

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 18, 2004.

Mayor Benton called the meeting to order.

Reverend Billie Davis, St. Mark Baptist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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

Letter from Sgt. John Huckestein, Miami-Dade Police Department, thanking the Fort Pierce Police Department for their generosity and professionalism, and Lt. Thomas Smith and Sgt. Alicia Rock for their service.

Letter from Nancy Dale thanking the Fort Pierce Police Department for their work, helpfulness, and kindness.

Letter from the Staff of the Florida Lions Camp thanking the Police Athletic League for their assistance.

Letter from Roy M. Whitehead, Fort Pierce Yacht Club, thanking Bob Hood, Deputy Director of Public Works, and Kyle Fatzinger, Tony Chite, and other Public Works staff for their help.

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 6c (Delaware Avenue Stormwater Improvements), 6d (Indian Hills Golf Course), and 6f (Purchase of Trucks) removed for discussion.

Commissioner Alexander said he would like Item 6g (Redevelopment of Downtown Marina Site) 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 Regular Meeting on September 20, 2004; and the Minutes of the Special Budget Meeting on September 27, 2004; and the Minutes of the Regular Meeting on October 4, 2004.

b. Approve upgrade to **AS/400** including installation of hardware, software, and accessories from IBM in the amount of \$45,000. Single Source

e. Approve the Fiscal Year 2004-05 Budget for the **Fort Pierce Redevelopment Agency** (CRA).

The next item considered was Item 6c, which had previously been removed from the Consent Agenda: Approve Final Change Order No. 1 to Contract with Dickerson Florida, Inc. for the Delaware Avenue Stormwater Improvements in the amount of \$97,906.19.

Commissioner Nelson said he wants to take a closer look at not necessarily the change order per se, but the CIP (Capital Improvement Projects) Addendum Sheet attached thereto. Specifically he is concerned about Line Item #34 for the pavement of 7th Street from Georgia Avenue to Orange Avenue. His question in that would be in the area of what happened to paving 7th Street from Georgia Avenue to Avenue D?

Mr. Hector Arias, City Engineer, said the section of 7th Street from Avenue C to Avenue D is already designed and completed, and it will be included. At the next Commission meeting he will bring a Change Order for 7th Street to complete Section One and request from the Commission to allow them to go for bid for the entire remainder of the project and that includes from Avenue C to Avenue D.

Commissioner Nelson said he has this one here going from Georgia Avenue to Orange Avenue.

Mr. Arias said he understands that, but that must be changed when they get this approved.

Commissioner Nelson asked what will be changed?

Mr. Arias said the CIP. The CIP shall read, "7th Street from Georgia Avenue to Avenue D".

Commissioner Nelson said to Avenue D, not Orange Avenue.

Mr. Arias said yes.

Commissioner Nelson said so that is going to be changed.

Mr. Arias said that is right.

Commissioner Nelson said good. The next one is in the area of Snake Ditch, Line Item #44. There are zeros in there.

Mr. Arias said when they made the CIP about ten or fifteen years ago, they make it based on certain reports without investigating the system further with TV, like the pipes and things like that. They found that the items they wanted to replace all the way down to Moore's Creek were not necessary to replace. Whatever is left is a portion between 10th Street and 9th Street that they can always repair. There are other critical areas that they can use this money and this is one of them. The other area they are trying to improve is 10th Street from Citrus Avenue to Orange Avenue which is another critical area. They also are going to use the money to improve the system, to replace the system south of Orange Avenue around Atlantic Avenue and Boston Avenue, which is the second critical area. As they know, he requested approval from the Commission and they granted it to fix the system on Beach Court and Easter Avenue, which is in the process of being started with construction. All these critical areas have to be completed before they go to these preventative measures. That is the reason for that.

Commissioner Nelson said what perks him up is that area. They paved Avenue F and Avenue G one way and they own the property there with Snake Ditch going from Avenue E to Avenue H, he believes. What he envisioned in that area, one where he wants to see the streets Avenue F and Avenue G made two-way streets somewhere in the future; but more than that, that area is dying for upgrade development. They need to do something to get some in-fill housing in there; and if they were to build an infrastructure in there, he thinks that would in fact facilitate that type of effort being put in there, somebody coming in and invest. But the way it is now with one way streets and narrow streets and that Snake Ditch the way it is, he doesn't think it is going to entice anybody to come in for development.

Mr. Arias said to answer that first question, if they can remember Avenue G and Avenue F, the right-of-way was very limited and they could not get additional right-of-way to make it two way. So when they address this area for future development, they will have to acquire property either by donation or by purchase. But that is the reason for the zero on Snake Ditch. It doesn't mean they are not going to do anything. It means that right now at this time they would like to move this money to other critical areas.

Commissioner Nelson said it is put on hold more or less.

Mr. Arias said yes, that is exactly right.

Commissioner Nelson said the next question he has in that area is there on the Pipe Video Survey and GIS Inventory, that Line Item #45. What he is concerned about there is they have several streets in there now that are sinking. He thought somewhere along they bought some of this equipment in the past. But he knows on Avenue B, for example, they have a real tremendous problem of sinking holes in the ground there. A street they recently did, Avenue O between 14th Street and 13th Street, he thinks they are still getting sinkholes. Is this equipment really doing them any good?

Mr. Arias said yes. What he is saying with surveys of the pipe, this is what he means. They like to go to these pipes and send the TV camera to see if they have any bad joints or cracks. Also, they are getting with the Utilities Authority to make sure that the sinkhole they have on Avenue O, for instance, is not only the drainage pipe, it could be a water line or it could be something else. But that sinkhole is being addressed very aggressively at this time.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve Final Change Order No. 1 to Contract with Dickerson Florida, Inc. for the Delaware Avenue Stormwater Improvements in the amount of \$97,906.19.

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

The next item considered was Item 6d, which had previously been removed from the Consent Agenda: Approve Blanket Purchase Orders for Fiscal Year 2004-05 for the **Indian Hills Golf Course** up to a total amount of \$115,000.00; contingent upon proprietary fund realizing budgeted revenues during said fiscal year.

Commissioner Nelson said this one caught his eye because of the note that was added in handwritten form down on the bottom there

talking about contingent upon receiving funds in 2004-05. Can someone please explain to him what are they talking about? Is this proprietary funds, pay as they go, they have the money now, they haven't got the money now, or are they betting on it to come?

Ms. Mary Beth Birsky, Golf Course Director, said this is a standard procedure that they use in the beginning of the fiscal year to put in the blanket purchase orders from companies they will be using throughout the year. This year is a little different because right now they aren't open for business; therefore, the money that is being asked for will only be spent as they need it and see fit. For example - chemicals, turf supplies, and those kinds of things. Right now with the devastation of the hurricanes and them being behind schedule, it is written that way because right now they don't have it. They have a fictitious budget to work with, but they don't have the revenues to back that up as of yet. They do have some money still left in their account from this past year that they are living on and they are also using some of the bond money to help pay wages until they can get back up and running.

Commissioner Nelson asked did she say something about some money left in an account?

Ms. Birsky said meaning because they are an enterprise fund and after talking with Mr. Bergalis, they still have some money they are operating on.

Acting City Manager Arias asked is the question to Ms. Birsky, is this item budgeted or not?

Ms. Birsky said yes. All of these are budgeted items according to their budget for this year. But where they are different is that they don't have, like other departments have budgets where the money is there, the Golf Course doesn't have the money there until they are open and self-supporting.

Commissioner Nelson said if they lock on his phrase "Betting on it to come", they are not operating now as they normally would and they are not making the revenues they normally expect to make. She anticipates and expects to make these revenues; and if she realizes these revenues, she is going to go out and buy these services or goods she is asking for. Is that right?

Ms. Birsky said yes. There are certain things they have to have in order to operate and keep the grass green, but they will not be spending... This is built on whether they are going to be open the whole fiscal year. Some of these numbers they may not even come close to even spending because they are not open for business yet.

Commissioner Nelson said he is not worried about their spending it, he is worried about their getting it. He figures it would be easy to spend. If they get the funds, then they will purchase or get services or do what is necessary that she is trying to do here.

Ms. Birsky said correct.

Commissioner Nelson said she won't be coming to another source saying she needs some more money for the Golf Course because she didn't get the revenues. That is not going to happen, right? If she doesn't get what she is projecting to get, then she is not going to get any more money. She is not going to ask for any more money, right?

Ms. Birsky said she can't answer that today.

Mayor Benton said he doesn't think they could just quit doing business over there. He thinks what it is, it is just what account it is coming from.

Acting City Manager Arias said he believes they are going through a bad time now. But they need to have these items to keep her going; because if they don't have these things in place, then they will never progress. They are building a Golf Course. She needs to have all these things done. They are confident the Golf Course is going to be a success and the money will be coming. But they need to continue working on this.

Commissioner Nelson said he is looking at this as a business enterprise; and when they go through a business enterprise, they have a marketing plan, they have strategy, they are going to figure how they are going to get the money. They buy so many goods and they expect to sell so many goods, and make some profit. That is where he is coming from.

Mayor Benton said it is like the chemicals, they can't very well get a golf course up and running if they don't fertilize it and keep the bugs out. They have to make a product first. That is what some of this stuff is designed to do.

Commissioner Becht asked do they have a new time line?

Ms. Birsky said yes, definitely.

Commissioner Becht asked what is the new time line? How many days are they behind the old time plan?

Ms. Birsky said because of not just one hurricane but two, it set them back significantly. They are due to start planting grass tomorrow, which means that they have 8 to 12 weeks from that point to be able to open. Because they missed the whole summer season of growing, it is going to take longer for the grass to grow in. Hopefully, if the weather cooperates, they will be up and running by mid-January.

Commissioner Becht said they all hope for that. But she is saying then maybe as much as 12 weeks behind the old schedule?

Ms. Birsky said correct.

Commissioner Coke said it is her understand what she is looking for here is the approval to spend these funds as it becomes necessary in anticipation of it opening. And some of them will be spent after they are open, hopefully in 8 weeks. It is not that she is going to run out and spend this blanket purchase order down to zero and then come back and say she needs more. This is in anticipation, it is just the right time of the year to be approving those purchase orders.

Ms. Birsky said correct.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Blanket Purchase Orders for Fiscal Year 2004-05 for the Indian Hills Golf Course up to a total amount of \$115,000.00, contingent upon proprietary fund realizing budgeted revenues during said fiscal year.

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

The next item considered was Item 6f, which had previously been removed from the Consent Agenda: Authorize piggyback Florida Sheriff's Association Contract to purchase one 2005 Ford Short Bed Pick-Up Truck from Mike Davidson Ford and two 2005 Ford Ranger Pick-Up Trucks from Don Reid Ford, for the Building & Community Response Department in the total amount of \$36,164.00. Bid No. 5472

Mayor Benton said Commissioner Nelson should like this one because they are buying cheap trucks.

Commissioner Nelson said he likes that kind. It caught his eye because of the Ford Short Bed 2005 F-152, a new type of truck coming on line. Is that the right truck, F-152?

Mr. John Alcorn, Director of Building & Community Response Department, said yes, that is right.

Commissioner Nelson asked why do they have to have that type of truck as opposed to the standard F-150? And why aren't all three of these they are buying the same?

Mr. Alcorn said to save money. That was the only reason. The others were more expensive. These were the least expensive they could get.

