they are going to say...?

City Manager Beach said this moratorium would prevent them from being permitted to repair that. Again, the idea behind it is to encourage the business community to start building the monument base signs as opposed to the pole signs. They can right now come in and get a permit to build a monument sign. They can do that at this point. But the moratorium that is in place prevents City Staff from issuing permits to repair or redo these pole signs.

Commissioner Nelson said in the interim period of six months, the merchant can allow the damaged sign to lay unrepaired on his lawn or hanging there. Of course, the alternative there would have been to cite him for some violation or something he supposes. They can see with the irate merchant saying, "To heck with it, I am going to leave it there."

City Manager Beach said that is a legitimate concern. But he thinks that is something that is going to be addressed over this time period they are designing the specifications for the ground signs. Clearly, even under their existing ordinances, damaged signs are not allowed to exist. They have a regular enforcement process where in the past they have approached the business community with damaged pole signs to repair them. That was their charge, not to remove them but to repair them. Under this scenario, when and if the Commission approves the changes in the sign ordinance to require a monument signs, part of that process will be the removal of all of the pole signs that exist.

Commissioner Coke said just one point she would like to make on this because they have discussed this at length before and she thinks they had a consensus that these signs do tend to be dangerous. She understands the feeling that this is creating an undue hardship on some business owners. But now is the ideal time actually to take action on this. Because while people are filing

their insurance claims and the insurance company is going to pay for their sign replacement, they can have the sign replaced with the new type of sign and the insurance company will pay for it.

Commissioner Alexander said just to add one question to that thought. Insurance now has the deductible and some of these signs are costing thousands of dollars and they are going to get hit by that deductible. Some of these signs do not need to be taken down. If they are going to leave one next door at that height and all this person would have to do is just put that face back on there. If they had to order a face, that would be a different story. But if it is not damaged, he just doesn't see them having to pay for a \$30,000 sign.

Commissioner Coke said she would think if it was not damaged then it is a maintenance issue.

Commissioner Alexander said that is what he wanted clarity on and he did not get that. Because they are saying if it takes a permit and they have to get up there with those trucks and things, they have to have something from the City. So if they are not going to issue them a permit and just do a maintenance, then he doesn't get it. They definitely cannot bring the sign down and put it on the ground and leave it there because the Code Enforcement is going to take care of that. That was just his thought, that a \$30,000 sign with a deductible, he would say go and pay for the deductible.

Commissioner Nelson asked what is their status now?

Motion was made by Commissioner Coke, that Ordinance No. K-292 be passed on first reading.

MAYOR BENTON RELINQUISHED THE GAVEL TO MAYOR PRO TEM ALEXANDER AND SECONDED THE MOTION.

Assistant City Attorney Schwerer said he has one suggestion. This ordinance was actually drafted before the second hurricane. If he could suggest that the Commission in that motion make the following interlineation. In this ordinance it says, "WHEREAS on or about September 4, 2004 and September 5, 2004 Hurricane Frances passed through the Fort Pierce area...", he would ask them to add the words, "...and on September 25, 2004 and September 26, 2004 Hurricane Jeanne passed through the Fort Pierce area, both of which caused widespread damage..." so they add both hurricanes to this. He will bring back a redraft of that ordinance to them in its final

form at the next reading. This is the first reading. If that is acceptable to the Commission, they would like to include both hurricanes. Again he apologizes, but this was drafted obviously when they only had the one hurricane.

Commissioner Coke Amended the Motion to Amend the Ordinance to include the words "...and on September 25, 2004 and September 26, 2004 Hurricane Jeanne passed through the Fort Pierce area both of which caused widespread damage..."; and that Ordinance No. K-292, as amended, be passed on first reading. Commissioner Benton, as second, accepted the amendment to the motion.

Those voting in favor of the passage of Ordinance No. K-292, as amended, were: Commissioners Benton and Coke. Those opposed: Commissioners Nelson and Alexander.

ORDINANCE NO. K-292 FAILED TO PASS ON FIRST READING.

MAYOR PRO TEM ALEXANDER RETURNED THE GAVEL TO MAYOR BENTON.

Commissioner Nelson said they will wait until the next time. Give them more time to work on it.

-----

Ordinance No. K-293 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE FLORIDA; AMENDING THE CODE OF ORDINANCES; PROVIDING **MORATORIUM ON ISSUANCE, FOR CERTAIN METAL BUILDINGS, OF CERTIFICATES OF ZONING COMPLIANCE** PURSUANT TO SECTION 22-139; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-293 in session and asked if anyone in the audience wished to be heard.

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

Assistant City Attorney Schwerer said he would ask this ordinance be amended to include the words, "...and on September 25, 2004 and September 26, 2004 Hurricane Jeanne passed through the Fort Pierce area, both of which caused widespread damage..."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-293 be amended to add the words "...and on September 25, 2004 and September 26, 2004 Hurricane Jeanne passed through the Fort Pierce area, both of which caused widespread damage..."; and that Ordinance No. K-293, as amended, be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-293, as amended, were: Commissioners Alexander, Coke, and Benton. Those opposed: Commissioner Nelson.

-----

The next item on the Agenda was Presentation by Florida Department of Transportation of proposed traffic operational and safety improvements (medians) on U.S. #1 from Edwards Road to Seaway Drive.

Mr. Ramon Trias, Director of Development, said the FDOT staff and the consultant are here. They have requested that he summarize the project briefly because staff has reviewed it in the past week. What the project is, is the construction of a median on U.S. #1 from Seaway Drive all the way to Edwards Road. As they know the typical section of that road right now is five lanes which has that continuous turning lane. The median would provide the opportunity to create some safety enhancements given the fact there has been some crashes on that road, but it will also will create the opportunity to beautify the whole corridor. The design of the project right now is purely conceptual. It hasn't been detailed. There is an opportunity to deal with some intersections such as Ohio Avenue or Delaware Avenue, some very specific problems they have in terms of geometry that they can solve through this project. The request before them is simply to agree with the idea that a median is a good idea for that corridor and allow FDOT to continue the design process. Once they have a design, they will bring it before the Commission and ask for their detailed input.

Commissioner Nelson said he doesn't see anything uniquely unusual about that.

Mr. Trias said it is a very good project.

Commissioner Nelson said they did Orange Avenue and Delaware Avenue.

Mr. Trias said it is an excellent project. It does not require any right-of-way. It is simply the substitution of that central lane,

having a median with appropriate breaks and appropriate turning movements.

Commissioner Nelson asked how about the City Engineer?

Mr. Hector Arias, City Engineer, said yes, they reviewed the project. This project is going to actually be combined with the resurfacing project of the same section. Actually they are combining the two projects, median and the resurfacing. He believes they are going to replace the span wire traffic signals that were giving them so much problem with these hurricanes. And he thinks some street lighting. So everything is going to be combined in one project. He believes it is going to be bid by July 6th of next year. It is a beautiful project.

Commissioner Nelson said he is a proponent for having decisions made at the lowest possible level; and unless there is something uniquely different, then certainly FDOT could come and talk to them.

Mr. Trias said the request is simply before the Commission for concurrence; and if they agree it is a good project...

Commissioner Nelson asked do they have to concur with this? They haven't concurred with anything else like that.

Mr. Trias said FDOT has requested that. He would appreciate it if the Commissioners could say that by consensus and that would be sufficient.

Commissioner Nelson said all right.

Mayor Benton said he does have a question. They are saying from Seaway Drive south. Why wouldn't they continue it up to what they are doing now to Taylor Creek to make it throughout the whole City?