Commissioner Nelson said the F-152 is \$14,680.00. The F-150 is \$10,742.00 each.

Mr. Alcorn said yes. The reason is, the others are not available for 90 days and they need one immediately. That was the least expensive they could get under the Sheriff's bid on a short term basis. That was why.

Commissioner Nelson said Mr. Alcorn mentioned in his justification that they transferred a vehicle to Community Service some time ago. They didn't buy one and replace it?

Mr. Alcorn said that was done a year or so ago. There was never one purchased to replace that, correct. There was also one that was totaled earlier in the year. And they are short one. So this would take care of the three.

Commissioner Nelson asked how many vehicles does he have now? This is three. And he is short so many people. Do they have a vehicle for every person? Or what is going on down there?

Mr. Alcorn said for every person who is on the road, yes.

Commissioner Nelson asked that makes a total of how many?

Mr. Alcorn said ten, counting Code Enforcement and the Building Department. It is five and five.

Commissioner Nelson said but he is only talking about one new hire in his memo.

Mr. Alcorn said that is correct. That is all that was budgeted.

Commissioner Coke asked this is a non-budgeted item?

Mr. Alcorn said it has been transferred from one of the other items. That was done through Purchasing and Finance.

Commissioner Coke asked so they are not looking to increase the budget amount, they are just transferring from one account to another?

Mr. Alcorn said just transferring it, yes.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve piggyback Florida Sheriff's Association Contract to purchase one 2005 Ford Short Bed Pick-Up Truck from Mike Davidson Ford and two 2005 Ford Ranger Pick-Up Trucks from Don Reid Ford, for the Building & Community Response Department in the total amount of \$36,164.00.

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

The next item considered was Item 6g, which had previously been removed from the Consent Agenda: Authorize Staff to begin negotiations of a Contract with Catalfumo Construction & Development, Inc. for **Redevelopment of Downtown Marina Site**. RFP No. 5413

Commissioner Alexander said maybe he is a little confused concerning this. It is asking the Commission to give them permission to go on with the contract, right?

Acting City Manager Arias said no. The only thing that has been asked is to authorize staff to negotiate a contract. They don't have a contract. They are going to have to negotiate with these people first.

Commissioner Alexander asked have they all collectively agreed on who is going to do that Marina Square?

Mayor Benton said he thinks this was their first choice.

Commissioner Coke said Catalfumo was the only responsive bid.

Commissioner Alexander asked why is he looking at a second individual?

Mayor Benton said they didn't put the bond up that was required. Is this true?

Acting City Manager Arias said that is what he understands.

Commissioner Alexander said he thought they had a question at a Commission meeting before whether they were going to go... Didn't they have a question about this Downtown Marina Site with the contractors? Did they resolve that with the contractors, where they were supposed to do what?

Mr. Tony Barnes, Director of Purchasing, said they presented proposals and staff reviewed the proposals. Item N in the specifications said the proposer must submit with his proposal a bid bond from an acceptable surety or a cash sum represented by a cashier's check in the favor of the CRA in the amount of \$25,000;

and it says that this will be returned to the proposer in 120 days. In the review in the Purchasing Department, they went through both proposals. And since IMC Communities did not tender a bid bond, they considered that bid to be unresponsive. They based that basically on what is in the specifications, that is what they have to go by. In sending out the proposals to the City Manager and Staff, they had to make everyone aware that part of the proposal commitment was not there.

Commissioner Alexander said the question that came up with him is, any contractor that is coming before the City of Fort Pierce, he does have a problem with no one mentioning about the minority work force. They have a drug-free work force. When he speaks of minority, women/female, they have a minority on this Commission. So it is not always a black and white issue. He just wants to make sure any contracts that go out, they have to have something in writing that they are going to utilize.

Mr. Barnes said he thinks that was not included. But as part of the negotiations, if this Commission so desires, they can do that.

Commissioner Coke said under Tab #2 (of the proposal from Catalfumo) it says a Development and a Pre-Construction Team will conduct seminars to solicit minority firms and assist them with the bidding process.

Mayor Benton said there are a couple of folks from Catalfumo here and he has spoke to them personally about this issue and they assured him. But if they would like to hear from them...

Commissioner Alexander said no, he just wanted to make sure not only himself, but all of them, have a conscience about the work-force in the City of Fort Pierce and know that individuals from this community are able to strive right along with other outside help. It is a serious concern of his; and if it is not addressed, they are going to wonder why he is negative about it, because he is.

Mayor Benton said he spoke to them personally about it, using local help and minority, and just make sure they have local people.

Commissioner Coke said she is going to support this and she will make a motion to that effect, but she would like to state a few things that she discussed with the gentleman from Catalfumo so it will be on the record. The number one thing she had discussed (Special Meetings May 12 & 13, 2004), when they made their presentation they discussed hiring local people and a large percentage of local people, and there is no percentage in here, and she thinks they ought to consider that. They also discussed utilization of a local bank and they don't have a mention of that in here. Under Tab 13 (of Catalfumo's proposal) there is a statement about not seeking ad valorem tax exempt status from St. Lucie County. It is her understanding from discussing it with the gentleman that they will also not be seeking ad valorem tax breaks from the City of Fort Pierce, nor will they be seeking CRA money; but she thinks they need to have those things clarified during negotiations. She just had a little concern only because she doesn't want to open a can of worms other places in life. It is her understanding in talking with Mr. Trias and the City Manager that they don't have the zoning that is considered Condo/Hotel. She thinks they will need to have some form of clarification on exactly what that is. And if it is some new zoning they are

creating, they will need to be very specific about where it can be utilized and what the density on that can be.

Mayor Benton asked would that be under Planned Unit Redevelopment?

Mr. Ramon Trias, Director of Development, said yes. It will be a Planned Unit Redevelopment. To address their concerns, the request tonight is simply to start the process of negotiation. They did submit a detailed proposal, but that was just a starting point.

Commissioner Coke said she understood the request; but she just thought before staff negotiated and then have it come back and they didn't put this in, she would voice her two cents there and tell them what she would like to see in it up front.

Mr. Trias said there are some substantial design issues he needs to address with them at some point. It has to do with the number of parking spaces and some issues that would need to be negotiated with more clarity. But he thinks the request is to simply start that process at this point.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to authorize Staff to begin negotiation of a Contract with Catalfumo Construction & Development, Inc. for Redevelopment of Downtown Marina Site.

Mr. Barnes said he thinks the other proposer is also in the audience, the gentleman from IMC Communities. They had a discussion on the phone this afternoon. He doesn't know if he wants to say anything or if it is too late for him to.

Mayor Benton said he doesn't know that this is open to public discussion. This is the Consent Agenda. Does anybody want to hear from them?

Commissioner Nelson asked are they going to have a presentation?

Mayor Benton said no. They already had presentations.

Commissioner Nelson said he didn't get the issue.

Mr. Barnes said he had a discussion and he told IMC about what the Commissioners were doing tonight. He doesn't know if he wants to say anything or if he can say anything or anything like that. He just wanted to make it known that he was here.

Commissioner Nelson said let him horn in a bit about that minority hiring thing and the bank issue. He thinks the Bank Atlantic is throughout Florida and they have offices here in Fort Pierce, is that right? Is that branch in the Fort Pierce area?

Commissioner Alexander said he thinks he has seen one.

Mr. Barnes said it is on Virginia Avenue and 25th Street.

Assistant City Attorney Schwerer said anything that the Commission wants to have included in the agreement, if they will state that tonight. Staff will be negotiating this contract and they will include that. If that bank is not currently here, they will certainly make them respond to the Commission if they want them to have a local bank.

Commissioner Nelson said he thinks they need to look into the possibility of utilizing the local folks. If they would loan that kind of money, they are talking about \$40 million or \$50 million here. That going to bonding and all that kind of stuff. Harbor Federal Bank and Riverside Bank and First National Bank, all those guys in town, if they are willing to deal with those people, it would be a great benefit to all of them. If they could ask the developer to at least establish a dialogue with these people, he thinks it would be helpful. He wouldn't want to hang his hat on it as far as making this something as a do or die. The other area that Commissioner Alexander was alluding to is this minority hiring. They certainly appreciate the comments made under Tab 3 regarding trying to hire local people and minorities. They have to be rather succinct as of today's world. If they are talking about hiring minorities, they have a whole category there; and a lot of people are trying in fact to circumvent that by hiring women, Hispanics, and others. If they want them to hire blacks, they have to say let's make sure they hire a certain percentage of blacks. Just say it outright, don't be shy. Because these two hurricanes they had here put a lot of people out of work; and where they can get these people back to work, they would be doing everybody a great service. Something this nature coming along should in fact contribute to that effort to reduce unemployment. So in negotiating a contract with these people if they can say something along those lines and get some assurance that this will take place, be specific and let's go with it.

Commissioner Coke said she would just like to caution this Commission because she really doesn't think that it would be in their best interest to be as specific as Commissioner Nelson would like them to be. Certainly there are many minorities that are out of work and in trouble, and she is not talking about just women. But if he wants them to specify just one minority, then she thinks they are going to open up a big can of worms.

Mayor Benton said he doesn't think they can do that legally. And also, he thinks when these people finally get up and start working here, there is going to be so much work, which there already has been in the construction business, there shouldn't be an unemployed person in this County. They are probably bringing them from all over the Country to work here to rebuild Florida.

Commissioner Nelson said what is going on in this world today, they go out and see any construction job going on throughout the State of Florida and a lot of places outside the State, they see people that are not black people working on those jobs. That is causing a whole lot of problems to a lot of people. Somehow or another they have to reach down in their conscience and do something very straightforward about that. It parallels his thought and philosophy regarding the World Changers type operation. Bringing people outside of the State and the City to come here when they have people right in town capable of doing the job with their own kids and everything. They have to develop their skills. Part of their leadership responsibility is that of educating and developing their work force and that includes the preponderance of the people who are here who need work. Whether or not it meets the legal muster and challenge, they will let the lawyers work that out, they pay them a lot of money for that.

Commissioner Alexander said just to add to that, that is why he wanted to put it back into the hands of the legal team so he doesn't ever have to question what he meant by minority. It is not

a black and white issue. Minority is minority. And that is what they need to make sure.

Commissioner Nelson said if that be the case, he can guarantee if he goes out to any construction job, he can see minorities from Guatemala.

Mayor Benton said let's just say legal minorities and then they will eliminate some of what Mr. Nelson is talking about. Make sure they have their card.

Assistant City Attorney Schwerer said they don't need to debate this issue. This is covered by Federal and State guidelines. And they are required to adopt and to encourage these type of policies in any type of contracts they are using.

Commissioner Alexander said it is not a fact whether he wants to debate it. Again, if any contracts are coming through the City of Fort Pierce, it is going to be a must. It is not going to be a debatable item.

Assistant City Attorney Schwerer said he didn't mean that. He meant they don't need to debate what is or isn't a minority or how to do that. He is sorry, he meant to say that. That is all a matter of guidelines. Mr. Barnes has an extensive set of guidelines that he follows and they all make sure they are crossing every "t" and dotting every "i".

Mayor Benton said they feel confident Mr. Barnes is going to take care of that.

Commissioner Coke said she calls the question.

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

The next item on the Agenda was 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. (Public Hearing held August 2, 2004 - Action on Application POSTPONED to September 7, 2004. Postponed from September 7, 2004 due to Hurricane Frances, Postponed from September 20, 2004. Postponed from October 4, 2004.)

City Clerk Steele said the Public Hearing was actually held on August 2, 2004 and this item has been postponed several times for various reasons.

Mayor Benton said he thinks there were questions of this Commission to Staff and the Developers, so maybe they can straighten this out tonight.

Mr. Kenneth Natoli, Houston Cuzzo Group, Inc., said he hopes so. He doesn't want to take any more of their time. He believes hopefully in their last packet they have the latest submittals. He was finally able to get a hold of Mike Powley, County Engineer. Their original inquiries over there, they were told that Edwards Road was not needed to be improved. But he got with Mr. Powley and they talked about the potential right-of-way. They have that

additional right-of-way shown on Edwards Road. They have a letter from Randy Stevenson (Interim Growth Management Director of St. Lucie County) that also acknowledges that. The County also asked for a "corner clip" on the intersection of Edwards Road and Jenkins Road, a 50 foot triangle on both sides, they accommodated that. So they have the additional right-of-way on Edwards Road, the "corner clip" additional right-of-way. And also in dealing with the County for the potential greenways back there, they are going to dedicate six acres. It is stated right on the plan that they will dedicate six acres of greenway preserve along the canal. And when the County actually starts doing greenways, hopefully there will be a greenway construction there; but they gave them the directions so they know exactly what they need to do during the plat process to dedicate that. The County said either dedicate it or grant an easement, but preferred dedicated, so they are going to dedicate it. They have that in motion. They have also talked about, in the meantime the City Engineer has asked for turn lanes along Edwards Road. They also provided those. They will see those on the site plan too. Those were the outstanding issues. They had a little trouble getting through to the County on a couple of occasions with a couple of hurricanes, but they finally got through to them, got the letters that hopefully will give the Commissioners some assurance of what they are doing. Other than that, he is here to answer any other questions they might have.

Commissioner Becht said first he would like to thank him for working with all the various departments he has worked with. He apologizes for not being available, but he has minority women tell him who he could call and who he couldn't call in the last two weeks. He has two site plan drawings in here. One of them shows a "clip" and one of them does not show the "clip" on the corner. They have agreed that they would do what the County asked in regards to the "clip"?

Mr. Natoli said absolutely. The latest drawing he has should have the "clip" in there because they put it on. That was the last thing they put on. They got it in last Thursday.

Commissioner Becht said regardless of what anyone may think, they have a much better project as far as the community is concerned. He appreciates his working with the County, with the City, with the road departments, with the green areas they are going to get. For clarification, they are talking about 220 units. Is that what it is?

Mr. Natoli said that is correct. They corrected their application for the site plan. There was a typo on the original application, but they corrected that several submissions ago. Hopefully that is clear with everybody, 220 units. That is what they originally had meant.

Mr. Hector Arias, City Engineer, said the improvements on Edwards Road, he really appreciates that they are complying with what was requested. Will they have to get a permit from the County to install those things on Edwards Road? Because that is a County road. Was he told they had to get a permit from the County?

Mr. Natoli said he has with him tonight John Donahue with LBFH, Inc. Yes, they do. They will have to get a permit from the County to install those improvements.

Mr. Arias said he noticed also that it said 200 units multifamily.

Is he saying 220 units?

Mr. Natoli said yes, 220 units. Originally the application had a typo in it. It was always 220 units on the site plan. About two submittals ago they went ahead and corrected that on the application. So in their package they have 220 on the application and the site plan. They both coincide right now.

Mayor Benton asked what was Staff's recommendation?

Mr. Ramon Trias, Director of Development, said Staff recommends approval.

Commissioner Nelson said he just has to echo what Commissioner Becht mentioned with regards to coming up with a better program and coordinate with the County. That type of cooperation he thinks benefits everybody.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the Site Plan submitted by Twenty Six Associates, LLC, for construction of a 220-unit multifamily housing development to be known as Mariner Cove at the southeast corner of Edwards Road & Jenkins Road.

Assistant City Attorney Schwerer asked these additional developer concessions - the additional right-of-way, the greenway dedication, and everything - is that sufficiently covered in the documentation that has been filed so that the Commission wouldn't have to make the approval conditioned upon that?

Mayor Benton asked should it be a condition?

Mr. Trias said conditional on the latest revision of the site plan which includes all the different things.

Commissioner Nelson said that is contained in the site plan.

Assistant City Attorney Schwerer said he is asking if it is. He is making sure that it is all covered.

Mr. Trias said yes, so maybe they want to mention it be conditioned on the latest revision of the site plan.

Motion was amended by Commissioner Nelson, seconded by Commissioner Alexander, to approve the latest revised Site Plan submitted by Twenty Six Associates, LLC, for construction of a 220-unit multifamily housing development to be known as Mariner Cove at the southeast corner of Edwards Road & Jenkins Road, and that approval is conditioned upon comments made by the petitioner which include additional right-of-way dedication, the greenway dedication, and a "corner clip".

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

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 second and final 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.

Mayor Benton said he knows they approved one over there on North Beach Causeway there next to the Hess Station (Reference to: Lighthouse Mini Storage approved July 19, 2004). They already approved that site plan. That won't stop this, will it?

Mr. Trias said the intent is that approved site plans are already approved and staff will process the building permits as submitted.

Mayor Benton said okay, he just wanted to check because the applicant had been in his office and asked; and he knew they approved it, but he didn't know whether they got a permit yet.

Mr. Trias said St. Lucie Outboard Marine he thinks is the other one that would apply in this case.

Commissioner Nelson asked how long could this moratorium last?

Assistant City Attorney Schwerer said it is stated six months unless otherwise extended by further ordinance of this Commission.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-293 be passed on second and final reading.

Commissioner Becht said he is bothered by the answer to the last question, because if the storage facility is exempted from this - and without meaning to be particular, but being particular - why then would not the boat storage facility be exempt from this?

Mr. Trias asked which boat storage facility is he thinking about?

Commissioner Becht said the one that fell down on the old Ramp Raw Bar Restaurant. (Reference to: Site Plan for M&M Properties at 125 Fisherman's Wharf.)

Mayor Benton said that site plan was never approved. They built something that was illegal.

Commissioner Becht said somebody approved a metal building at that site.

Mr. Trias said he understands the question. If they were to follow the approved site plan, could they get a building permit? Is that the question?

Commissioner Becht said that is the question.

Mr. Trias said clearly he sees a distinction between the two in the sense that those two projects - St. Lucie Outboard Marine and the storage facility - included a lot of additional aesthetic improvements to the buildings beyond the basic metal building. Architecturally they are really different from that point of view and that is the way he sees them.

Commissioner Becht said let him direct it then to Mr. Schwerer,

because he is having a hard time seeing a difference between the storage facility by the South Bridge for boats and the storage facility on the way to North Beach.

Assistant City Attorney Schwerer said he has not studied that file in a while, but he believes that site plan is not effective any longer, at least with respect to the construction that was there. A demolition permit was applied for and issued, if he is not mistaken.

Mr. John Alcorn, Director of Building & Community Response, said that is correct.

Assistant City Attorney Schwerer said there was a Stop Work Order and a Cease & Desist Order that was never appealed. Is that also correct?

Mr. Alcorn said that is correct.

Assistant City Attorney Schwerer said technically that site plan at best is in limbo. If the gentleman wanted to come back in and attempt to reactivate it, then he believes it is going to be looked at in a different light than these that are already in the hopper that are approved with the plans already in, while they are doing this moratorium. That site plan is officially not being acted on at this point in time. So if that gentleman wanted to rely in any respect on it, he would have to come back with the required plans and specifications and everything for what he was going to build. They don't have building permits and plans in their office right now. They have a site plan for a building. Understand, there are two different things. There is a site plan that approves a large building.

Commissioner Becht said there are two of them. He is asking him to distinguish the two.

Assistant City Attorney Schwerer said but the manner and method of construction is not approved. In other words, there is no building permit and no application, and there is no architectural drawings or plans before them on the boat storage facility that one can rely upon as being under the wire here for this moratorium.

Commissioner Becht said nor is there one, as he understands, for the storage facility going to North Beach.

Assistant City Attorney Schwerer said he can't answer that question. He was under the impression that they already had applied for the necessary permits for that project.

Commissioner Becht said he is trying to find out how they are distinguishing the two, because somebody brought the issue up. And he doesn't know that they are indistinguishable.

Assistant City Attorney Schwerer said he can't answer that one. He knows there are site plans, and then there are applications for the particular type of building construction and what it is going to consist of. Those are two separate issues.

Mr. Trias said the distinction from the point of view of the ultimate intent of this moratorium, which deals with enhancing the design guidelines, the intent is architectural more than anything else. What they had done in the past is try to improvise those

guidelines as they went along by improving the design of the projects. For example, with St. Lucie Outboard Marine, there were porches that were attached to the front of the building in order for the buildings to be more in compliance or consistent with the neighborhood. Those porches are not made of metal. There is also masonry bases in some of the buildings for the storage facility, etc. How do they regulate all that is complex. And clearly they have to do the design guidelines. At this point all they are trying to do is deal with the most immediate problem, which is the fact that they do not think they need to get more boat storage facilities that are purely metal buildings, and that is the recommendation of staff. However, the ultimate guidelines are not there yet.

Commissioner Becht said he thinks the answer to his question is that the facility going to North Beach may be impacted by this moratorium.

Mr. Trias said if the Commission feels strongly about that and they would prefer that it would, staff could also look at that and review it further.

Commissioner Becht said he is sorry, but he thinks he would rather throw that one out with the bath water, as they say, and fix it in six months, than to allow a loophole for the four story disaster that was built that crumbled as they all suspected it would. And they haven't heard the end of that. What he is asking is, please review that with legal before anybody starts issuing permits on metal buildings thinking they are... They don't want to create an exception is all he is saying.

Mr. Trias said he understands, yes.

Commissioner Alexander asked what is before them tonight, are they going to take in consideration what Commissioner Becht said?

Commissioner Coke said it is her understanding that if someone already was permitted and ready to go when they put this moratorium into effect, certainly they can't take back what they have already done. But someone who has not as yet received a full permit and ready to go, then they are going to be affected by this.

Commissioner Alexander said so they need to clarify that now.

Commissioner Coke said that is as clear as she can be.

Mayor Benton said he thinks Staff knows what the intent of this is.

Mr. Trias said if that is a policy of the Commission, then they can implement it. It is very clear.

Mayor Benton said he knows at first they talked about less than 10 feet or 10 feet was in there, and he knows that was an issue with St. Lucie Outboard Marine, because for a cupola or something they had to go a couple of feet higher and they were concerned, and their stuff was being delivered, so they are able to continue and also the one they have approved. But for somebody to come back in front of the Commission on something they already demolished and that was six stories instead of four. But he thinks this staff is not about to issue permits for something like that ever again. They have a different staff now.

Mr. Trias said he thinks staff has enough direction.

Those voting in favor of the passage of Ordinance No. K-293 on second and final reading were: Commissioners Alexander, Becht, Coke, and Benton. Those opposed: Commissioner Nelson.