Mr. Arias said he believes it has to do with budgetary problems.

Mayor Benton said they are going all those miles, they couldn't go another quarter of a mile? How many miles are they talking about? They are only talking about an extra quarter of a mile.

**Mr. Gilbert Soles**, District Safety Engineer, Florida Department of Transportation, said that stretch of road that the Mayor is talking about, he believes there is another project that is covering that

area there. If need be, he could look it up and get back to staff.

Mayor Benton said please check, because he knows they are working from Taylor Creek Bridge north, but he just sees that section between Seaway Drive and Taylor Creek Bridge, probably a quarter of a mile. He would hate to go all the way through Fort Pierce and leave out a quarter of a mile.

Mr. Soles said no problem, he can look into that.

Commissioner Alexander asked did he understand Mr. Arias say there is going to be some resurfacing?

Mr. Soles said yes. This project would include resurfacing the roadway.

Commissioner Alexander asked the entire project?

Mr. Soles said yes.

Commissioner Nelson said he has said at this Commission many times that he thinks the FDOT and St. Lucie County and Fort Pierce in general have a good relationship, a fine relationship as far as he is concerned. This project they are proposing over there, he thinks is going to be another fine project. Does Mr. Soles foresee anything that they might differ on this thing?

Mr. Soles said no. In four years they found 386 crashes and those are the ones they are trying to target to reduce the crashes, the serious injury crashes and fatalities. He believes there were seven or eight fatalities in four years through that stretch. So that is what they are trying to target.

Mr. Arias said he believes what Commissioner Nelson's question is, why do they have to concur? As a matter of protocol, FDOT would like to have concurrence from this Commission so they can go ahead with their blessings and continue with the project.

Commissioner Nelson said he will play the Pope and bless them.

Commissioner Coke said if they are looking for consensus, she for one would like to say she is so glad to see that project. She personally knows several people who have been injured in accidents that have occurred because for some reason everybody thinks that center lane is a driving lane. The sooner the better.

Mayor Benton asked does everybody agree it is a good idea? (The Commissioners agreed.) Everybody is in agreement, so let's move forward. Just make sure it is in next year's budget. How's that?

Mr. Soles said he is trying to put it in with the resurfacing project which he believes is a 2006-2007 project. He already has talked to the designers. They are going to include the entire project for him. Like everyone says, it is going to be a great project, it really is. It will provide an opportunity for beautification through the corridor, which is what they have right in front of the City Hall right now.

-----  
The next item on the Agenda was Mr. Elie Boudreaux, Director of Fort Pierce Utilities Authority, to present Resolution No. U.A. 2004-11, Revising and restating **Natural Gas Rates**; Resolution No. U.A. 2004-14, Fixing and establishing a revised **Electric Service Rate Schedule**; and Resolution No. U.A. 2004-15, **Amending Fiscal Year 2004 Capital Budget**.

Mr. Elie Boudreaux, Director of Fort Pierce Utilities Authority, said as always it is a privilege to appear before them. This evening he is here to request approval of the three resolutions as were just introduced. He thinks they probably are going to want to take them one at a time. What he will do is try to explain what they are doing here. Also with him this evening is Mr. Frank Varella, the Chief Financial Officer, who prepared these resolutions. Between the two of them, they will try to answer any detailed questions the Commissioners may have. The first one is Resolution No. U.A. 2004-11, Revising and Restating Natural Gas Rates. They should have in their packet a booklet. There is a strike through and underline section of this as well as a clean copy. Essentially they are doing a couple of things here. One is that they are increasing the first tier commodity rate from \$.845 to \$1.00. That is the only rate that they are increasing. They are also increasing the monthly customer charge by \$4.50 per month to all classes of customers. On Page 3 of the memo from Mr. Richards (dated August 5, 2004), they will see some other charges regarding hourly rates they are increasing. The reason they are doing this is the Gas Department has been losing money probably two out of the last three years or maybe three out of the last four years. They have taken many steps to try and stop that loss. They cannot afford to let any utility operate at a loss because they don't allow one utility to subsidize the others. That is the reason for these changes. It will not affect very much any of the commercial businesses because their rates for gas essentially will

stay the same. The lower rate of zero to 100 cubic feet is the only one that has changed. The others did not change. If they have any questions on this, he would be happy to try to answer.

Commissioner Alexander said he is trying to grasp what he is saying. Is he telling him that the commercial individuals will not have a rate increase, but the individuals living on a fixed income are going to get a flat rate, did he say?

Mr. Boudreaux said anyone that uses between zero and 100 cubic feet will have a rate increase from \$0.845 to \$1.00. Anyone who uses more than 100 cubic feet... 100 cubic feet is abbreviated ccf, so in the interest of eliminating confusion he will just say ccf. Anyone who uses more than 100 ccf will not see a rate change. In essence Commissioner Alexander is correct, because normally the zero to 100 ccf is residential customers.

Commissioner Alexander said he is reading here \$4.50 per month to customer service for all classes. That is a flat rate on top of what they are paying now, \$4.50?

Mr. Boudreaux said yes.

Commissioner Alexander asked what would the rate be for a month? Instead of \$5.50 per month now, it would be \$10.00 a month?

Mr. Boudreaux said yes.

Mayor Benton asked do they have an idea what an average household would use? He is not familiar with gas or gas bills. He has electric. He is just wondering what a normal single family home might be paying now for gas compared to what they might be paying if these rates go into effect. When they talk taxes, they always say what it is going to cost for somebody with a certain price home. So what would it cost an average user?

Mr. Frank Varella, Director of Corporate Services for the Fort Pierce Utilities Authority, said the average residential user uses about 18 or 19 ccf's a month. The existing rate is probably about \$26.00 or \$27.00. This would put them up, including the customer charge, to about \$35.00 or \$36.00.

Mayor Benton asked that is just for gas?

Mr. Varella said yes.

Commissioner Coke asked could they give her the logic behind raising residential rate rather than the commercial, which in essence they are doing because of the usage?

Mr. Boudreaux said essentially they are losing money on residential customers because they don't use enough to cover the overhead and administrative costs they incur with the system.

Commissioner Coke asked the larger customers are paying for themselves?

Mr. Boudreaux said yes, they use more gas.

Commissioner Nelson asked when was the last time they had a rate increase?

Mr. Boudreaux said he thinks it was 1996 for gas and for electric.

Commissioner Nelson asked in determining that they are losing and need an increase, was this determination made from in-house staff; or by any chance an independent source guided them in this?

Mr. Boudreaux said this was done by in-house staff.

Commissioner Nelson said he recalls having provided information when he talked about weatherization for their houses. He provided some data relative to other areas throughout the State. How does Fort Pierce compare to others? They have a small sampling in one of these documents he saw. But how do they generally compare with other utility companies as far as rates are concerned?

Mr. Boudreaux said other than the ones that are listed here, he really couldn't tell them.

Mr. Varella said there is a chart in his memorandum (dated August 25, 2004). It shows the current rates for: FPUA - \$28.90, NUI/City - \$36.54, City of Sunrise - \$34.55, Clearwater - \$37.37, and Teco/Peoples - \$34.92. That is pretty much it in a nutshell for utility customers or utility companies throughout the State.

Mr. Boudreaux said NUI is the company that serves Port St. Lucie.

Commissioner Nelson said he has talked in terms of the ability of the people, the general populous, to pay and the need for them to be rather sensitive in trying to generally reduce the energy cost

by on prior occasions asking the FPUA to possibly set aside some monies to assist in weatherization. Have they given any consideration of that?