Ordinance No. K-294 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, **FIREMEN'S AND POLICEMEN'S RETIREMENT/PENSION FUND**, AMENDING SECTION 13-153 ENTITLED "INVESTMENT OF MONIES" TO ALLOW THE INVESTMENT OF UP TO 60% OF THE FUND'S ASSETS, AT COST, IN COMMON OR CAPITAL STOCK AND TO ALLOW THE INVESTMENT IN CERTAIN REAL ESTATE INVESTMENT TRUSTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-294 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.

Mayor Benton asked does the Fire Board agree with this?

Commissioner Alexander said that is his exact question. He is looking at the letter with the copies only to Dennis Beach and George Bergalis. When he spoke with the Fire District about this, they know nothing about this being on the Agenda tonight.

Commissioner Coke said representatives of the Fire District she believes brought this to the last Retirement Board meeting.

Mr. Padrick Pinkney said he is a representative of the Fire District.

Mayor Benton said he knows Deputy Chief Christopher Bushman was here expressing his support on this earlier.

Mr. Pinkney said he is the attorney with Ruden Mcclosky and they represent the Fire District for the Supplemental Pension Board. They actually did vote on this and it has been passed by them.

Commissioner Alexander said yes, he is aware of that; but just the fact that it is on the Agenda tonight, and if he hadn't questioned it, then Mr. Bushman wouldn't be here. There is nothing wrong with it. It is just that this was a request six months ago, was it not?

Mr. Pinkney said he doesn't know if it was requested six months ago. Mr. Bushman might answer that. But he knows it had been looked at, that they were working on it, and just wanting to make sure they had all the requirements.

Commissioner Alexander said he just wanted to be sure in the future when they have all the entities involved, they should be sitting here when they make a decision like this

Mayor Benton asked did the Retirement Board bring this?

Commissioner Nelson said even though he was not there, he has some concern that they don't have formal input from the Retirement Board

indicating that they...

Mayor Benton said if Commissioner Coke was at the meeting, was there a formal vote on it?

Commissioner Coke yes, they took a formal vote and decided they would approve it, pending the City Commission's approval.

Mayor Benton said that is all he needed to know.

Deputy Chief Christopher Bushman, St. Lucie County Fire District, said this initially goes through the Chapter 175 Supplemental Retirement Board. It was brought up there and the ordinance was drafted and submitted over to the City of Fort Pierce Retirement Board. This happened some time ago, probably in the neighborhood of six months. The summer meetings were cancelled and there were hurricanes and all that, so there has been some time delay with this process. But it did go through the Chapter 175 Supplemental Retirement Board and the City of Fort Pierce Retirement Board and now here for the Public Hearings.

Commissioner Nelson said he doesn't remember it.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-294 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-294 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. William Vastine of DRC, Inc. concerning Bid for **Debris Removal & Disaster Management Services.**

Mr. William Vastine, Director of Engineering with DRC, Inc., said basically he would like to approach the Commission after the second hurricane, Hurricane Jeanne, on their debris removal services. He was here a couple of weeks ago at their meeting at that time and based upon the information he gathered then there was still a substantial amount of debris in this City that needed to be moved. In going through the process of two weeks to be able to be here before the Commission tonight, it appears they have had substantial movement, so this may be kind of a moot point. Based upon a review he personally did on this City on Saturday, it looks like they have had a substantial amount of material moved and there is not a whole lot left. He was asking to come before the Commission to potentially assist them further with their debris removal, but it looks like they pretty much have it under control.

Mayor Benton said the piles have gone down; and then he sees them come back out again, but it looks like they are keeping it under control anyway. They do appreciate his coming in. He is sure if they do get in a bind... Because he knows at least on Hutchinson Island, a lot of the people who are winter residents are showing up and he noticed over the weekend a lot of things started popping out. He thought they were in a downward trend and he noticed that wasn't the case. But at least it is in one area. The areas he doesn't see it coming out like that. He thinks it is mainly just finishing up. He sees the furniture coming out. They need to do something about the drywall too.

Mr. Vastine said as the weekends progress and the insurance

estimates progress, they will see that will be typical. DRC, Inc. does stand ready to assist should they need it.

The next item on the Agenda was Request by Deloris Faniel & Beverly Prince to waive \$657.28 in interest, penalties, and fees against 1022 Avenue H upon payment of demolition and lot clearing liens in the amount of \$4,306.28 in 12 months.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to waive \$657.28 in interest, penalties, and fees against 1022 Avenue H upon payment of demolition and lot clearing liens in the amount of \$4,306.28 in 12 months.

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

The next item on the Agenda was Request by Rev. David Robinson to waive \$2,531.24 in interest, penalties, and fees against 2005 Avenue E upon payment of demolition and lot clearing liens in the amount of \$3,375.62 in 12 months.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to waive \$2,531.24 in interest, penalties, and fees against 2005 Avenue E upon payment of demolition and lot clearing liens in the amount of \$3,375.62 in 12 months.

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

The next item on the Agenda was Director of Building & Community Response request City Commission rescind decision "to waive Building Permit Fees for structural or non-structural repairs related to hurricane damage" that was passed at a Special Meeting on September 7, 2004.

Mr. John Alcorn, Director of Building & Community Response, said he would like to request that the Commission rescind the waiver that they did on building permit fees. It was a necessity at the time. It appears to be over. Now that they have looked at a lot of issues that affect them, one is that FEMA will not reimburse them for additional inspectors to assist them with the rebuilding process in the City of Fort Pierce. They have assisted them or will assist them financially with safety inspectors, which they are currently utilizing some under the contract, to accomplish deciding which structures are safe or unsafe. But with the rebuilding process, they really are going to need some temporary inspectors for a few months. In talking with the City Manager, he believes the best way would be to hire them as temporary city employees to get them at the lowest hourly rate possible. But in order to do that, they need revenue because certainly they don't have extra cash on hand this year. In looking at some of the work that is going on right now, looking back since the hurricanes, they have a 340% increase in permit issuance, which also means inspections as well. That is just up to this day. If they look at some of the documents from FEMA, FEMA encourages them to have the building permit fees so they can pay for inspectors, because the insurance prices include the fees in the monies they give to the property owners. He did a quick run through for a couple of days on some of the prices that are being charged for roofing shingles, just to give the Commission an idea of where they are. Prior to the storm, for one square of roofing shingles in a 10' x 10' area, the price

was around \$150 to \$160 per square. Currently the insurance companies are paying somewhere around \$250 per square to the homeowners to have them replaced. But going down through the figures. First they checked with Home Depot. The price of shingles is \$32.94 to \$44.79 for one square and \$16.00 for roll for roofing. The rest is labor other than some nails. Some of the prices per square that are being charged in this City - \$1,004, \$770, \$550, \$508, \$468, \$465, and \$363 per square. He can go on and on. Certainly the contractors can afford the \$125 or so for the permit fee so the City can have the inspectors inspect this to make sure it is done correctly when they are charging those kinds of dollar amounts. He is not being critical of what they are charging. It is just that the revenue should be coming to the City so they can supply the services for their constituents to make sure the job is done right. What he would like is to rescind that effective upon passage so they can start bringing revenue into the City immediately.

Mayor Benton said if any of Mr. Alcorn's inspectors catch wind of or see an estimate with numbers, and he has seen \$450 a square, please have them send a copy of that to the Attorney General's office. Because if that is not price gouging, he doesn't know what is. That is absurd. For everyone's information, he thinks it is three bundles per square for singles for most. That is just insane. If they find these contractors that are bidding this amount, he sure would like to see that Charlie Crist gets a copy of those.

Commissioner Alexander said he is in agreement with the rescinding decision. But again, as he looks out over this City and he comes to this Commission, they are still in a bad state. Again, he is not against rescinding. But some of these insurance adjusters have not even been to some of these properties. He is looking at so many of these properties. The people have to bring themselves up to be able to even... Because all the money is not going to come from the insurance company. All homes and residents don't have insurance. His plea to Mr. Alcorn, it is not a problem rescinding, but not immediately. Maybe just give them another 30 days or the rest of this month. He thinks that would be better than just bluntly saying as of today, that is it. He will be in agreement with him 100%. But he just thinks it is a bad time because everybody is assuming that everything is all well and it is not. He doesn't care who is out here in this audience, it has touched someone and they know someone who has been touched. Again, this building permit fee, he knows the City has to give a little encouragement.

Mr. Alcorn said to respond to that, since September 1st, they have issued 859 permits. They are going to need to do the inspections on those and they do not have the staff to do that and they don't have the money to hire the staff. And that is really the purpose for doing it.

Commissioner Alexander said he understands that. But when Mr. Alcorn speaks of only 850 permits being issued, he is talking about what has been hurricane damage in this community. Is he just telling him it has only been 850?

Mr. Alcorn said since September 1st.

Commissioner Alexander said he is speaking of his outlook in the community.

Mr. Alcorn said there is more to go.

Commissioner Alexander said maybe some of the individuals are able to go and get these things taken care of and some individuals haven't even been able to refurbish their refrigerators. It might not seem very much to them when they say \$125; but to some people on fixed incomes, it is a great deal of an amount.

Mr. Alcorn said he thinks he is right. Those who do not have insurance have been in already to obtain their permits he believes, and they have assisted them through this so they could get started and have their family assist them to get the shingles on. The ones they are talking about that have not been in yet are those who are going to be hiring contractors and the contractors will be in as time permits. But when they see the prices they are charging today, they know they are already collecting, so it is the contractors who would benefit from this rather than the homeowner. He believes the homeowner who has no insurance have it in when they see they have issued over 1,000 permits in recent weeks.

Commissioner Nelson asked does Mr. Alcorn know whether or not the County is also rescinding their waiver of fees?

Mr. Alcorn said he has talked with Dennis Grim, the County Building Official, and they are in the process of doing it. Whether they do or do not, he doesn't know at this point, but it is being recommended by the Building Official for the same reasons.

Commissioner Nelson said taking off with the point that Commissioner Alexander mentioned and comments Mr. Alcorn made regarding passing on the inspection fees to the insurance company or have the insurance company pay for them is one thing. But there are a lot of people out there who simply don't have insurance and there is not going to be any pass on. The bottom line is, the costs for these fees are going to in fact be borne by the property owner or homeowners. Is there any proviso in there for these people who don't have insurance to have their fees waived?

Mr. Alcorn said there is nothing in the fee schedule now. He would like to bring something back after the first of the year so they can consider that for the future once they get through the hurricane rebuilding and discuss something like that. He has talked to the City Manager about that.

Commissioner Nelson said go out and talk to a roofer now, they have to wait two to six months before they get him, and once they get him, they have these outrageous price, and then they tack on these fees. He is not sure the average non-insured property owner can absorb this. Did Mr. Alcorn explore the possibility of trying to get some monies from some other source within the budgetary system that allows him to defray the cost of these new inspectors?

Mr. Alcorn said that was what they tried first. That was their goal. There are no other funds to do it. What they would like to do, they would like to bring the money in first; and once they get some money coming in, they will see what they have in there and see if they can afford to bring on some inspectors. He is not proposing inspectors this evening, but if they can see over the next 30 days what kind of revenue they have, they will better able to see what they can do. But they do need them as quick as possible so they can inspect the work for their constituents. If

that work is done without inspections with these roofers... They know there are out of state roofers coming in right now doing the work for their residents who have not worked in Florida before. They would like to inspect that work. They just don't have the staff to do it today.