Mr. Boudreaux said no. This is a request to increase revenue in the gas utility. That is what this is.

Commissioner Nelson said Mr. Boudreaux is looking at it from that perspective, but he is looking at it from the perspective of possibly giving a service to customers and looking at the pain they have with respect to trying to pay these things to make the FPUA more profitable. As he has alluded to on occasions, in business they play the deal of loss leaders. Some things they just bite the bullet until they get a better handle on things. At this day and age, at this particular time after two hurricanes, he can assure them he feels the pains of people who have to pay these bills. He wonders do they have to move on this action right now? Since they have borne this loss for the last two or three years, can they possibly defer this? How much have they been losing per year over the last couple of years?

Mr. Varella said if his memory serves him correctly, he thinks it is between \$100,000 to \$300,000 a year after all expenses and transfers.

Commissioner Nelson said \$100,000 to \$300,000, that is not peanuts.

Mr. Boudreaux said no. It is tough to make it up in volume.

Commissioner Nelson said they are trying to get more businesses in town. Give them gas. He commends them on one thing, the gas stayed on during the storm. He had hot water and he cooked.

Mayor Benton asked when people have gas, do they use this for heating and everything, the majority of them; or some just for cooking?

Mr. Boudreaux said most is minimal use for cooking and some just for heating. There is a rate for heat only customers, which they can see is a high customer charge because there is very little money in consumption there. But most people would use it for heating, heating water tanks, and in cooking. And some people, if they have a pool heater, sometimes it is a gas pool heater.

Mayor Benton asked do they have an idea what the ratio of electric

versus gas is? Because they are losing money, there must not be a lot of people percentage-wise in residential homes. Is it 90/10 or 80/20 maybe? Does he have any idea, residential electric versus gas?

Mr. Boudreaux said the gas system is much smaller than the electric system. They had about 4,600 gas customers, but it is less now after the hurricanes, as opposed to 25,000 or 26,000 electric customers.

City Manager Beach said if they would let the City Attorney spend a minute or so describing the process they are in here and the role of the City Commission in the mechanics of this, he thinks it may be helpful for the Commission to hear this.

Commissioner Alexander said before he makes that statement, he is just reading the material; and the thing that he looks at these materials because they are expected to do this from 5:00 Friday afternoon to Monday, and he is looking at a memo dated back to August 5, 2004. Obviously they had this material beforehand. What he is reading here it is saying a 50% markup is charged to all items except for hot water heaters and pool heaters. How do they determine who is using gas for hot water heaters and pool heaters?

Mr. Boudreaux said he is not understanding the question.

Commissioner Alexander said his question is, he is just reading items again. This stated the current 50% markup is charged to all items except for hot water heaters and pool heaters which are priced lower in response to market pressure.

Mr. Boudreaux said he thinks they are probably talking about parts. They do service repair in people's homes for the gas system. He thinks they are talking about items that need to be replaced, small parts.

Commissioner Alexander asked is this what he is speaking about, the \$45.00 or \$50.00 for the first half hour for repair?

Mr. Boudreaux said yes. It may not just be for repair, it may be for the installation as well.

Commissioner Alexander said that is in the service charge area.

Mr. Boudreaux said yes, it is the hourly rate that the service man

needs to get.

Commissioner Coke asked a minute or so ago Mr. Boudreaux said they have 4,600 residential gas customers?

Mr. Boudreaux said no, 4,600 total gas customers.

Commissioner Coke asked does he know what percentage is residential versus commercial?

Mr. Varella said they have 4,000 residential customers and 400 to 600 commercial customers.

Commissioner Coke said she does understand the concern everybody has that people are in a state of turmoil. And she understands the FPUA can't continue to lose money. Her thought was perhaps if the average consumption is only 30 ccf, they are looking at \$4.50 a month; and that maybe they could instead of increasing the \$4.50 a month across the board increase, if it had been a more proportionate balance, they could increase it a little bit more to the commercial customers and not increase it to the residential to try to alleviate some of that. But she sees that is not a viable solution to this problem.

Mr. Boudreaux said his recommendation at this point would be hear out Mr. Schwerer.

Assistant City Attorney Schwerer said the role of the City Commission in reference to the approval or disapproval of the rates for the Utilities Authority are set by charter. Section 176 of their Charter provides that the Utilities Authority shall fix the rates to be charged for gas, electricity, water, sanitary sewer, and other utility services sold and services rendered. Then what happens is, that change is submitted to this Commission for review. Within 30 days from the day it is submitted, which is today, if this Commission disapproves of the rates by a 4/5ths majority vote, the rates don't become effective. There is no approval necessary from the Commission, it is actually a vote of disapproval. If they don't disapprove, then the rates automatically become approved within 30 days. The time frame by these resolutions is also he thinks set... These resolutions were adopted late September and they want this effective in the October billing cycle, so it would technically less than 30 days that they would become effective. So the second action the Commission would have to do under the charter is to waive the 30 day period. It says, "The City Commission may

by majority vote waive the 30 day period for disapproval and approve the same by a majority vote." So in other words, if they wish to approve these rates tonight, they can do so and then they will become effective whatever date the Utilities Authority is proposing, less than 30 days. Their vote tonight really is on disapproval by 4/5ths vote of the rates. They are certainly allowed to ask any questions they want concerning these in their deliberations on whether they are going to vote to disapprove the rate changes.

Mayor Benton asked what about the 3/4ths? Commissioner Becht is not here.

Assistant City Attorney Schwerer said the Charter says 4/5ths.

Commissioner Coke said Mr. Schwerer is saying 4/5ths vote to disapprove. In other words, if they take no action it goes into effect. If they cannot do a 4/5ths vote this evening...

Assistant City Attorney Schwerer said yes, they can. They have four Commissioners here. It would take the unanimous four. In other words, if they can't get a 4/5ths vote tonight to disapprove, then these rates will automatically go into effect 30 days from today's date. And if they wish to approve the rates less than 30 days from now, they have to make a special motion according to the Charter in order to waive that 30 day period and approve them now so they can go into effect before the 30 days.

Commissioner Alexander said so whether they question what comes before them tonight really doesn't matter.

Assistant City Attorney Schwerer said unless they have a 4/5ths vote to disapprove. And it does matter because they have the right to do that by a 4/5ths vote. They have to take a vote to disapprove. If any of them feel they want to disapprove it, they certainly can take that action, but it takes 4/5ths to do it.

Commissioner Nelson said he looked at that portion of the Charter dealing with this and he was aware of what the City Attorney just said to them. Way back when this Charter was amended to incorporate the Utilities Authority, he thinks the intent of the Commission at the time was to take the politics out of this utility business. He thinks it says in there that the Commission should not interfere with the financial operations of the Utilities

Authority, but let them operate and do their thing. However, it did mention in there the 4/5ths vote requirement and it also mentions in there the fact that the Commission can vote out any rate increase proposed and that is basically their leverage for control of the Utilities Authority. He is not sure he agrees. He hasn't seen any empirical data relative to the loss of \$300,000 or so coming from this with a few gas customers out there. He feels the timing on this is wrong. He might be in the minority on it because of the 4/5ths requirement. But he would prefer they defer this because he will not support a rate increase at this time because of the need to sort of delay it a little further. And of course, he doesn't feel some of people at this juncture can afford it based on what they have just gone through and will be going through for the next year.

Mayor Benton asked did Mr. Boudreaux say it was 1996 since the rates have changed for gas?

Mr. Boudreaux said yes.

Mayor Benton asked how much have the costs to the U.A. for gas went up since 1996?

Mr. Boudreaux said it has gone up probably three to four times. But this does not include or address at all the PGA (Purchased Gas Adjustment) which is totally separate.

Mayor Benton asked that is added in regardless?

Mr. Boudreaux said yes, that is added in based on the fluctuating price of gas. But the rate itself includes the revenue that they need to operate administratively and operationally. So the essence, and he thinks he said this once before regarding the electric rates, is that they are still operating on the same income as they were in 1996 with the Gas Department. They have reduced the number of personnel in the Gas Department and it is not practical to reduce it any further. They have been doing everything they could to keep the rates down. But they have come to a point where it is either raise the rates or continue to lose money. They can't continue to lose money. So the only option there, if they can't continue to lose money, is to sell the Gas Department. They don't want to do that. He doesn't think the City would want them to do that. But they have an obligation to make it at least break even; and in terms of the Gas Department that is all they care about, because it is just a small department. But it is

a very valuable commodity in terms of it is an alternative to electric for a couple of reasons.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that the rate increase be deferred for one year.

Commissioner Coke said certainly gas is a commodity that they are providing for citizens. It is something that very few of them use, so it is not like they can ask the majority of people to pay for what a few of them are using. It is an optional feature that people have - whether it is to heat their pool, heat their home, heat their water heater. If they are not happy paying the higher rate, which is still going to be less than electric, they could always go back to electric. She thinks they owe the majority of their citizens who are not utilizing this gas the courtesy of not losing money and dipping into their pockets from the profitability of the regular Utilities Authority functions to subsidize the gas functions. So if the Utilities Authority feels this is what is necessary to bring this department to a break even point, she for one would not only support it, but would support moving forward and doing it prior to the 30 days necessary.

Commissioner Alexander said he has another comment along with that. They put out a product. People cook on gas. They have converted from electric to gas. Hot water heaters they have converted from electric to gas. It is easy to say, if they don't like it, go back to electricity. But he is looking at the amount they are talking about bumping this up. If it was half of that amount...

Commissioner Coke said her concern is, she cooks with electricity; so if they don't do this, in essence what they are doing is telling every citizen in this City that uses Fort Pierce utilities that they are taking money out of their pocket to subsidize the people who use gas.

Commissioner Alexander said it was a promotion in the beginning when they did have the gas and they brought it to the public to be used.

Commissioner Coke said she understands what he is saying and she certainly wouldn't want for somebody to have to change back. They are looking at \$4.50 a month.

Commissioner Alexander said \$4.50 per month more on top of what they are paying.

Commissioner Coke said right. But the other side of the coin is that she doesn't feel it is fair to take money from the majority of people to subsidize a very small percentage.

Commissioner Alexander said it is hard for him to fathom that the Fort Pierce Utilities Authority, if they say over the last five years it has been a loss of \$300,000, that they haven't said anything about this before today. That is \$150,000 for the last five years and they haven't heard any of this until tonight?

Commissioner Nelson said there is another out for them as far as the utilities. There is the option they could use propane gas. He used that for a long time too. He doesn't think they would be subsidizing that. The guy can buy it directly from the bottling company. They just have to be sensitive to what their people can bear here. And to keep piling on these costs and these taxes in perilous times like this, it is simply not good for them. This is a business firm, the U.A., that is supposedly operating at a profit, but for the people. And they can't say to him that they are operating for the people when they won't do things like assist them in trying to reduce their bills by weatherization efforts, setting aside certain monies. And of course, now they come back in the midst of all this and want to charge an increase for their gas. To him it smacks a bit of insensitivity, particularly at a time like this where they have had two hurricanes back to back within a matter of weeks. He says it over and over again, they have to be able to be sensitive to their people; and of course, don't put on them more than they can bear comfortably. There are many people out there now that are not comfortable. He is not sure they can afford to do this. Fortunately there are some governmental entities that are trying to roll back their rate increase for some of their citizens and here FPUA is trying to increase theirs. It is just bad business as far as he is concerned.

Assistant City Attorney Schwerer said if he understood the motion, it is a motion to defer any rate increase for one year. What was the motion?

City Clerk Steele said the rate increase be deferred for one year.

Assistant City Attorney Schwerer said he is trying to get clarification because that technically may not be a motion to disapprove. If it is a motion to disapprove, he thinks they need to state it on the record.

Commissioner Nelson said Mr. Schwerer is absolutely right.

Assistant City Attorney Schwerer said he has one further comment, just let him get this in the record. Let him read the Charter, "If any rate changes or changes in the formula by which the rates are determined are not approved by the City Commission, the City Commission shall state the reasons for said disapproval." So if they are going to make it a motion to disapprove, please just state their reasons, and then they can incorporate what he said. Make sure some reasons are on the record.

COMMISSIONER NELSON WITHDREW HIS MOTION. COMMISSIONER ALEXANDER WITHDREW HIS SECOND.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to disapprove the rate request due to the fact that he does not feel it is an appropriate time to make the increase and the citizens they serve can ill afford it at this time.

Commissioner Alexander asked does Mr. Schwerer agree that will suffice?

Assistant City Attorney Schwerer said yes, that is sufficient. That is a motion for disapproval and reasons have been stated.

Mayor Benton said wherever this goes, just so the public knows, this isn't something the Utilities Authority folks started on since the hurricanes came along. They were working on this since last winter when they had their budget and there was a concern there. To him, it is bad timing. It is unfortunate things are where they are with two hurricanes and a lot of people are hurting. But it had nothing to do with timing. It was an issue where the U.A. Board and the U.A. staff agreed something had to be done because they were losing money.

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

Mayor Benton asked what does that mean?

Assistant City Attorney Schwerer said that means that the disapproval did not pass because it required four votes. It was one short of 4/5ths.

Commissioner Nelson asked they could bring it back the next time for reconsideration with the fifth number here?

Assistant City Attorney Schwerer said no. Technically they can't do that because it has been submitted to them for approval tonight, so they need to take action on it tonight. What happens however is, in the absence of a motion to waive the 30 day period, the rates won't become effective for 30 days. He thinks the resolution says they wanted it effective in the first billing in October. That is not going to happen unless they waive that 30 day period. And he doesn't see that happening.

Commissioner Nelson asked they could waive that?

Assistant City Attorney Schwerer said they could waive the 30 day period, but they would be voting for the rate increase.

Mayor Benton said he doesn't think that is what Mr. Nelson's intentions are, he doesn't think he wants to do that.

Commissioner Nelson said he doesn't want the rate increase.

Assistant City Attorney Schwerer said he understands, but...

Mayor Benton said let's go to Resolution No. U.A. 2004-14.

Mr. Boudreaux said Resolution No. U.A. 2004-14, Fixing and Establishing a Revised Electric Service Rate Schedule, in essence adds a new rate for recreational vehicle parks. Heretofore they have not had a rate to accommodate recreational vehicle parks. A developer came to the U.A. and asked for certain things; and they told him they could not do it because it was not in their rate tab. The gentleman said FP&L does this for a couple of other RV parks. FPUA's attitude is they want to meet the needs of their customers, so they developed this new rate which is in addition to the other rates. This is for the new RV Park near I-95 and the Turnpike.

Commissioner Alexander asked why are they specifically requesting?

Mr. Boudreaux said it is very complex. It has to do with the metering inside the park. They wanted meters at each stand for each recreational vehicle as opposed to a master meter for the whole park. In the process of allowing them to have a meter for each R.V., the Utilities Authority would have to own and maintain the wiring within the park. That is not something they could

afford to do under the present tariffs because there was too much of it.