Commissioner Becht said although he appreciates the comments from the two Commissioners, his concern is that the same people they are trying to protect - the same people who didn't have insurance, the same people who are on fixed incomes - are the very people who need to be protected. They need to be protected by having the ability to hire more inspectors so the City can protect them against some people who might take advantage of them in putting on a roof that is less than code. So the roofer comes by and he may not even be a licensed roofer and he puts on a less than code roof, they pay \$750 for it and it is not worth \$750. So they need to get more code people out there to make sure the roofs that are put back on are proper roofs that are hurricane proof.

Commissioner Nelson said he likes the idea of inspection, but his concern is the ability of the people to pay. If there is a possible way by which they can get the funds from some source other than the property owner who is in dire straits now, to offset that cost, that is where he would like to go.

Mayor Benton said what he would like the Commission to consider here is to break this down between structural and non-structural. To him, putting on shingles is non-structural. But putting on trusses and rebuilding condominiums or homes. He would like to take structural out of here. They have to have a permit and pay for it when it comes to structural work. As far as shingles, if they want to keep that for a little bit longer. But he thinks even that with these numbers here of \$125 or \$175, when they are talking \$700 a square, that might prevent some of this price gouging. It might prevent a lot of it. To him, at least when it comes to structural, he doesn't want to see things done wrong when it comes to structural. He wants it done right and he wants to make sure they have the inspectors and the best inspectors inspecting it and he wants to make sure people don't hire someone not knowing. That has been their biggest job is getting word out to those people whose homes have been destroyed.

Mr. Alcorn said let him just comment on that. Maybe a suggestion is that they reinstate it, except that they waive permit fees for re-roofing of jobs that are done by the homeowner.

Commissioner Becht said he thought that was exactly what they were trying to get away from, that they didn't want these people up there trying to patch their own roofs and do it incorrectly.

Mr. Alcorn said many homeowners are coming in getting permits right now.

Commissioner Alexander said they are getting people to do the work.

Mr. Alcorn said in other words, they are having their family help them. As Commissioner Alexander said, they may not have insurance so they are trying to do it themselves. If they could collect where the roofers are doing it or they are taking out the work where they are doing all the other permits, and waive the permit fees only for homeowners doing roofing. He would prefer it across the board.

Commissioner Becht said he doesn't think that is going to work.

Commissioner Coke said she doesn't think they can regulate that because they will just have every homeowner come get their own permit.

Mr. Alcorn said that is the fear he has.

Commissioner Coke said the other thing is, when they talk about what these people are being charged for a roof, obviously the contractor is charging them for a permit. So the contractor is charging them something the City is not charging the contractor for. Her concern is, if they don't have enough inspectors out there, by the time ABC Contractor from New Jersey came and put the roof on, they see 30 mile an hour winds, it is a big deal to them. They don't know 100 mile an hour winds. By the time they get around to inspect them, they are going to be back in New Jersey. They are going to have no recourse whatsoever if they don't act on it quickly to get inspectors out there.

Commissioner Alexander said again, as they spoke about the structural aspect of it, he is speaking about the non-structural repairs that they pass by here now. If there was structural damage, they wouldn't see these little blue tops on them because they wouldn't stay, they wouldn't have any substance to it. He is speaking of all these tops that he is seeing. They can see some roofs that never leaked, but 30% or 40% of the shingles are gone. He is just saying, he is not debating not to rescind, he says they will rescind; but let's give them some time period, just a couple more weeks or another 30 days. That is just being considerate.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to rescind the waiver of Building Permit Fees for structural repairs immediately and rescind the waiver of Building Permit Fees for non-structural repairs 30 days from today.

Assistant City Attorney Schwerer said there is a legal issue there that really is going to cause a problem with some equal protection issues and also the way these permit fees... Technically these are user fees. The Building Department is supposed to be a self-sustaining separate enterprise whereby the fees pay for the Building Inspectors and their visits to the site to inspect. The issue is, do they charge permit fees for any type of work that requires a permit, or do they not? For the Commission to distinguish between what is structural and non-structural is going to not be enforceable.

Commissioner Coke said she won't argue with him, but the County only waived their fees for non-structural damage. The County never put a moratorium on permit fees for structural.

Assistant City Attorney Schwerer said he doesn't know what the County did or how they interpreted their codes. He is simply saying that this Commission previously waived all fees period.

Commissioner Alexander asked why did they do that in the beginning? Why did they waive them?

Mayor Benton said that wasn't the original request. The original request was for non-structural.

Assistant City Attorney Schwerer said he would have to rely upon

the Minutes of the meeting.

Commissioner Alexander said he is asking him, they affirmed that in the beginning. He is just asking them to extend it with the same courtesy. Now Mr. Alcorn brought it to the Commission. He knew what kind of lack of days of work they were going to get from not having enough staff, so he requested this in the beginning that they waive these fees and the Commission agreed to it. He is only agreeing by asking him to extend that same courtesy that they gave in the beginning so that everybody would have the opportunity to do the same. For individuals that might went out there and did it the next day, that is well and good; but they have individuals who have more serious concerns. They have their children. They have the loss of everything. If they don't believe him, go out to the Red Cross. He requests everybody to go there. They stand out there from 6:00 in the morning just for little trinkets. And that is not fair because they are standing out there all day long trying to get some assistance when they should be home taking care of their own, but they can't do two things at one time. He only asks for an extension of another 30 days. If that is going to break the bank, then so be it.

Commissioner Nelson said he can't help but support Commissioner Alexander and his dissertation there. He thinks an alternative to them acting on this now in reference to the rescinding of this would be to make great publicity of this list indicating how the various people are being gouged by the prices and hopefully get some fallback from that and they ought to revisit this at about a 30 or 45 day period in the future. What they are doing now by waiving those fees are in fact doing a great service to the people in a perilous time. The problems they have relative to the debris and stuff that is being accumulated is just beginning. People are just now realizing from the shock that the interior of their homes are in fact severely damaged and they are going to have to throw stuff out and so their roofs are very definitely gone. They have to give them a chance to realize that they are in dire straits and do something about it. If they can do something on their own at a minimum cost to themselves, he thinks that is the way they ought to go.

Acting City Manager Arias asked could he make an observation? He thinks the issue here - and he heard Commissioner Becht's comments - these roofs have to be inspected. If they are not going to be inspected or the City doesn't have enough money to hire inspectors, they are going to have some faulty shingle installation. As an Engineer he can advise this Commission, he doesn't care how strong their house is or how strong their windows are, if those shingles go, they will have a mess in their house. If Mr. Alcorn doesn't have any monies in the budget to hire temporary inspectors, he would suggest that he should make a report to the City Commission maybe at the next Commission meeting of how many people does he need and for how long, and if he doesn't get this funding, how long is it going to get without an inspection. But he would recommend to the Commission as their Engineer more than as Acting City Manager, those roofs need to be inspected at installation; otherwise they are going to have a mess on their hands with the next hurricane.

Mayor Benton said in the Minutes from their Special Meeting (September 7, 2004) basically it said they would recommend too that the Commission approve waiving building permit fees for all non-structural repairs. Structural repair should be because they

require engineers or architects. So by the time they have hired an architect or engineer, what is a building permit.

Commissioner Alexander said so they lost revenue.

Commissioner Coke said she would think if they go ahead now and reinstate permit fees for structural effective today and non-structural in 30 days, that will give them the funding to put the inspectors in place. And she certainly doesn't think any one of their citizens are going around questioning; but if they did, she has the utmost confidence that Mr. Schwerer would be able to smooth over any problems there would be.

Mr. Alcorn said just for clarification, they are collecting permit fees now for all new projects that are not hurricane related. This was only hurricane related.

Commissioner Alexander said they are aware of that. It states right here "hurricane damage". He calls the question.

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

The next item on the Agenda was Director of Public Works to discuss condition of **South Beach Boardwalks** and request inclusion of these structures in the debris removal program.

Mr. Gary Ferch, Director of Public Works, said if anybody has been out to see the dune lines, they will notice that some of the structures they wanted to replace through the CRA funding, some of it has been so damaged that they can't wait much longer to do what they need to do. The City Manager and he have checked this and talked about it and realized they have a safety problem here. They are getting residents calling in and asking if the beach is open. It is a very difficult question to answer. When they look at the pictures in front of the Commission, how do they as public officials say the beach is open to allow somebody to go out there and utilize the structures that are there? He has surveyed each one of these structures from city limits to city limits. It is his recommendation that they leave in some of the dune crossovers. Some of the dune crossovers are in fairly good condition. They could probably hang on to them for just another year or so, until they can come up with some other kind of design for these crossovers. They could do some minor repairs. The City Manager and he have discussed that. The only boardwalk that somewhat survived anything is the Jetty Park one. It looks like that could hang in a little longer there. But all the other boardwalks... The South Beach boardwalk is destroyed. The structure where the lifeguards are in there, there is about three foot of sand that is inside those structures. The hurricane clips have all pulled loose. It is a very dangerous situation. It would be his recommendation not to open the beaches until they can get some of these areas cordoned off. So that when people come, they can put out a release of where they could go to get out to the beach. Also the City Manager recommended that maybe they could do this during the time the debris management folks are in town here, whether they use that or not. They might even go out to L.E.B. Demolition or some other different company to do this. But to go ahead and get Commission approval to go ahead and take care of these safety problems so they can at least get their beaches looking better and get them a little safer. If anybody goes out there or anything, they may have some of their constituents that say, "Why did you

take that down, because it looks like the boardwalk is fine?" The boardwalks that look fine are so packed with sand up underneath them that they may look like they are level, but they are not even on their structure any more. The sand just lifted them right up in the air. They are definitely not safe. Nails and everything seems to be a problem.

Commissioner Coke said she has a comment to make only because she thinks they need to treat this as a definite urgent matter. Because Saturday and Sunday as she was clearing everything out of her house to put it at the curb, when she drove past the beach people were parked all over the street walking over the South Beach boardwalk, and it was a dangerous situation. But there were hundreds of cars lined up and down the street with people going to the beach. She knows they have enough things at the top of the list, but as close to the top of the list as they could get this.

Mr. Ferch said they will probably request the Police Department's assistance on that too, if they see anybody in those areas. What he will do is come up with a list that he will put through to the City Manager and to the Commission for a press release of some of the areas that would be recommended by the Public Works Department that they could utilize the beaches.

Commissioner Alexander asked is there any way they can maybe post a sign letting people know some of the other beaches that are acceptable? Like if they say, Frederick Douglass is down the road or Pepper Park? He doesn't know what kind of damage they have. But just direct them to other beaches so they can feel not lost.

Mr. Ferch said he thinks they could do that. He is not sure of the location where they would put that.

Commissioner Alexander said at the Kimberly Bergalis Park, they could put it at the entrance.

Mr. Ferch said so when people come up there they could see they have some other alternative. Public Works could probably put some temporary signs up.

Commissioner Becht said that is a good idea.

Mayor Benton said at least if they could get one open, like the boardwalk which is almost destroyed now, at least one of them so they do have a City beach open now that the season is starting. If people come to the beach and it is not open, they will find maybe another community to go to to spend their winter. He knows there is not a lot of housing. But if they could get one of them cleaned up. He knows the South Jetty is not in bad shape, but they have concrete so they couldn't get in there anyway. Maybe the Boardwalk Park, which was in really bad shape to start with, they could get cleaned up quicker and there is plenty of parking there.