Commissioner Alexander said so the parks will be regulating the cost of the individual...

Mr. Boudreaux said they will be paying an overall higher cost than an average homeowner would.

Mayor Benton said most of these are just seasonal residents or temporary. It is not a permanent residence.

Mr. Boudreaux said they also changed some outdoor rental lighting rates and times they base the kilowatt usage on.

Mayor Benton said for clarification, by no means are they raising electric rates for their citizens, for the record.

Mr. Boudreaux said that is correct.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve Resolution No. U.A. 2004-14.

Commissioner Nelson asked does this also require a 4/5th vote?

Assistant City Attorney Schwerer asked is this a rate or service increase?

Mr. Boudreaux said it is a new rate.

Assistant City Attorney Schwerer said if it is a rate change, it is subject to the same rules.

Mr. Boudreaux said it is really not a rate change because there was none that existed before for this particular classification.

Assistant City Attorney Schwerer said if it is not a change. The Charter says, "The Authority shall fix the rates to be charged..." etc. If it is for fixing a charge for the rate for the gas, electricity, water, or sewer or any services rendered in connection therewith, then it would not be subject to the same rule. But if it is in this resolution a rate which is going to be charged and that is something that is specified, then it is going to be subject to the same rule. The FPUA has the authority to fix the rates and the Commissioners know what their power is.

Mayor Benton said they know they are dealing with specifically a new R.V. Park. They changed language just so they can address the needs of this park.

Mr. Boudreaux said they constructed a new rate that would be applicable to anyone that wanted to build an R.V. Park.

Commissioner Coke said this is not a trailer park. It is a recreational vehicle park.

Commissioner Alexander asked they have no existing R.V. Parks, none whatsoever?

Mr. Boudreaux said he doesn't know.

Commissioner Alexander said it wouldn't be new if they had one.

Mr. Boudreaux said what is new is the requirement that this developer laid on them; and that is, to have a meter at every pedestal.

Commissioner Alexander said okay. He just wanted to get clarity on that.

Mr. Boudreaux said there may be R.V. Parks that are master-metered, but he doesn't know.

Mayor Benton said this has nothing to do with existing trailer parks. This is just for Joel Wynne's new R.V. Park specifically which they approved a few months ago. (Conditional Use & Site Plan approved for Treasure Coast Motor Coach Resort on October 20, 2003.)

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

Assistant City Attorney Schwerer said that is a majority vote to approve and that would also be deemed a waiver of the 30 days. So the FPUA can affix those rates within any time under the resolution.

Mr. Boudreaux said one more item and that is Resolution No. U.A. 2004-15, Amending the Capital Budget of the Fort Pierce Utilities Authority for Fiscal Year October 1, 2003 through September 30, 2004. It is increasing the U.A. Capital Budget by \$5 million. The

reason they need to do this is because this is the only way they can pay for the storm repairs until they get some reimbursement from FEMA and/or the State. That of course is in process, but there is no telling how long it will take. They have bills coming in at a very rapid rate. As they may recall, Mr. Varella's initial estimate for the Hurricane Frances was \$9 million in restoration costs. Then he came up with an estimate for the restoration cost for Hurricane Jeanne of \$4.7 million. Hopefully both will be considerably less than that. If it is more, then they will be back to increase the Capital Budget and also be borrowing more money to pay for these.

Mayor Benton said that is just the cost of getting everybody's power put back on ASAP and quicker than FP&L.

Mr. Boudreaux said he is very pleased to tell the Commission they were able to get the power restored in something just under seven days after Hurricane Jeanne, because they did lose the whole system, again.

Mayor Benton said he agrees.

Commissioner Alexander asked they weren't as fortunate with the first one, were they?

Mr. Boudreaux said no, the circumstances were different. The first one, Hurricane Frances hammered them for a lot longer time, albeit the winds were slightly less. They had a lot of offending trees which caused widespread outages. The second storm, Hurricane Jeanne, although the winds were considerably stronger, it was a much shorter duration; and by that time most of the offending trees had been cleared away.

Commissioner Alexander said the reason he can bring this up at this time is because the community was very tolerable with what was going on. But he started getting these phone calls about these pink slips. He doesn't know what they are going to do about that or how serious that is, but there was a lot of the community out of work and have not been working.

Mr. Boudreaux said their normal revenue for the month of September is about \$6 million, what they normally take in on a normal September. They took in this September slightly over \$1.5 million. It is not possible for them to operate without the people paying their bills. It is just not possible. FPUA has been as

considerate as they possibly could as prudently as they thought possible to accommodate the needs of customers.

Commissioner Alexander said he just has to pass on to him what the public brings to him.

Mr. Boudreaux said he understands.

Commissioner Nelson said Mr. Boudreaux mentioned he was going out for \$5 million. He understands he is going to go for additional monies to cover Hurricane Jeanne also?

Mr. Boudreaux said they are probably going to have to. He knows \$5 million is not going to cover what they had from both storms.

Commissioner Nelson said they did a fine job in restoring the power. He take note that the crews were brought in from as far away as New Hampshire, for example.

Mr. Boudreaux said they are still here.

Commissioner Nelson said that is quite commendable. They need to continue to operate at a high level efficiency.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve Resolution No. U.A. 2004-15, Amending the Capital Budget of the FPUA for the Fiscal Year beginning October 1, 2003 and ending September 30, 2004.

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

Mayor Benton said he would ask that the U.A. would at least consider that if people make a partial payment, maybe through October, so they show good faith.

Mr. Boudreaux said they have advertised that people with special needs can come to Customer Service and try to work out something. They are very sympathetic to the needs of the community.

Mayor Benton said there was one storm, but now there are two. So hopefully a lot of people will be back on their feet in the next few weeks and maybe in a different line of work. There will be plenty of work out there. It just might not be in the citrus industry and a few others.

Mr. Boudreaux said plenty of work in the construction industry.

Mayor Benton said but hopefully they can work with people until they get back on their feet.

-----

The next item on the Agenda was Mr. Stanley Synkoski request reconsideration of his request for one year extension for approved Conditional Use & Site Plan for Single Family Home in Surfside Unit One. (1912 Surfside Drive)

**Ms Yvonne Dudley** said she is Vice President for Villadelta Homes Corporation, which is a residential contracting firm. They work here in the City of Fort Pierce on behalf of her client, Stan Synkoski. He called her about a week ago and notified her that he received a letter regarding his extension being denied for permitting. He asked that she come here and talk to the Commission and find out what the reasoning was, or show them information on all the work they have done proving that his intentions are to follow through and construct his personal residence on this property. She doesn't know if that is information that is available so she can better answer their questions or to show them what she has.

Mayor Benton said he can add just to start with, he talked with Mr. Synkoski. He thinks he got him mixed up with another person over there who was looking to build and who went through the process, but then put the property up for sale, he was selling the plans. In this case, Mr. Synkoski has changed his plans but he does have the intention of building his own home there.

Commissioner Nelson said as a point of order, he recalls this is a request for reconsideration. He doesn't think they have had a motion to reconsider.

Assistant City Attorney Schwerer said his recollection of the action taken by the Commission at the last meeting was because Mr. Synkoski did not appear and state good cause why he needed the extension, they were going to deny it at that time; but he believes they also directed staff to issue a letter to Mr. Synkoski explaining that he had until the deadline of October 6th that the site plan was expiring, and they asked staff to write him a letter stating that he had one more opportunity to come back before the Commission to give them the reason for good cause. So what they have before them is a situation where the code says that the Commission in its discretion for good cause shown can extend the

one year time for the site plan. So they need to question these representatives tonight and make sure they are satisfied that good cause has been shown.