Mr. Ferch said then again, they could probably put it at some of the dune crossovers and say where they could go, maybe just some small signs.

Commissioner Nelson said these wooded areas look like they are fairly new. How long ago since they put that boardwalk in there?

Mr. Ferch said the boardwalk has been in there from back in the early 1980's, he believes.

Commissioner Nelson said no, they just rebuilt that only a few months ago.

Mr. Ferch said the original boardwalks were in there from the 1980's. He is almost 90% sure of that.

Commissioner Nelson said they took over from the County.

Mr. Ferch said that is the difference there. The South Beach boardwalk, they only took that over about three, four, or five years ago, or something like that. The actual boardwalks have been there for at least 20 years.

Commissioner Nelson asked with respect to the A-1-A project in that area, are they still on track with that?

Acting City Manager Arias said yes, they are. They are in a design process, so they are on track with that.

Commissioner Nelson asked have they signed up for that thing from the Department of Transportation in any way to help them out in that area? Is there any type of help they can get from the Department of Transportation?

Acting City Manager Arias said he will check with the Recreation Department to see if there is any funding available. Also, he was going to ask the Director of Public Works, this removal he is requesting, the debris removal contractor will be able to take this apart before they remove it? Are they going to do that? Or are they going to have another contractor just to disassemble this? Another thing, the safety issue is very grave. Because after Hurricane Frances, he had a call from Captain Barcelona and he went to the Jetty. The Jetty was extremely dangerous and they had people climbing all over the holes in the Jetty. They might put as many signs as they want to, but if they give them two inches to get inside, they are going to go over there. He witnessed himself a guy on a bicycle going over the pieces of concrete removed by the Hurricane Jeanne on the Riverwalk. It is very dangerous.

Mayor Benton said it might have been him that was doing that. Isn't it true that just like the Riverwalk and Marina Square, FEMA will be replacing this or helping them financially to replace this?

Mr. Ferch said he doesn't know about the replacement of it. They are looking more at just taking away of it now rather than the replacement of it. He wouldn't want to make a statement on that.

Mayor Benton said he believes this has been put on the list is his understanding.

Acting City Manager Arias said he suggests that what they are doing is putting these projects together, what they feel is going to be a replacement in-kind; and then at the time they are going to say they are going to replace it, they can make changes, mitigation, or they don't want to do it, thank you very much. Things like that. But he would suggest strongly that Mr. Ferch get with the Engineering Department with Jack Andrews or his staff, and maybe they can include this into the project list even though they don't want to replace it. But safety is a problem.

Mayor Benton said it should be the same as the Riverwalk or Marina Square or anything. This is a public place.

Acting City Manager Arias said he understands what Mr. Ferch is saying.

Mr. Ferch said there may be some insurance on that. Mr. Le Thomas would have to answer that question. He believes they are insured; but again, he is just trying to get Commission approval so their constituents know they will be taking it down.

Commissioner Nelson said his question was to have the debris removed by the clean-up crew. Right?

Mr. Ferch said somewhat yes and no. Some of the material and some of the wood, they have been working on that boardwalk for years as they all know. When they got it from the County - he doesn't want to make any statements here - but they did a lot of work on it the last few years. Some of the wood is fairly new. So most likely the Public Works Facilities Division is going to go in there and take some of that good wood out of there. He knew Commissioner Nelson would like that. They are going to save some of that, so if they need it for replacing on the dune hoppers they will have it.

Commissioner Nelson said what he is asking now is that the debris they have be included in the debris removal program.

Mr. Ferch said that is correct; and that the Commissioners are all aware of what they are doing.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to approve the request by the Director of Public Works to include the beach boardwalk structures in the debris removal program.

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

City Clerk Steele said at this time Patti Tobin, the Director of Community Services, has a request to make of the Commissioners, if they wish to hear it. It is not an Agenda item.

Mayor Benton said yes, they sure do.

Ms. Tobin said this is related to the **temporary housing** site. The property (located at 707 North 7th Street) is actually owned by the Fort Pierce Housing Authority. The Housing Authority as a property owner would like the Commission's concurrence that this group site is okay and that the Commission would confirm that any restrictions pertaining to the use will be waived during this declared state of emergency.

Mayor Benton asked does any Commissioner have a problem with using this for a temporary housing site for people who have been put out of their homes?

Acting City Manager Arias asked would Ms. Tobin explain what are the safety precautions and the policies and how they are going to guard this and things like that in this particular area?

Ms. Tobin said FEMA working with the Army Corps of Engineers will provide fencing. She thinks there is fencing, but they are going to relocate the fencing. Parking will be provided in the interior as well as on the road. There will be a guard shack at the entrance so there will be security. That is all covered by FEMA.

Commissioner Nelson asked this is the property that is currently used as a parking lot for the Housing Authority, right behind the Safe Space place, where they park their buses now.

Ms. Tobin said that is right.

Commissioner Nelson asked has the Housing Authority Board addressed this in any way?

Ms. Tobin said Mr. Brooks has signed the agreement.

Mayor Benton said it has gone real well. He knows when they first talked about this three or four weeks ago that they needed a place to put this housing and they were waiting for 2,500 trailers and campers to come in. How many have come in so far?

Ms. Tobin said she thinks there is over 1,000 right now at the airport. She would like to remind them that they are also working, this is a small site, so they want to get it up and rolling and get the trailers in as soon as possible. But they are looking at a larger site because of the security, the utilities, and all those things. There is some economy of scale to going with something larger. And she believes FEMA is negotiating right now with the Orange Blossom Business Center owner to use the north side of their facility or the parking lot on the north side, which they wouldn't really see from Okeechobee Road.

Commissioner Nelson said a minor thing. How about the utilities service in these areas? What kind of utilities are they going to get? Are they going to get the U.A. to give utilities out there?

Ms. Tobin said the Utilities Authority has been working hand in hand with FEMA, Army Corps of Engineers, as well as the Housing Authority.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the request.

Assistant City Attorney Schwerer said he thinks the request before the Commission tonight is to determine if they conceptually approve of this being a temporary housing site. There are any number of issues. This is the first time they have seen this. There are any number of issues they have to deal with from the staff level concerning some of the codes that apply to a site like this. For instance, what are they going to require as a site plan? What are they going to require as a temporary housing site for duration? Because this agreement is for six months, but it can be extended and then it can be extended by the parties. So there are a lot of things the City staff needs to look at here.

Commissioner Nelson said they talk about nine months with a six month extension. They are operating under emergency powers now. He can assure Mr. Schwerer they have people out there without houses.

Assistant City Attorney Schwerer said they have no emergency powers in place right now. There is no order. The only order that is in existence was a declaration of emergency by the Governor. That is expired. What they are asking for here is temporary housing. If they approve of it conceptually and approve of the site, the staff will work through those other issues. They cannot permit a mobile

home park to be created in a parking lot because they have codes that refer to that. The only thing in their codes that they can approve at this point in time is temporary housing on single family lots. That is approvable. He is simply telling them, please don't approve this agreement tonight. Just simply approve the concept of it. If there are any issues that the Commission needs to deal with, Staff will bring back. Because they can't do this without that...

Mayor Benton said what he is saying is, don't make an official ruling on anything.

Assistant City Attorney Schwerer said that is correct.

Mayor Benton asked just allow this to take place? And if there are any issues, they will look the other way.

Assistant City Attorney Schwerer said no. If the Commission has any problem with this being used...

Commissioner Nelson said this is a draft document. Finalize it. And if they have anything to add in there, put it in there. But in the meantime, let them go ahead and put the trailers out there.

Commissioner Alexander said his question is, this is not the first time they ever had an emergency situation in the State of Florida. Why haven't they, if this is a question from Mr. Schwerer, called Homestead and see what did they do at the time of an urgency? He is not in disagreement with him, but there is a dire need. There are individuals out there with children.

Assistant City Attorney Schwerer said he understands.

Mayor Benton said he thinks they are just going to do this and if there are any issues they will...

Assistant City Attorney Schwerer said first of all, this was not an agenda item. His office did not look at this. He had no opportunity to speak with the City Manager concerning this. They have codes. All he is trying to tell them is, he is simply asking the Commission, don't take official action to sanction something that is illegal. Simply sit back and say they approve of this site to be used for temporary housing if staff can determine a way to work through the codes. They are only asking the Commission to approve the concept. It says right there, they want the Commission to ask any questions they have about the site. He is simply saying that the Commission has no legal authority to waive codes without going through a specific process. All he is asking them to do tonight is simply approve of it in concept if they want that to be there, and the FEMA people will work with the Housing Authority, and the Housing Authority will work with the City Building Department.

Mayor Benton asked can they have the motion maker and second withdraw the motion?

Commissioner Coke said she was going to recommend that the motion maker perhaps consider amending his motion to say they approve conceptually with this and direct staff to find a way to make it work in the immediate future.

Commissioner Nelson said that is exactly what he wants to say.

Commissioner Alexander said he likes that too, but he wants to make sure it is clarified.

Commissioner Nelson said between now and Friday.

Motion to Amend was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve in concept the request for temporary housing to be located in the Housing Authority Parking Lot and direct Staff to find a way to make this work in the immediate future.

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

Mr. Mike Simone, 407 North 6th Street, said the reason he is up here tonight is that he didn't get a chance to get on the agenda, but he wanted to give a status report on a property **406 Dundas Court** which he is the new owner of. Just to make aware that it was a condemned structure and he is working with the Building Department, John Alcorn and his staff. He had an agreement prior to buying it that he would be allowed to save it from demolition and fix it up and bring it up to code. The staff has been very open and helpful, John Alcorn too. It is insured with liability insurance included, and boarded up. He asked that the Police Department just keep an eye on it until he gets the permits. He is letting them know it is going to be rehabbed. Also it is a house that potentially meets historic requirements. It was built in 1926. It is a bungalow style. And two hurricanes did no damage whatsoever to it. It looked better after the hurricanes actually. There was a cat that started living there too on the porch. That is all he wanted to say. He just wanted to know if the City Commission and Mayor approved of what is going on since the previous Mayor and City Commission ultimately voted on the condemnation of this. So he just wanted to bring that up.

Mayor Benton said thanks, they appreciate the work he has done. He knows this isn't the first one.

Mr. Simone said this is the eighth one. He loves the City and the Commission is providing the center and the infrastructure to make it a beautiful place to live.

Mayor Benton said he wishes they had about another 1,000 folks like him to fix up the rest of these, but they do appreciate the work he is doing.

Mr. Henry Brandenburg, Out of Bounds Restaurant at 2838 South U.S. #1, said he was under the impression with phone conversations made that there was going to be a conversation about a **moratorium on signs** on U.S. #1 that were blown away during hurricanes.

Mayor Benton said that was at the last meeting.

Mr. Brandenburg said he thinks they called his office, he thinks the Planning Director. They put him through to his office a few times and they talked about it. There is supposedly a moratorium that was supposed to be voted on, apparently whether they were going to lower the signs.

Mayor Benton said they already have a moratorium.

Mr. Ramon Trias, Director of Development, said they have a moratorium. They also have a process to build signs. So if he is interested in building a sign or doing any kind of work on the sign, the best thing to do would be to go ahead and apply for it and it will be reviewed according to the codes, and they will talk to him further. He assumes that is the practical application of the question, right?