Commissioner Nelson said he just thinks they ought to go ahead and give them the year's extension.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve a one year extension for an approved Conditional Use & Site Plan for Stanley Synkoski to construct a Single Family Home in Surfside Unit One.

Assistant City Attorney Schwerer asked are they asking for a one year extension?

Ms. Dudley said one year is standard and more than adequate.

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

-----

The next items on the Agenda were Requests for Waiver of interest, penalties, and fees for lot clearing and/or demolition liens.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the following:

(a) Request by Oswaldo D. Benitez to waive \$259.78 in interest against **1003 Georgia Avenue** upon payment of lot clearing liens in the amount of \$129.20 in 30 days.

(b) Request by Ruben D. Jaen to waive \$903.52 in interest, penalties, and fees against **305 South 32nd Street** upon payment of lot clearing liens in the amount of \$309.51 in six months.

(c) Request by Ruben Jaen to waive \$590.24 in interest, penalties, and fees against **3202 Citrus Avenue** upon payment of demolition liens in the amount of \$1,914.75 in six months.

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

-----

The next item on the Agenda was Request by Joachim Laurent that the Code Enforcement Board lien and administrative costs against **812 Atlantic Avenue** in the amount of \$15,271.00 be rescinded.

Mayor Benton asked what is the recommendation here?

City Manager Beach said the Special Master recommended that the lien and the administrative costs be waived.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that the Code Enforcement Board lien and administrative costs against 812 Atlantic Avenue in the amount of \$15,271.00 be rescinded.

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

-----

The next item on the Agenda was Request by Steven Zimmerman that the Code Enforcement Board lien in the amount of \$43,800 against **305 DeCordre Court** be rescinded upon payment of the administrative costs of \$662.74 in six months.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that the Code Enforcement Board lien of \$43,800 against 305 DeCordre Court be rescinded upon payment of the administrative costs of \$662.74 in six months.

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

-----

The next item on the Agenda was Submittal of Application(s) for Appointment to the **Police Officers Retirement Fund Board of Trustees.**

City Clerk Steele said they received a letter from Bruce Perry that he can no longer serve. She sent out a memorandum to the Commissioners, but never got any applications back. So if the Commissioners would think about that and see if they can find someone.

Mayor Benton asked is this usually a position held by a police officer?

City Clerk Steele said no. This is the Commission's person on that Board.

-----

Commissioner Coke said she just wants to commend every one of their Staff for the exceptional job they have done after **Hurricane Jeanne**. It is beyond her comprehension that they recovered as well as they did after the first storm and everybody stepped to the plate to do it again. They are all to be commended. Thank you.

-----

Commissioner Nelson said he has to come back to his old standby, **cleanups to the main corridors** to the schools. School reopened this past Monday. They still have a lot of debris along the corridors and en route to the schools. He thinks it portrays a very negative image for their kids who see that. It portrays a sour taste in their visitors coming from other areas of the County taking their kids to the schools. In some of their school areas, school signs are still down and trash still on the sidewalks to the schools. There are stop signs that are still down. In one case there is a pothole over on Avenue O and one on 29th Street; but he thinks those two instances have been taken care of. He would like to impress very much the idea that the image they portray or allow to be portrayed to the images of their youngsters sticks with them for a long time. They should not have to walk over trash and debris on their sidewalks. When people come from the other areas to their City and to their schools, they should not say that the school is good and all that, but the neighborhood looks so bad. He hates to be negative, but that is what is happening out there in this community now. They need to clean that up. He has a lot of feedback from people regarding this clean up and use of the contractors for clean up, that some of the people who live here and worked here are out of jobs and are not having access to the clean up contractor or getting the jobs necessary to earn a living for themselves. This is particularly true because he saw people coming from as far as indicated from South Carolina and other places with trucks and all to pick up trash. He poses the question, do they have provisions in their current contract to use local folks to help in this hauling effort?

City Manager Beach said he is not aware of a specific provision in the contract; however, he knows there have been deliberate steps taken by the contractor to try to incorporate local work force, but there is nothing that requires him to do that.

Commissioner Nelson asked is there anything they can do to facilitate some of these people who have vehicles and workers that might aid in getting rid of some of this trash? He understands their contract calls for at least three street sweeps. He just alluded to the fact that going to the routes to their schools,

there is still trash and debris. He personally witnessed one of the contractors, one of the team efforts, pick up trash and he thinks deliberately left some of the trash there so he could come back another time. Maybe they can switch their contract around or something and tweak it a little bit to allow some of the local people to go in and assist. He looked across the beach and trash is still piled up over there. Some of these areas are saturated. Let him back up a little bit. The plan he saw was drawn up in various zones and various teams and inspectors. It was truly an outstanding plan. But it did not have the flexibility in it, in his opinion, to utilize as much of the local work force they possibly could and it wasn't flexible enough to make sure those major corridors and those areas in and around the schools are cleaned up. And that is as they sit here tonight, these major corridors around the schools are not cleaned up and the sidewalks are still littered with debris. He wishes they could do something to modify that situation.

City Manager Beach said their intentions are to do that. He thinks the cleanup crews started working maybe six days ago. They had the hurricane on Sunday. On Monday he thinks they were trying to get back in. So they have been doing clean up work for possibly six or seven days. The amount of debris that is estimated is 650,000 cubic yards. What they have picked up through yesterday was about 150,000 cubic yards. So that gives them an idea of how much there is left to do. They aren't even 25% into the total yardage that has been estimated to be picked up. So clearly there are piles everywhere throughout the community. The time frame for removal is 60 days. So what they are suggesting to people is that they should anticipate this inconvenience and this problem for at a minimum the next 60 days. Again, they are six days into that process. So it is a very long recovery period and it is going to be a terrible inconvenience. The issue about who gets to do the hauling is something that is determined by their contractor, Ashbritt. Again, they have been receptive to input from the community. There have been people in the community that have approached them trying to get local haulers on board. One of the biggest controversies they had, had to do with the mechanics of loading and the mechanics of removal. The contest came between trucks and vehicles being loaded with equipment or trucks and vehicles being loaded by hand. Staff was advised rather emphatically - by not only their own consultants they employed to help them with this, but also FEMA representatives - that if they chose the path of hand-loaded trucks that they were not going to get an accurate accounting, they were not going to get the maximum

inside the vehicles that was necessary to get it over the scales. As an example, they are paying for this by the cubic yard. If they have a 20 cubic yard truck and they load that by hand, they are going to get a certain amount in it. If they load it by vehicle, they are going to get twice the amount in it, simply because of the compaction techniques and how they do it. All of this monitoring and all of this process that is underway is how to get the most accountable documentable load going to the landfill and to the places that they are having to count this stuff. To give an example, right now they are estimating that the cost of debris removal in Fort Pierce alone - this doesn't include St. Lucie County and unincorporated County - they are estimating in excess of \$12 million debris removal cost. That is largely paid for by FEMA. And FEMA has a number of monitors in the field right now looking at all the loads they can look at, either agreeing or disagreeing with the City's own monitors. The City has monitors on the ground looking at every truck that goes out and giving them a ticket that indicates how much they have. Once they reach the yard, there is another monitor in a tower that also calculates this. Of course, the reason this is so important is because so much money is involved in it. To further compound the problem, the way the community is split up into zones, he doesn't even know how many zones they have, he thinks there are nine areas. But within those areas they are split up as "a, b, c, d, e, and f", and inside those, specific crews are assigned. Once they get through with that, if there is another zone they can go to, they do; but if they clean up that zone, then they are out of work.

Commissioner Alexander said he doesn't mean to interrupt, but his concern is, he knows for a fact because he had a meeting with Mr. Beach and he was telling him about the local truckers that were parked while other parts of the City are still having an ongoing thing. He understands Mr. Beach is saying they have been working for six days. But he knows for a fact the local people have not been working those entire days and that is where his concerns are. Because he has driven over this City maybe 10 or 15 times since these hurricanes and he has seen trash right now on the beach. It is ridiculous for truckers to be parked in this local section and the beach is the mess that it is. Not only the beach, he has seen other areas of this City. He is not debating on whether the debris is being removed. Going back to these contracts, he thought they got this perfectly clear when they were speaking about the other contractors with the minority workers? Now they say they didn't have this incorporated in this contract, but he knows they spoke about it the last time when they were speaking about contractors.

He had a contractor come here and tell him they had 65% minority, but he hasn't seen that. And for them not to incorporate that when they have contractors coming from out of state. And all states are not like Florida. Some people do be considerate about minority peoples. And it is sad because he sees these things. And he was going to take Mr. Beach to a site, but something came up. Mr. Beach is telling him they gave this gentleman a contract, but his contract was \$10 million. Did he understand that?

City Manager Beach said his contract is on a per cubic yard basis. It is estimated to be a certain amount of cubic yards.

Commissioner Alexander said not in excess of \$10 million was it?

City Manager Beach said no. He doesn't know, there may be a limitation on it; however, it is a unit price. It is \$19.50 a cubic yard.

Commissioner Alexander said Mr. Beach just said \$12 million. He recalls their contract saying something about \$10 million.

Mayor Benton said he thinks that is what they were looking at the estimate being.

City Manager Beach said they originally estimated it at 500,000 cubic yards and then another hurricane came along so they added another 20% to it. Let him try to describe it this way, and if he is not successful at this, then they will need to involve somebody who knows more about it than he does. Right now they must have 15 or more trucking companies in here, 15 or more different trucking companies are working for Ashbritt. And each one of those 15 are assigned an area and they have their own individual areas and that is where they have to work, they can't leave their area and go into another area that has been assigned. One contractor that is assigned a certain area may bring in 20 trucks to complete his area. If he does, he is going to complete it in a very quick time frame. Another contractor may have 5 trucks and it is going to take him longer. So what is happening is, the guy with 20 trucks now wants to go in the area where they guy has 5 trucks, and that creates a conflict and a difference of opinion and so on. But Commissioner Alexander is absolutely right in terms of the fact that there are trucks sitting around - he has seen them himself - that are sitting idle; and the explanation he has received is those are the trucks that are in excess of what is necessary to clear the zone that particular contractor is working in. It would seem to

make sense to take those trucks and put them in an area that needs to be cleaned up; however, that creates all the conflict between the contractor and the various trucking companies he has working for him. That is about the extent of it that he can explain.

Commissioner Nelson said let him inject something here and he doesn't mean to interrupt. They have a situation wherein they have home rule, they have the interest of their citizens at heart, and they have the power to modify those contracts and use their good offices to persuade people to do things. Why can't they call that contractor in and say they have this problem and they want these people employed to work because they have these trucks sitting out there. Where can they incorporate using them in the scheme of things? Devise a way which they can use these people. Can they not do something like that?

City Manager Beach said let him ask this question. If they have 15 contractors and all 15 of them start with 8 trucks apiece. He thinks they all know how they get the trucks, they hire everybody that shows up. A contractor will hire everyone that shows up with a truck to pick up debris. If they all start out with 8 trucks, one contractor starts hiring 16 and then 20 trucks, and he has 20 trucks and he cleans up his area before the others clean up their area. How do they equitably distribute that? He doesn't have the answer to that.

Mayor Benton asked can he add a little bit to this conversation? Because he knows when Commissioner Nelson was talking about the beach, they were kind of late about getting started over there after the first storm. But when they started the second time, because there was so much damage there compared to the rest of the City, what they did was and a lot of the yards don't have a lot of room, like on Binney Drive for instance, they picked up everything on Thursday and Friday, and by Sunday it was packed again. He knows they originally talked about three pickups - one in two weeks and another in two weeks and another in 30 days. So he would hate to use those three pickups too soon. But now with another storm, are they looking at three more pick ups that FEMA might be paying for? What it is out there first is the yard debris, which FEMA covers. But then it is the furniture. Probably 80% of the homes out there were flooded. So then like in his case, he is waiting for the insurance adjuster to see his furniture, so it is sitting in his back yard and it is sitting somewhere until they see that. Then they are going to expect another... Unfortunately they can't keep it in the house until they get there. The point is, then they

are going to see another big jump on stuff being put out front by a lot of people. So it is going to be interesting.

City Manager Beach said let him answer that this way. They have a contract with a guy to remove all of this storm debris. The time period on that contract is 60 days and that contract may even be extended. The contractor gets paid by the cubic yard, so they want to be here as long as they can be here. People can't put enough stuff out there to make them unhappy.

Commissioner Alexander said he doesn't want to beat a dead horse; but the thing about it is, they need their City back to their liking and not a contractor. If he has sub-contractors out there that are not doing the job, then they need to go. They need somebody out there that wants to do the job. And he says that because he knows these local people. They have been back two or three times through that one area they have been in. Why should they go? And he is looking at a driver out there who has rakes and brooms sweeping up. If they come and get the debris out of his yard, sure he can rake up the leaves. But they are out there raking up leaves and using cardboard boxes scooping up the leaves. Again, they keep telling him that these individuals that make these contracts that they got two crews. If they don't have enough crews, then they need to go so someone can do their work. If it is going to take them six months to clean up the beach, he bet the beach people are going to be here filled up at the next meeting. Because he has been out there and it is sickening to see and talk to these people and they say this is from the first hurricane. That is sad. And they tell him they have sub-contractors out there that don't have enough crews so it will take them four weeks instead of one week. They need to revise what they are doing because they are not doing due diligence to the public. That is all he is saying.

Commissioner Nelson said his first pick up from the first hurricane was a couple of days ago.

Commissioner Coke said she hasn't had one.

Commissioner Nelson said there is an example there. He thinks if they put their minds to it, they can have that contract modified via talking with this contractor and telling him they want their City cleaned up as soon as possible and they want to utilize their local people as much as possible. Find a way to do it and let him do it. They chose to select this contractor over and above the

previous contractor with a drop of a hat almost. Of course, if he can't be amenable to some of their needs, then they can get another one. But he believes in this diplomatic approach. He believes if the human beings out there realize that they have a task to perform here, that of course he will make some adjustments to accommodate them. He would charge that staff look at it and try to devise a way to do it in concert with the contractor to Number One, get it cleaned up as fast as possible; and Number Two, to employ as many local people as possible. How they do it is all right with him. And Number Three, he wants to have those corridors - particular those going to and leading around those schools - on a priority basis. Those are things that, if it is necessary to put it in a formal motion, he will do that.

Commissioner Alexander asked do they need a consensus on that?

Mayor Benton said he would rather see a consensus because he thinks before they pick up along the corridor to the schools, he thinks they need to get it out of people's yards when it is piled 10 foot high. There are a lot of areas that have been picked up once or sometimes twice and some areas they haven't gotten it once yet. So he thinks their priorities are where the worst piles of this stuff is.

Commissioner Nelson said a main corridor, for example, just simply might be in the area like the Colonnades over there on Bayshore Drive.

Mayor Benton said the Colonnades has some issues of their own because they put drywall in the pile. That is something else they need to talk about, because they are going to be probably charged for their mess because they put building material, and building material can't go with the rest.

Commissioner Nelson asked with the yard debris?

Mayor Benton said right. They were told that. And building material should be placed in roll-offs. But that is another issue.

Commissioner Nelson asked can staff buy that? Can they get a consensus here to have staff move that way?

Mayor Benton said he has no problem trying to work with them to use more local people.

Commissioner Nelson said let's do that. They are God-fearing people here who want to do what is right and they want to keep their people employed and happy and clean up the City. That is their charge. They are not trying to make dispersion and make life uncomfortable for anybody, but these things are very important to them as a people and as a City. He begs that they do that with dispatch. And if they can give the Commission a report back of any modification via a letter or something in the next three or four days - how they are doing it, how they are implementing this.

City Manager Beach said he will do that.

-----

Commissioner Alexander said he has just a question concerning the **Special Master** and Code Enforcement. What have they done concerning that as far as having meetings with the Special Master, the hearings?

City Manager Beach asked who is he directing that question to?

Commissioner Alexander said he thinks to Mr. Beach.

City Manager Beach asked does anybody have a clue where they are with the Special Master? He is not understanding the question.

Commissioner Alexander said the whole City is in an uproar. So they need to get a chance to straighten up the City first.

City Manager Beach said he doesn't know that they are doing much of that these days.

Assistant City Attorney Schwerer said he hasn't had any updates from his office as to when those hearings are scheduled, but he assumes there is a period of certain leniency here relating to certain junk items and debris and building maintenance, if that is what the issues are. He is sure there are a number of them.

Commissioner Alexander said he is just speaking in general.

Commissioner Nelson said there have been items from the Special Master on the Agenda tonight.

Assistant City Attorney Schwerer said yes; but those were recommendations on the fines.

City Manager Beach said those are old. He thinks those were before

the hurricanes.

Assistant City Attorney Schwerer said those were pre-storms.

Mr. John Alcorn, Director of Building & Community Response, said their Code Enforcement people have been assigned to other duties related to these storms, such as determining which houses are unsafe and also those who are working without permits.

Commissioner Alexander said that is where his question was leading to, unsafe buildings. What are they doing with unsafe buildings? May it be rental, where are they placing these people? He doesn't mean to say it like that, but what are they doing? When they put an unsafe sign on a house, what does it do to the occupant?

Mr. Alcorn said it displaces the occupant.

Commissioner Alexander said there is nowhere to go.

Mr. Alcorn said Patti Tobin is working to the best of her ability very hard to find housing for the displaced people. They realize there may be 1,000 families in the City of Fort Pierce that are displaced. Some of those are seasonal. Some have mobile homes. They do have seven mobile home parks in the City. But they just cannot allow people to live in an unsafe house.

Commissioner Alexander said they are overwhelmed. But he just thought he would ask that question because there is a lot in this community that they need to be together on the same page per se, so individuals don't just think they are picking on them.

City Manager Beach said that is a growing concern; and City staff is working with St. Lucie County staff in trying to find answers to those questions.

Mayor Benton said just for the record, they have had several meetings starting weeks ago, but he thinks they really got serious about it last week when they expected housing to have been here already and it hasn't been. He did see it coming in on Sunday toward the airport. But to deal with the Housing Authority first anyway. He believes they were looking at a number at least starting with 2,500 housing units coming to St. Lucie County. He doesn't know how many of those would be for Fort Pierce. Maybe Ms. Tobin can let them know where they are today on this.

Ms. Patti Tobin, Director of Community Services, said they believe they have a need for about 2,500. They are still trying to verify that need. What she would like to say, and to the audience specifically, it is very important that everybody register with FEMA, whether they are insured or uninsured. If they don't register with FEMA and then fill out the paperwork that comes to them... It will come from the SBA, so a lot of people are throwing that away thinking that is not relevant to what is going on. Fill out that form and then they will figure out how FEMA can help them. Without filling out that form - and there are people to help them fill out that form at the Disaster Recovery Center at IRCC - they will get no assistance. So it is really important that they call FEMA; and they call twice, for the first event and for the second event. Also, the City will not be getting trailers. The trailers are going to be going to individuals that have been determined by FEMA to need them.

Commissioner Alexander asked how do they get this information out to the people?

Ms. Tobin said she has been trying. They have flyers out. She thinks they need to get on the radio. She thinks they need to take out an ad. FEMA says they go door to door. She doesn't know that, she has not seen that, but that is what she has been told.

Commissioner Coke said they went door to door in her neighborhood.

Ms. Tobin said but it is very important they spread the word. Her office can't do it in and of themselves. But people need to register with FEMA. It is important also for money to come back to their community, the number of people that do register. They have seen an increase in the registration for Hurricane Frances and they need to see an increase as a result of Hurricane Jeanne.

Commissioner Alexander said they may need to contact some churches.

Ms. Tobin said they sent flyers to churches. They hoped to have it on their agendas yesterday because they knew that was a big Sunday in parts of their community. So they did do that. Again, it is up to all of them to spread the word.

Commissioner Alexander said he just wants to say this. He is a City Official and he did not know that.

Ms. Tobin said she believes that.

Commissioner Alexander said it is a lack of communication.

Ms. Tobin said she apologizes for that. She should have been communicating a lot more.

Commissioner Alexander said it is not her fault. There should have been a full page ad in the newspaper telling each and every individual to contact FEMA regardless whether they have insurance or not.

Ms. Tobin said even the newspapers have not been that reliable these days, no disrespect. But they do need to get the word out and that takes word of mouth, and that is why she wants the audience to hear what she is saying as well.

Mayor Benton said it was tough because they have been trying to get this housing in here now for three weeks. They put some serious pressure on the folks in Washington.

-----

Commissioner Alexander said they had promised this community a meeting concerning the Fort Pierce **Utilities Authority** and the hurricane put that in dismay. They are asking the question, when are they going to have their meeting?

Mayor Benton said the power is back on for a lot of people, but they are still dealing with the emergency issues. But if this Commission would like to set a date.

Commissioner Alexander asked do they leave that up to Mr. Beach?

Commissioner Nelson said he concurs with that. He thinks they need to go ahead and set a date and get this back on the front burner. When he asked Mr. Boudreaux earlier tonight about it, he didn't even consider it in his rate proposal.

Mayor Benton said as they all know, they have their priorities right now.

City Manager Beach asked would within the next month be sufficient, during the month of October? (The Commissioners agreed.)

-----

Mayor Benton said he just wants to thank the City Staff for all their hard work. And he wants to thank the public. They have been through a lot in the last month. None of them in their wildest dreams could imagine two hurricanes back to back. He thinks they

came through it pretty well. There is going to be a lot of hardships in the future, but he thinks the people of Fort Pierce have come together pretty well. They have the power back on. So please, work with their neighbors and work with the City. This is going to be a trying time, but a year or two from now they will all be better off for it and there will be a lot of work. Thank you.

Commissioner Alexander said he just wants to say to the staff, he thinks they did an excellent job. He doesn't think anyone was sub-par in anything they did. He just wanted to add that.

-----

There being no further business, Mayor Benton declared the meeting adjourned at 9:00 p.m.

-----

Adjournment.

ATTEST:

---

CITY CLERK

---

MAYOR COMMISSIONER