Mr. Brandenburg said yes, normally. He has changed his sign a few times. He has been there for quite a while. He would just normally change the sign. If it is damaged, they have to go through a process, they have to get a permit to do so.

Mr. Trias said right.

Mayor Benton said what they were trying to do is, because so many of the pole signs... He remembers the problem they had with his sign. If he had the smaller ones, which they are aiming at like they have in St. Lucie West, those trees wouldn't have been a problem. Because so many of the pole signs were destroyed, they are looking to not allowing them any more, so they have put a moratorium on putting them back if they have been destroyed. Hopefully through insurance, the ones that have been destroyed, business owners can replace with the new signs that they are looking at changing the codes to allowing, which will be under 10 feet.

Mr. Trias said yes, 10 feet will be the maximum height.

Acting City Manager Arias said the intent of the moratorium was to give Mr. Trias and his Department a chance to review the codes and make sure...

Mr. Trias said which has been done in terms of the concepts staff is proposing; and the Commission will adopt it or not, depending on their pleasure. If Mr. Brandenburg wants to go ahead and apply for a sign that meets those repairs, he can do that and it will be approved.

Mr. Brandenburg said so because of a hurricane, Mr. Trias is saying they can't put a sign up to keep... It is a business interruption situation. This is their livelihood and these are signs. To present a moratorium after a hurricane where they have been closed down for a month and approximately whatever time after that is nothing but a detriment to the business. So a moratorium, why would they do it at this time?

Mayor Benton said because these signs were a danger to the public the way they were put up. That is why so many of them came down. He thinks about 80% of them in the City came down. So when they see something like that and if these failed and don't work, the City asks that they build something back in place that is safer. They learn from hurricanes just like the building codes and the buildings that people have had to move out of. They know it is creating a problem with some business people; but if their sign has been destroyed, most of them are insured. They are hoping maybe that will ease the pain a little bit. But they are doing this for health and safety issues also. They are not out to hurt business people. They are out to make this community a little bit safer, is what was presented to the Commission anyway.

Mr. Brandenburg asked if they go to apply for a permit, what is needed to pass the permitting? Do they need to have a drawing of it? Does it have to be architecturally or engineered before they can present it?

Mr. Trias said yes. Travis Gibbons can give him all the details if he calls tomorrow and he will assist him through the process. Mr. Brandenburg asked is this going to be passed on to the business owner? Can they imagine replacing a sign face versus building a whole new sign out closer to the road and lower?

Mayor Benton said it depends on the amount of damage to the sign. Mr. Alcorn maybe can address that. Was it the 50% rule, the ones that were destroyed?

Mr. Alcorn said right, the moratorium is for all damaged pole signs, it affects them. So they cannot issue a permit to repair any of those. They will approve, even through the moratorium, a new ground sign. Many are putting up temporary banners in the meantime so they can at least identify their business while they are having their sign company prepare the documents for the ground sign. They do have some guidelines on those which they can share. He thinks in the end they will have a safer City and a more attractive City and probably increased business as a result.

Mr. Trias said the most effective thing to do is make an application and discuss it in detail. He doesn't think it is productive to talk about it in theory, given the fact that they are talking about a very specific sign. Mr. Brandenburg may be able to do things that are okay, he may not; but they don't know that. They will help him decide that if he wants to tomorrow or as soon as he can.

Mr. Brandenburg said it is a metal sign and the only thing that was damaged was the plastic coatings that went over the top that actually had the writing on it. But as far as the structure, there wasn't anything damaged at all. It didn't fall over. It didn't bend. Structurally it is sound.

Mayor Benton said but a lot of them throughout the City came down. His might have been newer. But that is just because they have deemed them not the safest structures out there. A lot of the new communities are building their signs smaller. So they are hopefully learning from the past. That is a decision this Commission has made. They are sorry if it has inconvenienced him or the cost of it.

Mr. Brandenburg asked was there a cost analysis done to see what a basic price for a lowered brand new sign would cost?

Mr. Alcorn said he would like to address that. This was done as a result of safety that they discussed that evening. What they found with the frames that stayed up, the sign faces came down and they were flying missiles all throughout the City and endangered people's lives. So they did not do a cost analysis to determine how many lives would be saved. As one business person said, "Well, no one was killed." Of course, the response is, "How many need to be killed before we take this appropriate action?" So they don't want those flying missiles throughout the City in the future.

Mr. Brandenburg said if the limit on the height of the sign is

lowered to 10 feet, that is going to change the missile potential?

Mayor Benton said they haven't come up with the new codes on signs yet. That is what they have a moratorium for.

Mr. Trias said the proposed changes have been reviewed by the Planning Board and will come before them as soon as staff can schedule it. That would be the right moment and time to have this discussion. At this point he really doesn't see the point of continuing this discussion. They will have a public hearing, there will be a chance for public input, and everybody's opinions will be heard at that point.

Mayor Benton said if it was passed unanimously by the Planning Board, he is sure the planning staff can at least let Mr. Brandenburg know what they are looking to pass, and give him an opportunity to work with that.

Mr. Brandenburg said he understands the logic of it. The other factor is that they are trying to do a business in this City. And this is a city that is trying to grow or prosper or do something good. So to do something that would cause a detriment to a business that has been in the City for as long as he has or for any business for that matter, he doesn't understand why they would not have a secondary option for him or something else he can do. A banner on the sign won't light up.

Mayor Benton said temporarily he could put a banner up there, if he would like.

Mr. Brandenburg said but a banner at night doesn't really have a function unless there is lighting on it. Can they light the banner up?

Mayor Benton said all he can recommend then is, as soon as they pass this, which they are trying to do as quickly as they can, he can order a new sign and put up a new sign to the new codes. Most people know he is there, at least the local people anyway. They didn't do this to hurt any business people. It was just something that had to be done.

Mr. Brandenburg said he had a controversy a couple of years ago and he kept carving his trees down for the last six years so they could see his sign. It has always been a sign issue, especially with him in the restaurant. The City planted oak trees to beautify the City which was really good, but it also interfered with the signs. The sign should have been lowered four or five years ago.

Mr. Trias said that is one of the main reasons why they are proposing these changes.

Mayor Benton said when he thought about this, he thought about Mr. Brandenburg. That is why he agreed with it for one reason, was maybe the trees will be there and they can trim the trees instead of cutting them down and they can see the signs.

Commissioner Nelson asked has he seen the draft ordinance on this sign thing?

Mr. Brandenburg said no, he doesn't have any information on it.

Commissioner Nelson said let him suggest that he get with staff,

Mr. Trias and those people, and take a look at the draft. Maybe he might have some input to Mr. Trias that might be helpful in drafting that. Maybe he can come on to something. In the meantime, be advised their objective is for the health, welfare, and safety of the people. Experience has indicated that these things do in fact imperil the safety of the people. That is what they are trying to do. He can assure him, if he takes a look at what they are proposing, then he might be able to provide some input on it that might be to his satisfaction. In the interim, they are asking for a monument sign, for example. The option is for the flags and this kind of stuff, so they can use those. As the Mayor pointed out, they don't want to stop anybody from doing business, especially those guys who have been around for a long time. He would suggest that he do that. Check with staff and try to find out what the City is planning and go from there. Can he do that?

Mr. Brandenburg said sure, he can do that.

Mr. Henry Brandenburg, Out of Bounds Restaurant at 2838 South U.S. #1, said he brought this up to the Mayor and had him by the restaurant a few times. There is a housing development behind the shopping center where his restaurant is. There is a gate back there and it was never meant to be a throughway where cars could go in and out. It seems to get torn down all the time. He thinks they open it on Wednesdays so the garbage truck can go and pick up garbage from that area. But for the last couple of weeks it was open after the hurricane and then it was closed again. For the last week it has been open. And the traffic from that complex rips through where the Riverside Bank Operation Center is and by his restaurant. Two weeks ago a young boy got hit on a bicycle. There shouldn't be traffic from there. It was never meant to be a traffic thoroughfare. And yet they don't make the people who operate that complex back there to keep a secured gate back there. If they even pick up the garbage, there should be a time limitation to it. Because the traffic that goes through there, it is a lot of young kids that tend to really rip through there and they go really fast and they race or whatever. It is dangerous to the people leaving his restaurant. They are just going out real quiet because there has never been traffic there for all the years he has been there. Now there is a major problem with traffic going through there. He has called repeatedly to ask them to make sure they can maintain the gate. He talked to somebody who ran the complex a year ago and she insisted it would be always closed. And it is not, again.

Mayor Benton said he knows somebody from his restaurant called the other day and he called today. He has passed that message on to the City Manager last week. Every time he calls, he passes that message on. He expects somebody from Code Enforcement has been out there. If not, they can get them out there to see that is closed. That has been a problem. If he gets a phone call once a month or something, so he knows it is probably when it is left open.

Mr. Brandenburg said there should be able to be a cure for it. They need to put a structure up there. He thinks they apparently cut the bolts or locks or whatever on there and they open it themselves. So there needs to be a structure that is stronger because it is not meant for that.

Mayor Benton asked can Staff check that out? This is the **Grand**

Savannah Club, where they empty out there between the old Jefferson's and the Discount Furniture store that is still there. That was supposed to be an emergency exit, he believes.

Mr. Brandenburg said yes.

Mayor Benton said they will see if they can get that straightened out.

Mr. Kenneth Hall, 1203 Palm Walk Lane, said he represents Fort Pierce LLC which is a subcontractor under Ashbritt. What brought him to ask for their attention this evening is when he heard the Public Works Director say earlier tonight that he needs additional help with **debris removal**. They currently are in Section 2 of the City. Their group is currently sweeping through that area on their fifth sweep. They are getting additional jobs from Ashbritt; but however, it is not enough to keep all of their trucks working. What his plea is today is that if there is any additional work that needs to be done, they are a local group that is willing to help out in any manner they possibly can.

Mayor Benton said he knows Bob Hood is in the back row and he will take note of that and they will see what they can do to keep them all working until they get this City cleaned up.

Commissioner Alexander said he just wants to say one thing too also about that local group that they had here. At the last Commission meeting they spoke about that and Ashbritt assured them that he would take care of these local individuals. And for him to hear they are doing five sweeps when they weren't even supposed to do but two, three if needed. But when he tells him five sweeps in one little area, he has questions about that. And he is just concerned because there is still debris left all over this City; and for individuals to have to go through the same area five different occasions, somebody is pulling his coat tail. That is it with him.

Commissioner Alexander said he just wants again the Commissioners and the Mayor and all the City employees to realize one thing, that the City of Fort Pierce has taken a double whammy from the hurricane and all is not well, so they need to be still courteous. He is not saying this in a negative way. He has seen some of the **Police Officers** and they are very respectable and very professional. And he has heard how some of their Police Officers have been very rude. He just wants to mention that. All is not well and there are a lot of people with a lot of grief. People with grief don't react always.

Commissioner Nelson said he attended the **Florida League of Cities** Subcommittee Conference in Orlando last week. He learned and fortified his thoughts and knowledge relative to the priorities they have for the Florida League of Cities that they are putting forth before the Legislature. Transportation and the CRA are the two key issues they are fighting for at the Florida League this year; however, this has been supplanted somewhat by the problems caused by the hurricanes. In the hurricane situation, they are having another meeting over there on 18th of November and there is also going to be a special session in Tallahassee on November 18th. The League is asking that they come back there because they are going to have key people from FEMA who are going to express to them what they are doing and what needs to be done. They have an indicator the head of FEMA is going to be there and key State

Representatives are going to be there. They are going to be meeting simultaneously in a special session in Tallahassee. The strategy is to formulate what they want to do and what they have learned from the hurricane that they want the State to fund. They know the Federal Government has agreed to give them a 90% rebate on what their costs have been on this hurricane. That leaves 12.5% left that they are trying to get the State to take on. The question is whether the State is going to take on any at all or whether they are going to take in 5% or 10% or 12%. But they need to press their issues and make the Legislators know that Fort Pierce needs these monies to defray the costs they have incurred as a result of these hurricanes. He plans to be over there in Orlando during that time. It would be a good idea to have the Mayor or the Mayor Pro Tem or somebody or a delegation be in Tallahassee at the same time to put forth their effort. He doesn't know whether the Mayor would be available at that time, or does he plan to be in either Orlando or Tallahassee at that time? But Fort Pierce is one of the key cities; and to hear their voice and see pictorially what their damage has been and have a summation of what their damage has been will go a long ways relative to influencing that Legislature. Not to mention the fact that this is an election year too, they might get some help there. But he would advocate very strongly that they have representation in Tallahassee and in Orlando.

Mayor Benton said he was going to get to that. He was going to ask this Commission to authorize him or support him to put a letter together going to the State Legislature, all the Representatives, and the Governor asking for a 5% pitch-in from the State. His discussions with the Governor, he is not going to go for 10% because he thinks local government should be somewhat responsible. He does agree with him. So he thinks if they ask for 5%, they will get it. He thinks it is something through the League of Cities and also through their local governments they will all be asking for. But he would like to ask this Commission if they could do that.

Commissioner Nelson said he could certainly support the Mayor on the letters. But as he well knows, it makes a lot of difference when they have a live body standing before them to ask for something as opposed to a letter.

Mayor Benton said he agrees.

Commissioner Nelson said he would support him with a letter, but he wants him to hand carry it.

Mayor Benton said he didn't know that they were meeting. He was told they were meeting in December to discuss these issues.

Commissioner Nelson said this is a special session. They alluded to it today in the headline of the newspapers, they are going to have a special session. But his inside scoop from the League is that they are going to meet on November 18th. The League is going to have their policy statements formulated there in Orlando and faxed or hand carried or pigeon carried or something to Tallahassee to make sure it is presented to the Legislature.

Mayor Benton asked is he talking about the 18th of November?

Commissioner Nelson said yes.

Mayor Benton said he will be more than happy to go to Tallahassee

to present that, but he would like to have that letter in hand.

Commissioner Becht said what he would ask that he do is, he knows several people took photos, and if they could get someone to put a package together which would visually demonstrate the severity of the damage they sustained. But this 90% from FEMA and 10% potentially from the State, please keep in mind that is going to be 90% of what FEMA deems appropriately what the cost was and what the service was. So they may have another several million dollars that FEMA just says, "We don't cover that item". It is like Medicare, they will say "Oh, that should have cost \$100", even though it costs the patient \$500. He would ask that the letter request 10% from the State and point out to the Governor that his brother in D.C. is not going to reimburse them 90% of 100% of their costs. His brother is going to reimburse them 90% of what they deem to be appropriate costs that are covered by the FEMA program. So they are going to have damages that they as a City pick up that are not covered by FEMA and not reimbursed at 90% of what their actual cost is.

Commissioner Nelson said if he will recall, the City Manager wrote a letter. They have a price tag thrown out there now which he delivered. Mr. Beach wrote a memo and sent it to the Commission. He doesn't know if they got it last week.

Commissioner Becht said \$33 million.

Commissioner Nelson said \$31 million. And he used that when he was in Orlando the other day, so they have a copy of that. They need to get people like Senator Pruitt and others on the side of Fort Pierce to help present this. He alluded to the fact this is preliminary; and if they are going to further assess this and if they come up with \$50 million, as opposed to \$31 million or \$33 million or whatever the case may be, they put that in the hopper too, because they are going to have continuous escalation of their costs.

Commissioner Coke said she thinks they seriously need to consider the point Commissioner Becht made. In that it is the same thing, she spent 7-1/2 hours with insurance adjusters at her home, and they said they understand her pool filter is not working any more and it is \$800, but they don't cover that. They understand this freezer is broken, but they don't cover that. So they are going to give her "x" percentage of what they think they should cover. Just because she is telling them that her freezer was working and her pool filter was working prior to the hurricane, they don't think they should have to cover it. So what is she is getting for that? Zero. That being considered, she thinks they need to make that very strong point to the Governor, that Fort Pierce is not going to be reimbursed 90% of their expenses. They are going to be reimbursed 90% of what FEMA or the Federal Government deems appropriate. And they will have far more expenditures than they can count that are not going to be reimbursable at any percentage. And that the State should see their way clear to reimburse them 10% of the same expenses the Federal Government is reimbursing them 90%, because there will be way more for them to pick up. And it is not like there will not be City participation. There will be City participation in the millions of dollars, just in other avenues.

Commissioner Nelson said he indicated the head of FEMA will be in Orlando. They should hear all this. Whatever they can get in

there, he is amenable to putting it in there. But they have to hit hard and make sure it is received by the right people.

Mayor Benton said Dade and Broward Counties did pretty good for not getting hit by a storm, they got millions. Have they all sat down with their consultant and talked to her about the numbers she thinks they will get? From what he hears, they might do pretty good on this. They got hit twice by two storms. What they don't put in for one, they have another to take care of. He is just telling them what the Governor has already told him. The City Attorney was there when he asked the Governor. He hates to ask for something he was already denied again. To him, he firmly believe that local government should be somewhat responsible and the cost will continue for some time. But if 5% is going to get them something or 10% or whatever number they want him to put in there, he will take.

Commissioner Coke said she thinks certainly they are not going to turn down 5%. But she thinks they need to make a very strong point that the coverable expenses are not the total expenses. And if the Governor feels they need to have City and local government participation, he can come down and walk the streets and see what kind of City and local participation they have and will be having for years to come in expenses, and the State of Florida should cover them 10%.

Mayor Benton said the Governor has been here three times.

Commissioner Nelson said he agrees. Staff is still assessing and accumulating data, is that right?

Acting City Manager Arias said yes. He is going to give his observation. They have been dealing with FEMA ever since the last hurricane. They have proposed to this group many projects. What they do is take them to the site. And they haven't heard anything yet to say it will not be approved 100%. He thinks whatever they can get from the State they should get from the State. And he cannot guarantee that everything is going to be 90%. But it looks good to him. FEMA hasn't complained about anything. In fact, they are now considering the Marina.

Mayor Benton said plus they have insurance too.

Acting City Manager Arias said they are even trying to accelerate the process and all that. He was explaining to one of them today that they have about three or four items in the City that is a focus of the tourism, so they understand that. They are really helping them a lot. The City might get lucky and they can get all of it.

Commissioner Becht said he is going to respond to that. He has been through FEMA with Hurricane Irene, Hurricane Frances, and Hurricane Jeanne. Do they know how much money he got out of FEMA? Nothing. Do they know how much damage he has? He has a lot of damage. Do they know what his deductibles are? They are more than the Mayor's salary, that is what his deductibles are for the buildings he own. Ask for the 10% and they will get what they get. Understand they are going to have expenses that FEMA is not going to cover. That is his only point.

Mayor Benton said he understands that. It is just like in that case, FEMA was set up right before Hurricane Andrew. But it is

their tax money. If they have insurance, the insurance should cover it. He knows some people that got a lot of money from FEMA that didn't need it. When FEMA audits them, they are going to be in trouble. If they want 10% in there, he will put 10% in there.

Commissioner Nelson said they have a little time on this thing. It is on the 18th of November when they are going to be meeting. When is Mr. Beach due back?

Acting City Manager Arias said Monday.

Commissioner Nelson asked why don't they direct staff to continue to accumulate the data and give this data they further accumulate to Mr. Beach and have him draft a letter based on what they discussed.

Acting City Manager Arias said they have the list of the projects almost completed now.

Commissioner Nelson said give that to the Mayor, so he in turn can hand carry it to Tallahassee and he can take a copy to Orlando. Is that amenable?

Mayor Benton said but also he would like to find out what percentage they would want to put in this letter.

Commissioner Nelson said in the meantime, with staff effort and his effort as to what they want to put in there. He doesn't care. But they know they have 5%.

Mayor Benton said if they all want 10%, he will put in 10%. He wants to do what this Commission wants.

Commissioner Becht said what he wants him to do or what he would ask or what would be his position is, he wants the Mayor to educate the Governor that what this Commission wants the State to do is pick up 10% of what FEMA is not going to cover and the City is going to pick up the \$3 million to \$4 million that FEMA is not going to cover, and explain to him they are going to have \$3 million to \$4 million that is not covered by FEMA. Regardless of what rose-colored glasses staff is looking through right now, they are going to have \$3 million to \$5 million that is not going to be covered by FEMA.

Mayor Benton said as long as Staff shows him where that \$3 million to \$5 million that is not covered by FEMA is, so he can show the Governor. He wants Staff to show him that and he wants Staff to show this whole Commission that, because he doesn't think that is the case.

Commissioner Coke said she thinks it would be relatively easy when they start looking at it because they have simple things. They are talking about they need inspectors to go out and inspect roofs.

Mayor Benton said they don't cover that.

Commissioner Coke said that is not covered, okay. See, she is sure there are things on a day to day basis that are going on that are not going to be covered by FEMA. Things are going to come up. It is the same thing as, they think they have everything fixed in their house and they walk into the next room and there is something else. They are going to have the same thing in this City.

Commissioner Nelson said they are in a key position because they are one of the major cities hit the hardest. But the real decision is going to be made based on the input of the multitude of cities making their collective input via the League of Cities to the Governor. They can put their 10% in, which is good. But somebody else might put in 2% or whatever the case may be. But they ought to go for the maximum. He agrees with that.

Commissioner Becht said go for 5% per storm.

Mayor Benton said he already attempted to tell the Governor the Category 2 and the Category 3 storms equaled a Category 5. And the only one who got 100% was Hurricane Andrew. The Governor got a little kick out of that and so did the rest of the Country.

Mayor Benton said he hopes Mr. Westberry (The Tribune) can do a little story on the difference in cost per square for **shingles** so people will know they are getting ripped off right and left.

Mayor Benton said he does have a question to Bob Hood about **stumps**. He knows some people are getting them picked up and some aren't. The folks working in his neighborhood said they don't have the ability to. He hopes they can get somebody who can. Because if it is a light load and they are doing it by the square yard, the City wins when it comes to stumps, they don't get the weight on it.

Mr. Bob Hood, Deputy Director of Public Works, said there is a separate category having to do with stumps. The very large ones - like the one that could be a home near the Mayor - Ashbritt will be going around and collecting those stumps. They are trying to survey the City to see where those stumps are located right now. The real large ones will have to be moved on a tractor trailer.

Mayor Benton said they were removing stumps in some areas.

Mr. Hood said yes, it is a separate debris category.

Mayor Benton said keep up the good work. He knows Mr. Hood has been working a lot of hours.

There being no further business, Mayor Benton declared the meeting adjourned at 9:12 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER