

MINUTES OF A REGULAR POSTPONED MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON TUESDAY, JANUARY 3, 2006.

Mayor Benton called the meeting to order.

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

The Pledge of Allegiance was recited.

The next item in the Agenda was Swearing in Commissioners Alexander and Coke.

City Clerk Steele administered the Oath to Rufus Alexander and Christine Coke prior to their being seated as City Commissioners.

Mayor Benton said for the last four years sitting up here with Commissioner Alexander and Commissioner Coke has been very rewarding. They might not always agree, most of the time he thinks they do, but they all handle it all very nicely and keep it friendly and they don't take it personal. They look forward to another four years.

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

The next item on the Agenda was Selection of a Mayor Pro Tem for 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to nominate Commissioner Becht as Mayor Pro Tem for 2006.

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

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

Letter from Elie Boudreaux, Fort Pierce Utilities Authority, thanking Fort Pierce Safety/Training Coordinator Nancy Ingle for her assistance and expertise.

Letter from Jim Hood, Attorney General, State of Mississippi, in appreciation of the quick response, generosity, and assistance from Captain Terry Barcelona and employees of the Fort Pierce Police Department.

Memorandum of Commendation from Acting Chief of Police Sean Baldwin to Fort Pierce police Officer Todd Warner for his bravery, restraint, and professionalism.

Memorandum of Commendation from Acting Chief of Police Sean Baldwin to Fort Pierce Police Officer Ralph Holmes for his bravery, restraint, and professionalism.

Letter from Chief of Police Eugene Savage in appreciation of the 26-1/2 years of service by Fort Pierce Police Officer Jay Brown.

Letter from Chief of Police Eugene Savage in appreciation of the 26 years of service by Fort Pierce Police Officer Larry Newberry.

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 8b (Contract for State Road A1A) removed for discussion.

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

a. Approve the Minutes of the Regular Meeting on December 19, 2005.

c. Approve extension of Contract with **Command Security** for security services for the City Marina at \$11.20 per hour not to exceed \$35,000 a year. Bid No. 5274

d. Approve expenditure of \$22,548.91 for **Electrical Repairs** to overhead lighting fixtures and transformer at the City Marina damaged during Hurricane Frances and Hurricane Wilma.

e. Approve piggyback Florida Sheriffs Association bid for purchase of one **Ford F-150 Truck** for the Building & Community Response Department from Don Reid Ford in the amount of \$11,385. Bid No. 5569

f. Authorize contribution of \$10,000 from the Police Department Law Enforcement Trust Fund to the **Indian River Community College Foundation for Construction and Development of the Treasure Coast Public Safety and Homeland Security Training Complex.**

g. Authorize contribution of \$15,700 from the Police Department **Law Enforcement Trust Fund** to Shared Services Network, Police Athletic League, Crime Stoppers of the Treasure Coast, Northside Bat & Ball Club, Boys & Girls Club of St. Lucie County, and Avenue D Boys Choir.

h. Approve purchase of Toro Greensmaster **Triplex Mower** for the Indian Hills Golf Course from Hector in the amount of \$22,428.89.

i. Authorize piggyback Palm Beach County Contract for purchase of eight Motorola 800 MHZ **Two-Way Radios & Accessories** for the Public Works Department from Motorola, Inc. in the amount of \$12,764.00.

The next item considered was Item 8b, which had previously been removed from the Consent Agenda: Award Contract for **State Road A1A - Phase II A (Seaway Drive from U.S. #1 to west end of South Bridge)** to Burkhardt Construction in the amount of \$510,018.50. RFQ #5516

Commissioner Nelson said he knows this project is supposed to be completed in 210 days, and it is costing roughly a little more than a half a million dollars at \$510,000. What he didn't see in here - and he thinks it will probably surface once they approved this action - is a gant chart or schedule of sorts that is going to be showing some of the key elements that need to be done in consideration for same as they lay this program out. He is afraid that they get out there and don't have a chart to go by, a charted course as to when they are going to do certain things... That is a critical artery for the City over there on that beach area and they should have a definitive schedule relative to when things are

going to be done and they should have laid out for them the fact that some of these key elements have in fact been considered. He would point out that they have seen the demonstrated capability of this contractor on 2nd Street and to a certain extent on 14th Street and the Avenue A project. They are undergoing right now the 7th Street project and the 14th Street project. The question is, has this contractor extended himself, i.e. does he have the capacity and capability to take on this added work over there on A1A and the signage and all that stuff?

Mr. Jack Andrews, Deputy City Engineer, said staff has met with Burkhardt Construction and they are prepared to take on this extra work the City has. Staff will be meeting with Burkhardt Construction for a pre-construction meeting on the second week in January, and at that time they will provide the City with a full gant chart. In addition, they will coordinate that with the other projects that they do have, so they can track their progress on all of them. Yes, they will have a full gant chart on that.

Commissioner Nelson asked this project on Indian River Drive in front of the courthouse, is that handled by this same company? And funded under what source?

Mr. Andrews said yes, that is the same company. That is funded under a Joint Project Agreement with FDOT.

Commissioner Nelson asked in the way of signage, they are indicating what that project is, how much it going to cost, when it is going to be finished?

Mr. Andrews said they have that on order right now, the signs.

Commissioner Nelson asked when is it supposed to be finished? He knows it started already. And how much is it going to cost?

Mr. Andrews said the project is scheduled to be completed in August 2006.

Commissioner Nelson asked they will be getting the sign up there pretty soon?

Mr. Andrews said yes.

Commissioner Nelson said they realize it is important that the public be informed as to what is going on and how much it costs. It keeps a lot of pressure off him, because they ask him all sorts of questions. He can't go to the bathroom without people asking him questions about a project like that. They are willing to provide those data which he has requested in terms of the gant chart, the schedule, the cost, the signage, and all that?

Mayor Benton asked isn't there a chart? It seems like he has seen a proposed schedule for that project for the three phases.

Mr. Andrews said yes, they did have a chart; but they will update it at the pre-construction meeting.

Mayor Benton said they will get a final chart, an accurate one, the minute they break ground.

Commissioner Nelson said those people on the beach over there ask a lot of questions.

Commissioner Coke asked is this not just an approval? She assumes the City will be getting a full fledged contract back with a time of the essence clause in it.

City Manager Beach said Mr. Arias is saying yes.

Commissioner Nelson said considering the comments made and the question proposed by Commissioner Coke, he will move approval on this issue.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to award a contract for State Road A1A - Phase II A (Seaway Drive from U.S. #1 to west end of South Bridge) to Burkhardt Construction in the amount of \$510,018.50.

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

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Mary Martha LLC for a 5,547 square foot addition for office/retail space at the Center West Plaza at 3224 South U.S. #1; said property zoned C-3, General Commercial Zone. (Public Hearing postponed from December 19, 2005.)

Mr. Travis Gibbons, Planning Administrator, said as a recap, this is an item that was postponed on December 19th. It was missing a Stormwater Management Plan. Staff has received the Stormwater Management Plan. It has been reviewed conceptually by the Engineering Department and they have recommended approval of that based on they change the 12-inch RCP outfall pipe to 15 inches at the time of permitting. With that information, with the Stormwater Plan, staff recommends approval for the 5,547 square foot addition.

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

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

Commissioner Nelson said the question he has is that off-site parking requirement and the notation there might be a need for a letter of legal obligation to share this parking between two owners, and the possibility that the one owner might sell out before the other, and they still have this parking. And they are crossing the street and putting their citizens to some degree of peril. To what extent are they allowed to have the letter or agreement signed off between the two parties of the adjacent property to have shared parking in this area?

City Attorney Schwerer said he doesn't think that is a part of this project any longer. He thought he read somewhere that the off-site parking was unnecessary due to the downsizing and the square footage of the building. He would have to check with Planning Department on that, if that is still the requirement, but he doesn't believe it is.

Mr. Gibbons said that is correct.

Commissioner Nelson said he has experience where they had shared parking on 25th Street by two property owners. It was approved by the Planning Department and subsequently one of the owners sold out and left one owner there with the parking at a deficit.

Commissioner Becht said with all due respect, he read what Commissioner Nelson read the last time, but the applicant amended the application after they both read the material. There is no shared parking lot any more, if he understands the current design of the project. There is no shared parking and there is no off-site parking. All of it is on-site, because they reduced the size of the project.

Commissioner Nelson said that was what he was getting to.

Mr. David Recor, Deputy City Manager, said the plan that is presented to the Commission for consideration this evening meets the requirements of the ordinance. They reduced the size of the addition such that only 128 parking spaces are required and 128 spaces are provided.

Commissioner Nelson said so it technically meets the code.

Mr. Recor said yes, it does.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve the Site Plan submitted by Mary Martha LLC for a 5,547 square foot addition for office/retail space at the Center West Plaza at 3224 South U.S. #1.

Commissioner Becht said not specifically to this project, because this project currently meets all of their Land Development Regulations and code, and they are getting a great deal of landscaping out of this owner currently, but this is a project that consumes upwards of 80% of the land area that is allowed for that property. If they can get their land development regulations modified, this project may not have been approved. It will be probably approved tonight. But the sooner they can get Calvin Giordano back to them with land development regs for Comp Plan Amendments, the sooner they can have the continuing raising of the bar for developments inside the City of Fort Pierce. So he will be voting approval for this. But he would urge staff to stay on top of whoever is developing their land development regs, so that projects like these can be improved without covering so much land mass.

Commissioner Coke said she has a little problem here. When this project originally went to the Planning Board, it was approved and it was an addition of 9,284 square feet. It has been reduced in size, so that is a good thing. They now have their stormwater plan, so that is a good thing. However, she has a high level of concern that they have a Planning Board, and for them to have seen one project and for the Commission to be approving something that is entirely different, just doesn't really sit well with her. She thinks if the project was decreased in size almost 50%, it should have gone back to the Planning Board prior to coming in front of this Commission.

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

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Harbor Federal Savings Bank for construction of a Bank Teller Building at 5000 Okeechobee Road; said property zoned C-3, General Commercial Zone.

City Clerk Steele said Staff has requested that the City Commission pass a motion to postpone the Public Hearing to the January 17th City Commission meeting.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to postpone the Public Hearing on the Site Plan for Harbor Federal Savings Bank Teller Building at 5000 Okeechobee Road to the January 17th City Commission meeting.

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

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by **Brone Crossroads Park of Commerce, LLC** for construction of a 42,198 square foot flex office/warehouse to be located south of Okeechobee Road on Crossroads Parkway; said property zoned CP-1, Commercial Parkway Zone.

Mr. Travis Gibbons, Planning Administrator, said this is for construction of a 42,198 square foot office warehouse building in the Crossroads Park Industrial Commerce Center. The project has been through the Planning & Technical Review stage about three times and in the process all issues have been resolved with all code requirements and engineering. Staff and Planning Board recommend unanimous approval.

Commissioner Becht asked do they know what the situation is with the structure of the building? Is it CBS, is it metal?

Mr. Gibbons said no, but he knows it is a stucco exterior.

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

Mr. Joseph T. Friscia, P.E., said it is going to be tilt wall construction.

Commissioner Becht asked CBS?

Mr. Friscia said no, concrete walls. They pour them on the ground, they cure them on the ground, and they tilt it up.

Commissioner Becht asked the air conditioning, is it wall units or is it central air?

Mr. Friscia said he doesn't know.

Commissioner Becht said he has been to some of these facilities that have a wall unit like the old hotels used to have, it is right out there on the sidewalk. After a couple of years, that starts to look like...

Mr. Friscia said the developers are architects who usually pay a lot of attention to detail. He is just not prepared to answer that question.

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

Commissioner Coke asked was there a movement to put a condition on there for central air?

Commissioner Becht said he is leery of doing that without having somebody before the Commission that can tell them what they are going to do. He doesn't see that there are wall units on the plans they have in front of them.

Commissioner Coke asked are they going to make that a condition; and if the applicants are not happy, they can come back?

Commissioner Becht asked does Mr. Friscia think that is going to produce a problem?

Mr. Friscia said he doesn't think he can agree to central air to make that a condition without going back to the client first. He is hoping that Mr. Gibbons has some information from the architectural plans they submitted. He is 99% sure these are not wall units. But where they are, if they are on the roof? He knows they are not outside, otherwise it would have shown them. Has Mr. Gibbons been able to determine anything about that?

Mr. Gibbons said no. The architectural plans don't show wall units or window units, so he is pretty confident that it is going to be a central air conditioning system. He would just make it a condition that it be a central air conditioning system and they can regulate that during the permitting.

Commissioner Becht said he would be in favor of that. He just wanted to make sure it wasn't going to be an obvious problem.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the Site Plan submitted by Brone Crossroads Park of Commerce LLC for construction of a 42,198 square foot flex office / warehouse to be located south of Okeechobee Road on Crossroads Parkway conditioned upon there being central air conditioning.

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

Commissioner Alexander said he just wants to make one comment. First of all, he had spoken to Mr. Recor today about this. He just loves these new cover sheets and information staff is bringing forward to them and making it a little easier. They are not all as astute as Commissioner Becht here, but it makes it a lot easier, and he appreciates it coming from the Planning Department like that.

Mr. Travis Gibbons, Planning Administrator, said they are going to continue to make them better.

The next item on the Agenda was Public Hearing on Application for Subdivision Review - Preliminary Plat - submitted by Six Kings LLC to subdivide a parcel of land generally located on the east side of Kings Highway, north of Crossroads Parkway (2496 Kings Highway) into 15 commercial lots to be known as **Kings Landing Subdivision**; said property zoned C-3, General Commercial Zone.

Mr. Travis Gibbons, Planning Administrator, said this is a preliminary subdivision plat for a commercial piece of property that is 24 acres in size off Kings Highway into 15 separate lots. Each lot meets the requirements of the C-3, General Commercial Zone, at 10,000 square feet. Each lot is actually over an acre in size. They are going to be providing a 60-foot right-of-way, a

thoroughfare in between the property that is going to connect Kings Highway and Peters Road. One of the comments that was addressed was the additional right-of-way on Kings Highway. Come to find out, staff talked with the County, that Kings Highway actually will jog with the expansion to the westward, and the County did not require any additional right-of-way from this project because it jogs westward. With that in mind and after speaking with the County, Staff recommends approval and the Planning Board recommended approval unanimously as well.

Commissioner Alexander asked they are giving 60 feet of right-of-way? Is that 30 feet on Kings Highway?

Mr. Gibbons said no, they are going to be providing a 60 foot right-of-way, a road through the project.

Commissioner Alexander said his question goes back to the setback to the business to Kings Highway. He is looking at the setback on this. What is the setback on that?

Mr. Gibbons said each lot will have a separate application for building, and they will have setbacks of 25 feet off of that main road. That is the minimum setback.

Commissioner Alexander asked off Kings Highway?

Mr. Gibbons said off Kings Highway they have a lake feature that is about 120 feet wide, so all buildings will be approximately over 200 feet away from Kings Highway.

Commissioner Alexander said that is what he is looking at from the depiction here. It looks like it is right up on Kings Highway. Is he saying they are going to shift Kings Highway to the west when they redo it?

Mr. Gibbons said the County's plans for expansion is that the parcel to the south, the road will take a jog to the west in their expansion, and then it will jog to the west, and then the road will be expanded. However, they have a 40 foot setback from the property line for the lake feature and then the lake is 127 feet wide, and then they have another 20 feet. So they are talking any building that is constructed will be over 200 feet off Kings Highway.

Commissioner Alexander said he saw that the City Engineer had a rejection on this plan.

Mr. Hector Arias, City Engineer, asked the retention areas?

Mr. Gibbons said it was that and the additional right-of-way, but they have addressed that now.

Mr. Arias said the additional right-of-way, he discussed it with the Planner today and they already talked to FDOT and they have answers from FDOT; and it is true, yes, the King's Highway right-of-way will shift to the west right before the project.

Commissioner Alexander asked so that was Mr. Arias concern?

Mr. Arias said also his other concern was - and he talked to the Planner today and their Engineer - they are showing the retention areas in front of the project by Kings Highway. According to the

Engineer and the Planner - he doesn't know if he is here or not because he doesn't really know him - there shouldn't be a problem. But if they approve this project, it should be with a condition that they put the retention areas on the rear of the project.

Commissioner Becht said a little bit of knowledge can be a dangerous thing. He was involved in the design of a property that was probably 1/2 mile north of this property. And the County insisted as the plans were drawn that approximately 100 feet be given up for future right-of-way for Kings Highway. And that is how the plans had to be drawn. This is half a mile south of there, but someone at the County, or is it FDOT...?

Mr. Arias said FDOT has reported to the owner and the planner that they don't need any right-of-way for their project.

Commissioner Becht asked so staff has not heard directly from the County or FDOT?

Mr. Gibbons said he spoke with Scott Herring from the County on this project as well. They submit their plans to the County at their joint planning group. The County had no comments on it, they were fine with the acquisition as it was.

Commissioner Becht asked was the County fine with it, or they didn't say anything?

Mr. Gibbons said he spoke with them. They said this meets requirements and they do not need additional right-of-way. That is what they were told.

Commissioner Becht said what he is very concerned about is that they are in the same situation they were out on Jenkins Road where somebody at the County said they don't need any right-of-way because they are not going to build a bridge; and then two weeks later they find out the County is going to build a bridge and they need money. Unfortunately, he has knowledge that less than a half a mile north of here the County told a developer they needed 100 feet off the western edge of his property on the east side of Kings Highway. He doesn't want to punish this developer for something that may be completely unrelated. But anybody who drives that road knows there is a very deep canal on the west side of Kings Highway. And if they are telling them they are going to jog the road west, are they going to culvert all of that canal?

Mr. Arias said yes, he thinks so.

Commissioner Becht said what he thinks he would like to do is get something in writing from the County. This is the County's Research Park area, this is their baby. And he doesn't want by accident for the County to say they didn't get notice of it, or even if they screwed up and say they shouldn't have told them that. He is very concerned that this is at odds with what he has been told and what his eyeballs show him. So he would like to get something in writing from the County that they don't have a problem with this. He appreciates that Mr. Gibbons talked with Scott Herring, but he assures him Mr. Herring is going to deny that later or he is going to say Mr. Gibbons misunderstood him.

Mayor Benton said he wants to follow up with Commissioner Becht's discussion. This went through Technical Review. Was anybody from the County at that meeting?

Mr. Gibbons said no.

Mayor Benton said the properties to the north of there on Kings Highway, not only has he had concern from the University of Florida with their work with putting residential development that close, but also he would like to hear from the County that they would support this because of their Education & Research Park there.

Commissioner Alexander said on the information sheet under Comments it has the County as N/A.

Mr. Gibbons said the County had no comments. They actually had a sheet that came in from Technical Review where they listed the projects and the County had no issues. So that is why he put N/A, Not Applicable, on there. The County had no issues. They didn't even show up at the meeting.

Commissioner Coke asked they have something where they sign off on each project the City sends them? When he says they didn't have any comments on that, does the City have something where the County will sign off and say they have reviewed this and they have no issues.

Mr. Gibbons said they will receive a fax from them, normally the day of.

Commissioner Coke asked that specifically states they have no comments on this project and no problem with it and somebody over there has signed that?

Mr. Gibbons said that is Wendy Clark at the County.

Mr. David Recor, Deputy City Manager, said they will be establishing a procedure in the future to make sure they have written feedback from the County's new Director of Growth Management in the Commission package for their review.

Commissioner Alexander asked they will start with this project first, right?

Mr. Gibbons said one good thing about this project, it is a preliminary plat. It does have to come back for a final approval. So they can make recommendations and conditions tonight that they can make sure are followed through on.

Commissioner Becht said he is sorry, he doesn't want to create unnecessary work for staff, but he just wants to have a real clear paper trail that the County understands the City has a piece of paper from them that says they don't need any additional right-of-way and they don't have a problem with a 15 lot industrial subdivision there. Now if he could go one step further. Can Mr. Gibbons explain to him when this road through the middle of this subdivision is going to be paved? Not designed, not permitted, but actually paved, in connection with when the first lot is sold? How is staff making recommendations to the Commission with that in mind?

Mr. Arias said in any subdivision, they have to do all the improvements before they sell the first lot. If they want to start selling lots and get the final plat approved, they will have to bond the entire project.

Commissioner Becht said he read the Minutes of the Planning Board meeting and the developer kind of side-stepped the question of when would the road be paved. The road is going to be paved all the way from Kings Highway to Peters Road before any lots are sold? Not just within the subdivision, but all the way out to Peters Road?

Mr. Arias said it has to be. Whatever is on the plans they submitted, they will have to build, unless they want to bond it.

City Manager Beach said the mechanics of that are that the final plat will not be signed off on by the City or anyone else until the improvements are either completed or until they have posted a bond in the amount of the improvements they have agreed to within the subdivision. That is the mechanics of how that works.

Commissioner Becht said he understood that. The only thing that is a little bit different here is that the road that extends out of the subdivision proper to the east is just a 60 foot road. They don't own property on either side of it. All that is there is the road. So that portion of the road will be built before the lots are sold?

Mr. Gibbons said it must, yes.

Commissioner Nelson asked that canal on the west side of Kings Highway, please tell him what they plan to do with that canal again?

Mr. Arias said as he understands it, they are going to pipe the canal. That is going to be a four lane highway. If he remembers at the last MPO meeting, they moved some of the money from their U.S. #1 project so they could go ahead and start planning for the Kings Highway project. If they are going to put in a four lane road, they are going to have to pipe the canal.

Commissioner Nelson asked are they on record saying they want it piped?

Mr. Arias said that is not the City's canal.

Commissioner Nelson said but it is in the City's service area and eventually the City is going to take it over.

Mr. Arias said not with his recommendation.

Commissioner Nelson said he recalls when 25th Street was a big wide ditch that they filled in.

Mr. Arias said that was inside the City and he believes there were certain agreements with FDOT that they would pipe the canal and give them the right-of-way. But Kings Highway is a State Road, period.

Commissioner Nelson said yes, it is a state road, he is right. But they can ask the State for something too. What he is trying to get at is the fact that the east side of that road that represents the canal should at least this time be addressed to whomever is responsible to consider piping it.

Mr. Arias said the canal is owned by the North St. Lucie River Water Management District and that is entirely a FDOT project. He can find out and report back and send a memo to the City Manager.

Commissioner Nelson said he would like to know what their plans are to pipe it. They have a problem with people running into the canals all the time. In South Florida, for example, they get accidents every day, pulling cars out of the canal. Certainly they wouldn't want that to happen in Fort Pierce, because it does in fact tax their people. He is not sticking his sword in it right now, but it is something they should talk about.

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

Mr. Troy Holloway said he is with Gentile Holloway O'Mahoney & Associates, representing Six Kings LLC.

Commissioner Nelson asked does he have any concerns? Does he think the City is asking too much of him, or is he willing to commit to any particular thing that is going to make them feel good about his project here?

Mr. Holloway said obviously the roadway will be constructed from Kings Highway to Peters Road. That is one of the pros for the project as well, that does provide all the lots the ability to go south. Rather than having to go to Kings Highway making a left, they will be able to go south on Peters Road, go to a traffic light, and then go left or right to I-95 or the Florida Turnpike. That road will definitely be built before anything is constructed on that project. Also, he doesn't know if they did discuss the lakes. The objective for the lakes in this project were to provide nice entry features for the project. Those will be landscaped, irrigated, maintained. It does provide a nice separation for at least the front lots from Kings Highway, so at least they don't have those facilities right on Kings Highway. It does provide a nice separation. That is basically what they planned those for.

Commissioner Alexander said the City Engineer has requested that they be placed on the eastern portion of it. Is he right?

Mr. Arias said on the rear of the project, yes. The code says they don't want to have retention areas in front by the road.

Commissioner Alexander asked but for beautification of it?

Mr. Arias said a retention area is a retention area. They don't want to have another Walmart retention pond.

Mr. Holloway said that was discussed. In the very beginning, it was their intentions to do that. They talked to Planning, they talked to Engineering. Obviously Engineering stated there is a requirement in the code that he guesses stems from the Walmart mess that is out there today. They are going to have fountains in these lakes, landscaping on the banks of the lakes. These are not going to be dry retentions. There is going to be a document for the POA to maintain, it is going to be their responsibility to maintain these.

Commissioner Alexander asked did Mr. Arias say he wants the retentions to the back?

Mr. Arias said the code calls for retention in the rear of the project.

Commissioner Alexander asked so they didn't take into consideration that they are going to have the fountains?

Mr. Arias said a retention pond is a retention pond. He explained to Mr. Holloway today that the project presented is beautiful. These are built beautifully. But after all the designers leave, they have the maintenance for the project. Sometimes they don't maintain the pond properly. That is why they put in the code that they didn't want to have any retention ponds in the front. He is almost sure this is not going to be another Walmart pond in here. But according to the plan that is submitted, he doesn't think it matters to the project whether they put it in the front or the back. They don't have to redesign anything. They just have to move it, that is all.

Mr. Recor said aside from the fact that it appears that the applicant had worked with staff to incorporate these water features and the fountain elements as part of the design and appeal of the project, providing some buffer from the road using the stormwater management features in the front as opposed to the rear. So he thinks they can serve the legitimate purpose for the feature either in the front or the rear. However, it adds a certain element of appeal and buffer when provided in the front of the building. He is not sure there if there is any discretionary authority there or not.

Commissioner Alexander asked what are the recommendations?

Commissioner Coke said they have mixed recommendations.

Mr. Recor said as proposed by the applicant.

City Manager Beach said the recommendation is to move the retention ponds.

Commissioner Coke said except if they read the Minutes of the Planning Board, Mr. Gibbons stated that he thought it would be a good feature as an entry feature with fountains, etc.

City Manager Beach said that may be correct. And if it is a good feature, they can go ahead and construct that. However, they need to put their retention facilities in the back of the property.

Commissioner Alexander said so if they want to have that plus added feature, that is on them.

City Manager Beach said that would be his suggestion. His concern is exactly what the City Engineer indicated. They can build something beautiful. The minute it stops being maintained, they have a mess right in front of their property.

Commissioner Alexander said it can be observed from Peters Road.

Commissioner Coke said she did read the Minutes of the Planning Board, and she did like the theory of that being used with fountains and there is a buffer to Kings Highway. Her question would be, is there a way to put a condition on there that it would have to be maintained as a fountain and that kind of thing? Mr. Arias looks very skeptical.

Mr. Arias said he is. And the reason he is very skeptical - and Mr. Schwerer is familiar with this too - there have been many

projects, many subdivisions that have all these drainage features and they all have a Homeowners Association and they say they will maintain this and they will maintain that. But there have been several projects, several subdivisions that the Homeowner's Association has failed and have disbanded. Then guess who is going to maintain the pond? Do they get his drift?

Commissioner Coke said she got his drift.

Commissioner Nelson asked did he have a chart he wanted to show indicating where the retention ponds are?

Mr. Holloway said yes, a rendering he brought. It shows basically three separate lakes. There are the two up on Kings Highway. These were not afterthoughts. This is going to create an exception to the project. And to him, when they throw them to the rear, then they are kind of an afterthought, so what is the purpose of maintaining them. If the lakes do go to the back or to the middle, he is sure it will make the project probably cheaper to build, more efficient for the engineering and drainage aspect of it. Again, they just felt that was a nice feature for the new project.

Mayor Benton asked has Mr. Holloway had any correspondence with the County staff on this at all? He knows this area is a big interest to the County. Has he talked to anybody from St. Lucie County on this project at all?

Mr. Holloway said no, he has not.

Mr. Arias said Mr. Holloway said today that he talked to the FDOT. He talked to Mr. Holloway's Engineer who said he talked to FDOT and they sent him an e-mail regarding the right-of-way requirements.

Mr. Holloway said they have had a pre-application meeting with FDOT.

Mayor Benton said he is thinking more the County Planning staff or administration over there, because that area is very important to them, how it is developed.

Mr. Holloway said they have been to several of their workshops, not specific to this project, but for just the FDOT workshops for Kings Highway.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve the Preliminary Plat submitted by Six Kings LLC to subdivide a parcel of land generally located on the east side of Kings Highway, north of Crossroads Parkway (2496 Kings Highway) into 15 commercial lots to be known as Kings Landing Subdivision, with the condition that it be according to code.

Commissioner Nelson said he is concerned about the level of coordination or the lack thereof with the County. He guesses they will have a second go around at this at a later date. But he wonders could they make some degree of assurance that the petitioner would in fact get any and all necessary endorsements by other entities to support this plan more than he has done thus far as indicated.

Mr. Recor said staff assures them there will be follow-up on the issues, the discussion items that occurred during the hearing.

Commissioner Nelson said then staff could at the next go around report on those, so they feel comfortable that the coordination has been made and everything is satisfactory to all concerned.

Mr. Recor said they will report back on each of the items.

Commissioner Becht said he has a question for their esteemed and creative City Attorney. Is there no effective means, through Code Enforcement or some other manner, of insuring that these lakes stay lakes instead of the weed pits that they are all concerned they are going to become?

City Attorney Schwerer said they are catching him somewhat cold here, so he is really thinking hard. He is not sure whether the City Code of Ordinances has any particular level of maintenance required for these retention ponds other than their general nuisance provisions which cover a broad range of instances. So if they are asking him do they have regulations that if the grass gets too high and the cattails start growing and it becomes a frog pond as opposed to a fountain, do they have the ability to go to Code Enforcement? The answer is probably yes, but enforcement can be difficult because of the standards. Is Mr. Arias aware of any standards that requires specific maintenance of retention ponds that are outside of their ordinary nuisance regulations and the grass and weeds that grow?

Mr. Arias said the City's stormwater management regulations require maintenance of the drainage system.

City Attorney Schwerer asked is that Chapter 17?

Mr. Arias said that is right.

Commissioner Becht said that is not exactly what he is looking for. He is not looking for a functioning retention pond. What he is looking for is an aesthetically pleasing lake.

Mr. Arias said once the retention pond is designed and approved by this Commission and staff, when it is built, it will look okay. If they don't maintain it, it will look awful. But the mechanism the City has now is that they have the regulation of the Stormwater Management, and also when this development takes place, they will take a reduction of the Stormwater Management Utility Fee. When they don't maintain this properly, they will take the reduction away. That is one of the tools they use for them to maintain it properly. The regulations say that they have to maintain the retention pond for the purpose intended. As far as beautification, whatever they approve in this meeting, that is what they are going to build. Beautification means to him cutting the grass, keep the bushes in good shape, and things like that.

Commissioner Becht said it also means maintaining a certain water level in the lake. That is what he was asking Mr. Schwerer, where is the teeth? If they fail to maintain it as a lake, if it becomes the dry Walmart retention pond, where is the teeth to make them do what they are supposed to do?

Mr. Arias said they have been making the Walmart retention pond to beautify every six or seven months. Every time it grows, then he

is going to have to send a letter and they are going to come and do it, and they let it grow again. It is a process.

Commissioner Coke asked could they not put a condition on approval that they maintain the water level and the aesthetics as well as the fountain feature, if they allow them to leave that in the front?

Mr. Arias said they have to maintain the water level for the retention pond that is designed.

Commissioner Coke said then she is not sure she understands exactly where the concern is. If they have to maintain the water level and they are putting a fountain feature in that they are going to spend a lot of money on, so they are going to maintain that. And they have codes in place to enable them to be sure they maintain the level of the grass. They are in her mind losing the possibility of having a grand entrance with a fountain that looks really good to buffer Kings Highway from this project, on the what-if, that they are not putting their faith in people.

Mr. Arias said the City does have a code also that says they don't have any retention ponds in the front of the property. If they want to put in a water feature in the front of the property, that is fine. He thinks this Commission can do whatever they think is best. But they have a code. And he cannot recommend to leave the retention ponds in that area, because he has a code to follow.

City Attorney Schwerer asked for legal clarification, does this project have water features as ponds separate from retention, or is the applicant using the ponds as a retention area? That is what he needs to know from a legal standpoint.

Mr. Arias said he thinks they are using the retention area as a water feature also.

City Attorney Schwerer said so it is a dual use area. In that case, the code provisions would apply that require it to be moved to the rear of the property unless the Commission - correct him if he is wrong - under Chapter 17 can exercise its discretion and impose certain conditions allowing it to the front. Is that correct? Or are they without the discretion?

Mr. Arias said not to his knowledge.

City Attorney Schwerer asked so these have to be in the rear?

Mr. Arias said yes.

City Attorney Schwerer said then they have no discretion according to what the City Engineer is telling them under the code.

Commissioner Nelson said Mr. Arias is the expert at that. But he thinks they have been around long enough to recognize that there are many retention ponds that have been built not necessarily in the rear and not necessarily wet. He cites for them the one over near the hospital off 25th Street near the First National Bank Building; the one near the Hess Station off Okeechobee Road is in the front by the Hess Station; and of course, a wet one over by the Smithsonian that has an alligator in it. They have occasions wherein, particularly those along Okeechobee Road, where they recognize they are overgrown with cattails in them and all that,

and sent some of the City people out there - Code Enforcement or Building Official or somebody - to talk to people. And they cut it and made it look more attractive. The one over at the plaza off Virginia Avenue is not always wet. It has a little fountain in the middle of it too. So he thinks their decision relative to how the City is going to enforce this is somewhat shaky and their track record for doing so is very spotty too.

City Manager Beach said all of those circumstances Mr. Nelson just recited where those retention facilities were in the front was why they changed the code about three or four years ago, requiring that those retention facilities go to the rear. That was the reason they changed the ordinance was because of that problem.

Commissioner Nelson said that is what gets him, because he was here and that one slipped by him. And he reads the code book, the code book insertions all the time, and he had never seen that. But he would like for someone to please give him a copy of that code. In the meantime, he concurs that they need to try to push to get these retention ponds in the rear if they possibly can, because they do look horrible.

Commissioner Becht said may he suggest the Commission vote on this and utilize staff's recommendations as a preliminary subdivision; and when they come back, maybe some of these issues could be ironed out so the lakes could be in the front, depending on what the code says and what they are able to do.

Commissioner Alexander said make sure they follow up on what the County's setback is.

Mayor Benton said get the County's input.

Commissioner Nelson asked the motion is?

Commissioner Coke said to approve according to code.

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

Ordinance No. K-398 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, APPROVING A LICENSE AGREEMENT WITH **COMCAST** OF COLORADO/FLORIDA, INC. FOR A TERM OF TEN YEARS; AUTHORIZING CONSTRUCTION, OPERATION, MAINTENANCE, AND REMOVAL OF A **CABLE SYSTEM** IN THE PUBLIC RIGHT-OF-WAY; REQUIRING COMCAST TO COMPLY WITH CERTAIN REQUIREMENTS AND STANDARDS; AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE THE LICENSE AGREEMENT ON BEHALF OF THE CITY OF FORT PIERCE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-398 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-398 be passed on first reading.

Mayor Benton asked how many years have they been working on this one?

Commissioner Becht said yes, they have been working on this a long time. The next item on the Agenda, he believes, is a discussion on televising the City Commission meetings. There might be things that they could or should do in regard to the Comcast License Agreement in that regard, so they are kind of out of order, because they haven't made a decision yet on whether they are or are not going to televise the meetings.

Mayor Benton said there are two readings. But if they make a decision on the next one, maybe by the second reading they could have a commitment.

Commissioner Nelson asked why don't they just switch the two?

City Attorney Schwerer said they have a motion on the floor and a second, but let him explain something. The negotiations are closed under the License Agreement by Federal and State law. They have closed their negotiations. But let him just tell the Commission that they don't need anything further from Comcast for purposes of their discussion. They have in the License Agreement, which they negotiated for, not only the ability of one access channel, they have a second access channel that is available to them as the City of Fort Pierce. They have required a public wiring and free wiring of the public buildings for the drops. And furthermore, they have a \$100,000 contribution from Comcast, a one time initial contribution of \$100,000, to provide for the creation and operation and maintenance of their City managed channel. And a \$35,000 per year contribution toward that budget, which is already negotiated. So what he is simply telling the Commission is that these provisions in the License Agreement really are closed for negotiations. So they should approve it. And then build their issues around, if they want to televise their meetings, they have to work within the confines of what is in the ordinance. They can't go back and change the License Agreement.

Commissioner Alexander asked if the Commission doesn't agree tonight on the License Agreement, then they start over again?

City Attorney Schwerer said they start over. He is not recommending that at all.

Commissioner Alexander said it is like the City is going to be held hostage because they have this agreement.

City Attorney Schwerer said no. He thinks this License Agreement provides more than any other city in the Treasure Coast provides for and they have been through a lot with them. So his recommendation would be that the Commission approve it, because they are getting more by this License Agreement than he believes any other city has compared to what they have read, and they are getting a State of the Art cable system. There are a lot of benefits, he will go over all those if they want him to. But he recommends they approve this, because after this number of years of negotiations he thinks they have reached a point where they are getting a very good ordinance, a lot of bang for the buck so to speak.

Commissioner Nelson said he is prone to agree with him. He has followed this negotiation, this contract renewal. ever since the Telecommunication Act of 1996. As a matter of fact, he brought it to their attention right after he came on this Commission. But to say they should approve this as written, based on his negotiations,

is not necessarily the way they ought to do things. They haven't really been sold on this issue by Mr. Schwerer prior to this meeting. They have had certain instances wherein they had the representative from Comcast come in and try to talk to the Commissioners and they made certain propertments at various Commission meetings. And now they have a case wherein the person who is doing this telecommunication thing at the County is here to make a presentation to the Commission. There might be something they might glean from that presentation that might help them to understand this a little further and make more prudent decisions on it. He, for example, had certain agreements from some of their cities down south submitted to the City Attorney's office indicating what they got. He doesn't know whether that compares favorably to what they are proposing here or not, because Mr. Schwerer hasn't sold it to the Commission, other than saying he negotiated this and this is the best thing since sliced bread and little girls.

City Attorney Schwerer said he is not saying that. He is simply trying to tell him that they spent years negotiating this. He has kept the Commission advised of every piece of negotiation. Every time Comcast did not like the City's demands on them, which Commissioner Nelson or other Commissioners were telling him they wished to have negotiated, they came running to the Commissioners trying to change their mind, and the Commissioners stood steadfast, for which they are commended. All he is trying to tell them is that he kept the Commission advised every step of the way. This is the License Agreement that was negotiated pursuant to Federal law and State law. They designated the City Attorney's office as the negotiators. They had a hired consultant. They compared all of the ordinances up and down the coast of Florida. They looked at what the State of the Art obligations are now and what the requirements are of the cable industry. They have done that. They have made significant contributions to the City. He is just simply saying, the time to negotiate it is over. If they want to not approve it and ask Comcast to do something different than what is in here, they can ask them, but they are not obligated to provide. In fact, they go back to square one and they will start again for another two years and negotiate this agreement. That is where they are. He is simply telling them, they don't negotiate from the podium. They designated the City Attorney's office as the negotiators. And he has sent the Commissioner every document they have done with Comcast.

Mayor Benton said they killed a dozen trees.

City Attorney Schwerer said whether or not they televise their meetings is not a concern for purposes of this cable license. This cable license gives them two channels. Most cities have just one.

Commissioner Becht said one thing he would like to point out, as Mayor Benton mentioned earlier, this is the first reading. If they get input from the County that indicates they should take another look at the license, he thinks they can do that at the second reading. But he in the two years he has been up here and the 25 years he has been in practice, he has never heard Mr. Schwerer say it can't get any better. So he is pretty comfortable in relying on what the Commission has asked him to do, so he is prepared to vote on it.

Commissioner Nelson said he concurs with that in terms of the work that legal staff has done on this. He has really seen quite a bit

of evidence of work Mr. Schwerer has done. And he is absolutely right, Comcast employed tactics which are common to negotiations of this type by trying to poll them separately and individually.

Commissioner Alexander said call the question.

Those voting in favor of the passage of Ordinance No. K-398 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Shane DeWitt, St. Lucie County Media Relations, concerning proposal by SLCTV to televise City Commission meetings.

Mr. Shane DeWitt, St. Lucie County Media Relations, said he would much rather be looking at them through a lens right now than up here in front of the Commission. Ditto Mr. Attorney on that last item. Good job. He is basically here tonight to generate discussion on whether or not the City of Fort Pierce would like to televise their City Commission meetings along with the aid of St. Lucie County television. He was approached previously just before the holiday by his boss, County Administrator Doug Anderson, who had spoken with one of their County Commissioners, who had spoken to some of the Commissioners here. He basically got together with David Recor and staff here at the City who discussed this issue and how St. Lucie County could hopefully partner with the City of Fort Pierce and they could get this done pretty economically and become some type of team thing. Hopefully getting some questions from the folks here tonight, he will get a better understanding of what they do want to do or what they don't want to do. But from his understanding, the City does not want to house their own television station in the City, and they do not want to create a department or have their own staff. That is kind of where St. Lucie County Television comes and gets involved. They would be willing to use their own County staff. The City would purchase the equipment that is available. From what the City Attorney just said, it sounds like they got some money from Comcast that they can use to help get some of that equipment. The SLCTV staff would come in and broadcast these meetings for them, whether they want them live or tape delay or whatever. Also, they would be able to access the Community Calendar where they can post announcements, press releases, job postings, or whatever. They would do some type of a contract where the City would pay a percentage of their annual operating cost for the year. They do a one year contract. And they would do their City Commission meetings and give them access to their Community Calendar. The St. Lucie County Television staff would come in, they would do all their meetings, they would tape them all, they would help with preventative maintenance of the equipment, they would train City staff. They are going to have a new documentation system and stuff that makes presentations like they had tonight, where people were showing maps and everything, a lot easier for the folks in the audience as well as those folks who would be watching at home. St. Lucie County staff would help make sure they have somebody on premises who is trained to use that system. They would do that for a year. After that year, they would come back to the Commission and ask what do they think, do they want to do more? Of course, the percentage of what they pay out for operations would go up. They may want to do their Code Enforcement like St. Lucie County does. They do the County's Planning and Zoning now. The other thing they would have an opportunity is something they just implemented this year is video on demand which has been really great. It is really fantastic for

staff, because they have these meetings at night and staff can come back in the morning and can fast forward or rewind right on their desktop computer the entire meeting and take a look at what was approved or not approved or whatever. It helps out staff a lot. It also helps those who may not be able to get the meeting because they don't have Comcast, they have Direct T.V. or they have a Satellite Dish or they may not have cable at all. So now if they have Internet, they can go on there and either watch it live streaming or they can also watch a video on demand. So the City would also get access to that. The County would set up a link to where the people could go to the City of Fort Pierce and they could look at previous meetings archived up to a year. Basically, he is just here to answer whatever questions they may have and talk to them about it.

Commissioner Becht asked what is the County's annual budget?

Mr. DeWitt said this year their operating budget is \$450,000.

Commissioner Becht asked how many employees does the County have?

Mr. DeWitt said the Public Information Officer is under their subdivision, but he has three staff under himself, so there are five of them all together.

Commissioner Becht asked Mr. DeWitt currently does the Board of County Commissioners, Code Enforcement, and Planning & Zoning?

Mr. DeWitt said yes, and whatever Board of County Commission workshops the Board sees appropriate for them to televise, whether they be on-site or off-site.

Commissioner Becht asked within the nearest 10%, what is he thinking the City of Fort Pierce would need to contribute toward that budget in order to have them all come over here and run three to four cameras?

Mr. DeWitt said Commissioner Becht just said it, about 10%.

Commissioner Becht asked he could do that for the first year for \$45,000 does he think?

Mr. DeWitt said he thinks so.

Commissioner Becht asked that would include the video on demand?

Mr. DeWitt said that would include the video on demand, yes.

Commissioner Becht asked do they use any Indian River Community College students in training or internship or anything like that?

Mr. DeWitt said right now Indian River Community College is just starting to implement a television program. They don't have that up and running yet. He has had his own Commissioners come to him before and ask why don't they use high school students and things of that nature? He knows the Indian River County School Board and St. Lucie County School Board have used them. It is hard whenever they are dealing with kids.

Commissioner Becht said he is not talking about kids. He is talking about college students. This is after hours. Some of their meetings don't last as long as the County meetings, but he

wouldn't want to keep a high school kid here until 11:00 or 12:00 p.m. at night. A college kid is going to be up anyway.

Mr. DeWitt said if they are available and they are taking a course in television production, absolutely. They could use them.

Commissioner Becht said the deal Mr. Schwerer cut with Comcast, the City has their own channel. So his equipment is compatible with that, so they could plug it into their own channel?

Mr. DeWitt said right. And that is one of his questions, is the City wanting to go ahead and start their own channel?

Commissioner Becht said they don't know yet.

Mr. DeWitt said but the equipment the City would purchase, that St. Lucie County Television would oversee the purchase of, that equipment would be compatible if the City decides to have their own channel.

Commissioner Becht said the equipment they have at the County, the last time he was there, it seems to him they had at the podium a light system for timing public comment and that limits their input. How does that work?

Mr. DeWitt said it works, but only if their Chairperson or whoever... How it works is there is a little device that the person speaking can see and there is a timer on it. They do five minute public comment just like the City does here.

Commissioner Becht asked so it gives them a warning at four minutes?

Mr. DeWitt said it gives them a warning when they have one minute left. After four minutes they get a warning of one minute. That light system, also there is a slave that goes to the Secretary and they can also have a slave to the Chairperson.

Commissioner Becht asked could it be worked so it shuts the mike off in five minutes?

Mr. DeWitt said they could probably do that, although he wouldn't advise them to do that.

Mayor Benton said not as long as he is sitting here they wouldn't be doing that.

Mr. DeWitt said but if they have a strong Chairperson up there who says there is one minute left, so please wrap up their comments.

Commissioner Becht said they don't have a rotating Chairperson like the County does. It would always be the burden of the Mayor to shut somebody down who is talking about something that is important enough for them to come here to talk to the Commission about.

Mayor Benton said the City doesn't do like certain ones who have them escorted out of the room. They try to be as nice as possible.

Mr. DeWitt said that timer is just there just to make sure that nobody is mistaken that they have only one minute left. So staff knows they have one minute, the Mayor knows they have one minute, and they know they have one minute.

Mayor Benton said his only thing is, what he would like to do if they decide to go further with this, have it in writing, something on paper about what the cost would be for their Commission meetings, for their Planning Board, for other meetings, and also for the electronic equipment, because they have had complaints about the acoustics and the sound system in here to start with. Because he is sure it would be more than \$45,000 once they throw in everything. To him, that is a high budget item.

Mr. DeWitt said to do the first year as far as operating, they are looking at \$45,000 to \$50,000 for the first year just for the City Commission meetings, plus whatever content the City wants on the community calendar. After that, if they want to do the Planning Board, Code Enforcement, or whatever, the price is going to go up.

Mayor Benton said for what the City pays for publishing the Commission Agenda in the newspaper, which they finally have done, maybe it is something they can run as the County runs their Agenda now. They can save some money there or at least alter it from the newspaper to T.V.

Mr. DeWitt said to answer Mayor Benton's question, after this meeting that is something that the County Administrator has wanted him to do is to sit down and get something in writing that he would present not only to the County Board first to get approval, but they would present it back to the City of Fort Pierce.

Commissioner Nelson asked is the County doing this for other municipalities as well?

Mr. DeWitt said they are not right now, no.

Commissioner Nelson asked he does not do Port St. Lucie?

Mr. DeWitt said they air their meetings, but they do not shoot their meetings, no. They do not produce their meetings. Port St. Lucie does all their own in-house stuff and they just provide them with a tape. Port St. Lucie has their own staff. Also, he just got back from a Florida Government Communications Association meeting that is a yearly thing they go to, and there are a lot of counties or a lot of cities who are doing exactly what he is proposing to them right now, where there is a county T.V. station and they do stuff for the city or vice versa. So it is not unique.

Commissioner Nelson said it seems to be a good economy of scale.

Commissioner Coke asked first of all, does he have an estimate on what the equipment would cost?

Mr. DeWitt said nothing in writing.

Commissioner Coke asked a ballpark figure off the top of his head?

Mr. DeWitt said he understands speaking with City staff they are talking about spending about \$100,000 just to retrofit this without broadcasting. They are probably looking at somewhere in the fee of \$125,000 to \$175,000. Usually how they do that is they go to RFP. There are a lot of companies that do this.

Commissioner Coke said she knows on the County station, which they at this moment are looking at working within their parameters, they are pretty much running 24/7. So her concern becomes is, if they

make a commitment to \$175,000 worth of equipment and \$45,000 to \$50,000 worth of operating costs, she guesses the purpose of that is to make this Commission more accessible or the actions of this Commission more accessible to the public. How many times are they looking at broadcasting then?

Mr. DeWitt said they can discuss that, that is an open-ended discussion. SLCTV televises the Board of County Commission meetings, usually the live Tuesday feed either in the morning or night, and then they repeat it. He tries to repeat it two or three times a day just because they have people who watch stuff in the morning, people who watch stuff at night or late at night.

Commissioner Coke said that is her concern, they already have their time slots booked. So for the City to make an investment it probably would end up being over \$200,000 for two hours every other week, she doesn't know that is a viable option in her mind. That is a lot of money. It took them how many years to agree to spend the \$16,000 to put the agenda in the newspaper. And now they are talking, let's spend \$200,000 without thinking twice. She knows Commissioner Nelson wants to be outside signing autographs.

Mayor Benton said they haven't made their decision yet. This is something they can talk about coming into a budget.

Commissioner Coke said her last question is, with this newfangled system if they go with this, can she stay home and call in her vote? They can put her on speaker phone.

Mayor Benton said put a little picture of her there.

Commissioner Nelson said no, she can't do that.

Commissioner Alexander said he heard him say he will be training City staff, if they had other meetings to do, so they could have a tape delay. They would have the capability of recording?

Mr. DeWitt said no. What he was speaking about is, as far as if they are not televising a meeting. Say they have a meeting here during the day, Planning Board or one they don't televise. He would make sure City staff, whoever it may be, is trained in how to use the documentation system or they have a computer that runs a power point or the disc play system that is around here or the audio. He would make sure they had City staff who could do that. But as far as televising an event, no.

Commissioner Alexander said he is speaking if they record that, then they could give him the tapes as Port St. Lucie does and he can run that.

Mr. DeWitt said that is up to the Commission's discretion if they want to hire a staff employee or a part time employee to come in and do that. Does he understand what he is saying?

Commissioner Alexander said they will feed on that as they go on. But he was trying to see if they could get some type of Interlocal Agreement between the County and the City, whereas they are going to have two stations and they can utilize their stations versus in-kind of service they would be able to utilize theirs. His third question is just concerning being able to... The County and the City of Fort Pierce have planning for both County and City and they need representation from the City to the County and the County to

the City, and they can do that at their desks with the input from the City Planning Board meetings and the City can get input from the County Planning & Zoning, and staff doesn't have to leave the building. Are they going to have that type of capability?

Mr. DeWitt said absolutely.

Commissioner Becht said just as a follow up to try to bring this to a head. He agrees with Commissioner Coke that he thinks the initial cost is probably going to be in the neighborhood of \$200,000 because it is always higher than they think it is. But with what Mr. Schwerer has done (Comcast License Agreement), \$100,000 of that is going to be paid for by Comcast. In terms of the annual operating expense, he said loosely \$45,000 and then \$45,000 to \$50,000. Even if it is \$50,000, the City will be getting \$35,000 annually, so they have a great deal of that covered with Comcast, if that is how they choose to use the money. He asked that the matter be brought to their attention so they could get some numbers, so they could decide philosophically if it is affordable and something they want to do. He thinks it is time that they seriously consider doing it and he thinks it is affordable.

Mr. DeWitt said he kind of feels like a salesman who is here tonight even though he is not. He can tell them this, that working with the five County Commissioners he worked with over the last four years, when he came in he had two Commissioners who didn't want this. Within one year after seeing the broadcast and seeing how they do it at St. Lucie County, they turned 180 degrees. They love it. One of the Commissioners who retired said to him as he left office, this is probably the greatest thing that the Board of County Commissioners has done since he has been in office. Because it allows each and every one of the Commissioners not only to be able to speak to those who are here tonight, which in the beginning was about 30 people here, but now they are speaking one on one basically with every single person in the City of Fort Pierce and in the County. It gives them that one on one contact where somebody can't take their words and misconstrue them or whatever. They are there in their living room.

Commissioner Alexander said concerning the numbers, as he does watch the County Commission meetings on a regular basis, he does notice that the audience is kind of lackadaisical, there are no people in the seats. Is that what he noticed in the past that it went from being filled to capacity to staying home?

Mr. DeWitt said no. He thinks on some of the bigger Public Hearings, especially the night meetings... The day meetings he will agree, because they have people at work. But the night meetings, he has noticed especially if there are developments or with FP&L, with that they had standing room only. They still see a lot of people who still get involved and come out. A lot of them get involved because they have seen it at home and there may have been an issue.

Mayor Benton said especially if they have seen Port St. Lucie's. There is public participation there.

Mr. DeWitt said the County does it a little different from them.

Commissioner Nelson said he thinks this is a great idea for transparency purposes. The public can see what the Commission does

and how they do it. It allows for review several times after it has been done. It gives clarity to the Commission for what they do and how they do it on many occasions. It parallels with what other cities and counties are doing throughout the State. They need to do everything they can to possibly inform their viewing public or the people who in fact they represent. They should see the Commission through the unbiased eyes of the T.V. lens. Of course, they will see what they are getting for their money. It is something, in his opinion, whose time has come. He thinks they should move forward with it and defray whatever cost is involved.

Mayor Benton asked should they ask Mr. DeWitt to put together a proposal?

Commissioner Nelson said he would think that is appropriate.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to request Mr. DeWitt of St. Lucie County T.V. to put together a proposal to televise City Commission meetings.

Commissioner Coke said as the Board member who doesn't ever like to get her picture taken, this does not make her happy at all. She has several concerns. Yes, they need to go ahead and get a proposal if that is a consensus of this Commission, and obviously it is. However, she wonders if the City already has their own T.V. station and Comcast, if they shouldn't also be exploring the avenue of going full speed ahead. If they are going to do it, bite the bullet and start doing it that way, they will have it available with their own T.V. station. They could expand to the Utilities Authority. All kinds of things. Her concern is not only the fact that some evenings they are already here until 11:00 p.m. or 11:30 p.m. because many of them can be verbose.

Commissioner Nelson said they will cease to be verbose.

Commissioner Coke said some of them, if they had a T.V. camera on them, would be worse.

Commissioner Nelson said he promises he will not.

City Clerk Steele said she wants that in writing.

Mayor Benton said he has seen some of the County meetings where he specifically saw certain people at the podium that were telling out and out lies. He knows how hard that is going to be for everybody sitting here, because people watching don't know that, they think that person is telling the truth. The Commissioners have to tell the truth or they are going to hang them. That really burned him up one night, they all know who that person is. It was a real tough one.

Mr. David Recor, Deputy City Manager, said one of the things during their preliminary discussions that impressed him, and he didn't really think about it until they had the opportunity to discuss it, that although this is literally live television, tape delayed obviously, but the camera doesn't lie. There is no interaction shots. Can Mr. DeWitt explain it to them how he explained it to him?

Mr. DeWitt said to answer Commissioner Coke's question real quick though, she was talking about going ahead and looking at possibly doing their own station. Just so they know, the up front cost will

not change whether they do their own station or if they go with SLCTV. It is just the operating costs. If they do their own station, then they are going to have to staff it. One of the things Mr. Recor is talking about is, the way they shoot their County Commission meetings - and a lot of governments do this - and it helps to put the lid on grandstanding a little bit, whether it be a Commissioner or whether it be a person in the audience. They are never going to cancel it altogether, it is going to happen. Their meetings are going to get a little bit longer. He is not going to sit here and lie to them. But one of the ways to do that is, when he shoots a meeting, he only shoots the person who is speaking or being spoken to. He doesn't do reactions. He surely will never do a reaction of an elected official especially in a bad light. That is not his job. He will not do that. If they are speaking and they make a bad reaction, that is their own fault. There is no panning of the audience. He doesn't do that. He is there to focus on what is being said and that is it.

Commissioner Becht asked can he make him look thinner?

Mr. DeWitt said he is here to tell them that the camera does make them look 10 pounds heavier. There is no getting around that.

Mayor Benton said he thinks they would be better to partner with the County, because he looks at Channel 21 as that Government Access channel. It would be nice to see both his governments there.

Mr. DeWitt said he hopes so. He thinks it would be a great partnership. Make no mistake that he is not here tonight to try to get money from the City because SLCTV needs it. Their County Commissioners are very happy with the County station. He just sees an avenue for them to partnership. He sees something that is going to work out great. He thinks both Commissions will be very happy.

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 Ms. Cathalina Green request waiver of interest, penalties, and fees in the amount of \$5,518.02 against 1102 Canal Terrace, upon payment of Lot Clearing and Demolition Liens in the amount of \$1,986.76 and waiver of interest, penalties, and fees in the amount of \$1,591.96 against 1104 Canal Terrace, upon payment of Lot Clearing Liens in the amount of \$562.17.

Commissioner Coke said she has a question of staff because she believes the consensus here at the last meeting was it was very important to the Commissioners to find out when this property was inherited, and she doesn't see that or maybe she missed it in either one of these.

Mr. David Recor, Deputy City Manager, said he knows staff did the follow up research on the discussion.

Commissioner Becht said there were actually two questions they asked. One was, when did they get title? And the other was, when did grandpa pass away?

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said he was not able to get the information on when grandpa passed away because frankly he doesn't know how to do that. He can tell them the City has been cutting the grass and maintaining these lots

since 1998 and there is a record for a number of years prior to that. So this property has been ignored and on the public dole for years now. That is all the information he has.

Commissioner Alexander said concerning the letter the Commission received from Ms. Green, she said she inherited the property in September. Now did she say September 2005 or 2000 or what? He thinks that would have been answering the question the Commission asked, if they just determined when she inherited the property, if that was September of this past year?

Commissioner Coke said she doesn't see that.

Commissioner Alexander said it is a letter at the very end, a letter from Ms. Green. It says she recently inherited and was deeded these two properties. That is what they were asking, how long? When she says recently, that would make it September 2005. His question on this property, he had no problems with them purchasing it for the CRA. They give individuals, he doesn't care who it belongs to, a fair market price on the properties. \$18,000 is not very much for a lot. Again, he just wants people to be treated fair and that is the end of it. He said before they write a check that they make sure the City is taken care of. He just wanted to assure the City of that.

Mr. Bob Dusanek, Code Compliance Manager, said he has a tax card that he printed out on the 20th day of December 2005. This is 1102 Canal Terrace. It still shows Kathy A. Brown Estate and Clifton Green III in Stuart, Florida. It shows that the property was purchased in 01-01-1900, which is just a term that the Property Appraiser uses. 1104 Canal Terrace shows it was purchased or it was deeded to Margaret Green and Clifton Green of the same address as Kathy Brown Estate in Stuart, Florida on 10/19/05 for \$100.00.

Commissioner Coke said her inclination is to deny this request for several reasons. First of all, obviously this property has been a burden on the citizens of Fort Pierce for many years and it has taken staff's time as well as taxpayer's money to maintain it. Secondly, it appears to her that the people who have inherited this property are absentee landowners and are not living within the City limits. If it were citizens, she might feel a little bit differently.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to deny the request for waiver of interest, penalties, and fees against 1102 Canal Terrace and 1104 Canal Terrace.

Commissioner Alexander said he doesn't disagree with Commissioner Coke directly, but did he understand those properties were purchased in 1900?

Mr. Ward said no, that is some number that the Property Appraiser does when he can't determine what the date is, they put January 1, 1900 on it. He doesn't think it is accurate.

Commissioner Alexander said they are giving the family credit for being there since 1900.

Mr. Ward said no, he doesn't think that is an accurate number.

Commissioner Alexander said they shouldn't print it. That is his concern. They should not print it in black and white. It is not

an issue to him. He just figures that the City of Fort Pierce went to that area to acquire those properties. And he assures them he is in total disagreement when they want to take it away from them. If the grandparents were still living, he surely would be wanting to give it to them. But if the grandparents are not living, they have the heirs of that property. Those families have been fighting for many years to keep their own property and \$18,000 is really nothing. They can divide that since 1900 for \$18,000. That is not very much, is it?

Mr. Ward said that is the appraised value of the property plus 10%.

Commissioner Alexander said he wouldn't be disagreeing with him, nor is he going to disagree with Commissioner Coke. But he thinks his question first came up, why didn't they negotiate these figures here when they negotiated the price on the property? Why didn't they say less these fees that belong to the City?

Mr. Ward said they do. Their contract is written so that the owner who sells it to them has to handle all of these outstanding liens. And that is what they are doing now, this is their method of handling the lien, asking the City to forgive it. Prior to closing, they have to handle all these outstanding liens, all taxes and everything, so the CRA takes them with a clean title.

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

Commissioner Alexander asked how are they going to acquire those properties now?

Mr. Ward said what will happen is, it will come out of the proceeds of the sale. The CRA will give them \$18,000 and will back out all outstanding debts to clear the title.

Commissioner Alexander said he was under misunderstanding then. They are going to give them \$18,000.

Mr. Ward said they are going to give them \$18,480 which is their purchase price less \$7,000 on the first one for their fees and outstanding...

Commissioner Alexander said so they are really going to be getting the property for \$12,000.

Mr. Ward said whatever the net amount is, yes.

Commissioner Alexander said he is in total disagreement with that. It is not being fair.

Mr. Ward said then they should pay their liens. He certainly doesn't want to disagree with him.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-01

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 06-01 be adopted.

Those voting in favor of the adoption of Resolution No. 06-01 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said he keeps trying to tell her to show some influence on the Tree Board because when they build a residence in Fort Pierce, all they have to do is put sod down. There is a multi-million dollar house just built on Indian River Drive and all they have is sod. Hopefully they will have some type of landscape ordinance soon.

The next item on the Agenda was Commissioner Nelson to discuss **Student Assessment/Evaluation** of City.

Commissioner Nelson said he put this before the Commission for discussion. As indicated, he has not talked with the IRCC people on this. He wanted to get the Commission's feel for this. He brings to their attention the fact that over the years they have had various groups to come in and make various studies of situations in their City. And some of those they have in fact gleaned good information from and implemented some of the recommendations and some they haven't gotten anything. He names for them the Maritime Study, they have a report. The Henry Moore Study they have from Savannah talking about how they can clean up the City. And others. He notes they still have a City that is not the most aesthetically pleasing City in the area. He thinks with the insertion or the assessment by students or people who are going to inherit this City and its operations 10, 15, or 20 years down the road, if they take stake in it now and serve as additional eyes and ears and motivators to help make this City a better place, they would be better off. His thought goes to the point of having people like the Code Enforcement people or the City Manager or even some of the Commissioners interface with these students. They can show them what the City has in the way of requirements to make this a better City and see whether they can buy in to help do that. Of course, they will have the tutelage of their professors at the college to guide them. The Commissioners might have certain questions they want them to look at. He is trying to get something to make their City much more attractive and more liveable. And the net result is hopefully they will have some of their students come back here and be proud of their City as they are trying to make it for them. He just brought this up for discussion among the Commissioners to see what their thoughts are on it. If he gets a positive response here, he will go and talk further with the college people. He hasn't talked with them at all. He will talk with them and see what they think about it and possibly bring something back to the Commission as to what might be done or what can be done.

Commissioner Alexander said he is looking at a figure here of \$30,000. If they are going to create some type of Board as they have other boards, then it wouldn't be fair to those other boards when they get no fees, than for them to offer seven individuals \$30,000. Maybe he is misunderstanding what he is saying.

Commissioner Nelson said let him try to explain that. He just suggested \$30,000. He is envisioning... He doesn't know what it is going to cost, to be quite frank. But when they devise a curriculum at the college and have various people come in and put

on seminars, they have to have lunches and they have to have some guest speakers who might come in. He thinks about the time he was in graduate school and they had a lot of these key people come in. Of course, they have to defray that cost. It may not cost that. They might do it gratis. They might get donations from corporate structure to make this happen. Everybody who might be a stakeholder might contribute. They had this Sustainable Treasure Coast meeting not too long ago where this type of technique was employed. So it is up for discussion. The monetary aspect is not sacrosanct as far as he is concerned.

Commissioner Becht said he read Commissioner Nelson's memo with great interest actually. He is not sure he has a concrete idea with the specifics attached to it yes. But what he saw in the memo was perhaps, maybe not a whole class, but a portion of a class where the student would be asked to do an essay talking about the City of Fort Pierce after he had interacted with the City of Fort Pierce. In that scenario, he doesn't know that they need to make a monetary commitment so much as they need to make a time commitment, where the students would come over and they would view as a part of the course - a civics class or social study class or government class - as part of that class, there would be an assignment. And they would help the professor construct this assignment where the student would interact with the various City officials and then they would do an essay. And he doesn't think the essay has to be the same topic every time. They could come in and look at the code enforcement issues and maybe make suggestions. They could come in and look at sign ordinances and make a suggestion. Whatever, just keep it loose. He likes the idea of trying to interact with the college in getting some of those students interested in Fort Piece government and get some fresh eyes and some fresh ideas.

Commissioner Nelson said that is the type of feedback he wanted. He wanted to focus in on a class per se, but it could be intergovernmental class, social studies. But he also had mentioned that there are seven students. To focus in on it, to select people like the Young Floridians for example. Those types of kids can come in and horn in on those certain things. They have the special group that meets out there every other Saturday or whatever the case may be and discuss this thing. He is completely open to whatever the Commissioners want him to discuss with the college, and have the college tell him what they think they best could do with their students.

Commissioner Coke said she recalls last spring they had a group of Honor High School Students out at IRCC for a seminar and there were a couple of County Commissioners there, Gayle Harrell was there, herself. They spoke with these kids and got their feedback and the kids got to ask questions. It was a very interesting morning because they were all so enthusiastic in one breath, and then in the other breath they all had their whole list of criticisms for the School Board, City Government, County Government. They had a list of complaints a mile long. It was great to listen to them. Then they could explain to these kids why they could help them with this, or no, they couldn't help them. She echos the concern of setting up something in a committee that is kind of a paid for type of thing when they have people sitting on all these various boards for the City who are professionals who are donating their time. She doesn't like that thought. However, she loves the thought of going out and proposing to the Political Science Department or one of those departments out there that the City would love to be

incorporated in part of their curriculum. If they have a professor who would like to have the term paper project be this semester a review of the City Commission, next semester a review of code enforcement, or a review of the City Manager's office, that type of thing. She thinks it is a great thing to make themselves available.

Commissioner Nelson said okay. He just wants something he could discuss with the college folks. And of course, he will take the transcript of this meeting so they can see what the Commissioners are talking about with their concerns and see what feedback is. He would be happy to report back to the Commission on what they say.

Mayor Benton said his suggestion is maybe speak to one of the Guidance Counselors out there. They can aim him in the right direction with a few professors who would be willing to take this on. Because he thinks he knows a few who would probably love this type of job.

Commissioner Nelson said they have good liaison out there with Dr. Jack Maxwell and Dr. Edwin Massey who can in fact direct them to whatever source he wants to on staff. They would be happy to oblige. If he has their consensus to proceed with this...?

Commissioner Coke said proceed away.

Mayor Benton said without the \$30,000. They will feed them or something, but not with \$30,000. Make it a community service.

The next item on the Agenda was Discussion on design of **Seaway Drive Roundabout** at entrance to Harbour Isle.

Mayor Benton said he doesn't know who put this on the Agenda.

Commissioner Coke said the Commission did at the last meeting, but the Mayor was not here. She doesn't think Mr. Beach was here either for that. (December 21, 2005 - Fort Pierce Redevelopment Agency - Agenda Item: Causeway Island Park Conceptual Master Plan.) There were some discrepancies. She will jump in only because she was in shock. Commissioner Becht brought up the fact that they were talking about a one lane roundabout; but the other Commissioners said they distinctly remembered a long time ago having it be a two lane roundabout.

Commissioner Becht said the context was as they were reviewing the plans for the Causeway Park, they noticed it was only two lanes from the roundabout to the bridge. His recollection was the Commission had said no, that should be four-laned. So they asked that it be brought up before the City Commission so the full City Commission could hear from the staff as to what the status is for four-laning from the roundabout to the bridge. He thinks Mr. Arias has some very valuable and interesting information for them.

Mr. Hector Arias, City Engineer, said the way of the design is done right now for that section of the road, it is a two lane road and it is a two lane roundabout. He does not recall that they instructed a consultant to do a four lane from the roundabout to the bridge. That being said, they also had a charrette and that charrette was approved by the City Commission. It shows what they call a two lane roundabout, which is one lane going around the roundabout. He does not recall the four lane design requested by the Commission to his department. He doesn't recall that.

City Manager Beach said nor does he. He recalls this discussion of four-laning A-1-A from the bottom of the South Bridge to the roundabout, but he doesn't recall discussion about four-laning of the roundabout.

Commissioner Becht said let's separate the issues if they can. He doesn't know that they discussed and he does not recall specifically addressing four-laning the roundabout, but they did discuss four-laning from the bridge to the roundabout.

City Manager Beach said there was discussion, but he doesn't recall ever having any instruction to that standpoint. As a result, there has never been any instruction in that standpoint given to the design engineers.

Commissioner Becht asked can they do it now?

City Manager Beach said it is doubtful. He doesn't think they could have done it three years ago or four years ago. There are a number of issues there. Had this discussion taken place in a great deal of detail, there are a number of issues that would have been presented that more than likely would have given them enough basis not to do that, not to four lane A-1-A and also certainly not to double lane the roundabout. The most preliminary concept of roundabout design does not permit two lanes of traffic going around it. It simply creates a traffic hazard when that is done. It has been tried time and time again, and it has been ineffective time and time again. These are designed the way they are designed for a very specific practical engineering traffic reason, not because they think these are better with one lane or with two lanes, but simply because that is what it takes to make them work. The other issue is - and he will let the City Attorney address this - they have had a longstanding agreement with Harbour Isle. During negotiations of the Developer Agreement four or five years ago, whenever that was, there was very specific negotiations relating to not four-laning that area between South Bridge and the roundabout. It was a result of some planning activity that was took place on the Island during the Charrette, whenever it was, probably 1998 or 1999, something of that nature. There is a document that exists between the City of Fort Pierce and the Harbour Isle Development Company. The requirement is to construct that roundabout at his cost in exchange for the Department of Transportation not requiring the four-laning of A-1-A. There are safety issues, there are financial issues, there are time constraints, there are all types of reasons that they would not want to four lane A-1-A from the foot of the bridge to the roundabout. And there are certainly any number of constraints and safety problems associated with trying to make that roundabout have more than one row of traffic going around it. Designer Nelson is shaking his head, but he is simply giving him what the Traffic Engineers and the people who are paid to do these things are telling the City.

Commissioner Nelson said he respects what Mr. Beach said and what the Traffic Engineer is saying. But he can tell them from personal knowledge, if they were to look at the roundabout that goes around the Arc d'Triomphe in Paris, France. He thinks they see three or four lanes going around that Arc d'Triomphe. He is not sure but he thinks they might see two lanes going around the circle down there going to Club Med in the Port St. Lucie area.

Mayor Benton said Jensen Beach has one there on Indian River Drive.

City Manager Beach said he did not say they didn't build them, he said they are not effective. They don't work and they are unsafe.

Commissioner Nelson said all the three and a half years he was in Paris, he did not see a single accident in Arc d'Triomphe roundabout there.

Commissioner Coke said she was there a week and she saw three or four of them. People who don't know how to drive.

City Attorney Schwerer said he saw five.

Commissioner Alexander said he would like to put some input on that. They had discussed the east side of that bridge because he brought up the point that they were requiring Harbour Isle to do 20 foot sidewalks. He had asked why would they be doing 20 foot sidewalks if they don't have a turning lane into Harbour Isle? That is where the discussion came up among the Commissioners that at the foot of that bridge it is four lanes. Then they will pick up in front of the Smithsonian. Did he miss a point on that about the sidewalks were going to be 20 feet wide?

Mr. Hector Arias, City Engineer, said that was the first intention years ago. But the sidewalks aren't going to be 20 feet wide. They are going to be 10 feet wide with trees, landscaping, lighting, and all that.

Commissioner Alexander asked that is still going to be 20 feet from the roadway to the sidewalks, right?

Mr. Arias said no. The sidewalk is going to be 10 feet wide on each side of the road.

Commissioner Alexander asked how wide are the trees?

Mr. Arias said the trees are going to be in the 10 foot sidewalks.

City Manager Beach said he asked Mr. Arias to bring that board here tonight to show them the cross-sections of the various phases. Would he put that up, as well as the board for the roundabout?

Mr. Arias said he would like to make a comment about the Paris roundabout. He would like to know how wide that is? He has been in Mexico many times and they have all kinds of roundabouts in Mexico, which they refer to what they have as the 30 minute roundabout or the 45 minute roundabout, because this is a time they are inside the roundabout before they get out.

Commissioner Becht said let's get back to Fort Pierce if they can. He has had various discussions with both City staff and with private developers, specifically Stef Matthes with Culpepper & Terpening as recently as today. He doesn't think he has the kind of personality where people tell him what they think he wants to hear, but he had not heard until Mr. Beach just said tonight that there are engineering problems with four-laning from the bridge to the roundabout. That is the first time he had heard there was an engineering problem with four-laning from the bridge to the roundabout. He has repeatedly heard there are problems with four-laning the roundabout, but he had not heard there is a problem with four-laning the road.

City Manager Beach said he doesn't think there is an engineering problem with the four-laning of the road from South Bridge to the roundabout. He doesn't think it is an engineering issue.

Commissioner Becht said then he misunderstood, because that is what Mr. Beach said, that there is a safety issue.

City Manager Beach said there is a safety issue as it relates to how they get the traffic into the roundabout.

Mayor Benton said he thinks right now they see that coming off the bridge when there is a lot of traffic. They are coming down the bridge and they have people coming together. Are they going to bring these people together at a roundabout? He thinks they are going to have a real problem.

City Manager Beach said that was his point. They have to bring them down to the two lanes of traffic before they get to the roundabout.

Commissioner Becht said they have to bring them down at some point. The point is, where do they bring them into two lanes?

City Manager Beach asked why doesn't Mr. Arias show them where that is currently going to take place.

Commissioner Alexander asked they are talking about 1,600 cars in addition? That is what they are talking about now.

Mr. Arias said he thinks there is about 1,800 feet from the bridge to the Harbour Isle entrance.

Mayor Benton asked does he have the pictures of the roundabout? It is not really a roundabout, it is more of an eggabout.

Mr. Arias said it is an ovalabout. The problem here - like Mr. Beach said - is they only have 1,800 feet before the bridge to the roundabout even right now. They just said that is a problem. Engineering is simple, it is only a matter of money. If they want to four lane here, they will need another 18 feet for the right-of-way. Right now they can see that Chuck's Seafood Restaurant building is touching the right-of-way. If they need to put more right-of-way here, they can kiss that building goodbye. That is where the problem comes from. This is doable. The things they want to do, they can do, if they want to pay for it. He would like to propose something to maybe put this to rest. Give him about four or five weeks to get with his consultant and prepare a very brief study of this proposal, the four-laning from the bridge to the roundabout, and what that would bring as engineering problems, drainage problems, right-of-way problems. He would want to meet with FDOT about this issue. And then he can come back with a report, maybe the middle of February.

Commissioner Alexander asked what type of turning lane do they have into Harbor Isle coming off that two lane? (Mr. Arias pointing to the drawing.) There is no deceleration lane for them to get out of the flow of traffic?

Mr. Arias said no, that is what the roundabout is for. They come into the roundabout and make a turn and then go into Harbour Isle.

Commissioner Becht said he doesn't want to interpose his judgment over Mr. Arias. If Mr. Arias thinks this is a bad idea, tell him he thinks it is a bad idea. But in all their previous conversations he didn't have a strong opinion that it was a bad idea.

Mr. Arias said in the meeting he had with Mr. Becht and the members of the South Beach Association, he had said that anything is possible in engineering. The four-laning would require right-of-way and many things. He can prepare a brief study and bring it back to the Commission on the 21st of February. He can tell them right now that the four-laning of the roundabout is very unsafe.

Commissioner Becht said let's not talk about four-laning the roundabout. Let's talk about what, to a layman, seems to make sense. That doesn't always work out in reality, but his layman's perspective is that it makes sense to try to four lane from the roundabout to the bridge. Yes, they have all these problems. And he is not talking about exacerbating the problems, he is trying to deal with the problems. So unless they tell him that his layman's sense of things is absolutely wrong, he would like to have the report back in four weeks. But he doesn't want to waste Mr. Arias time if tonight he knows there is no way this can work out because it has too many holes and too many problems.

Mr. Arias said there is no such thing in engineering that it can't be done. Everything is possible in engineering. That is why he has to bring back to the Commission a report by February 21st with all the issues they have to address with this.

City Manager Beach said let him address that very quickly. He was trying to avoid having Mr. Schwerer say anything because they would have to listen to him for 45 minutes. They have real issues with their Developer's Agreement between Harbor Isle and between the City and FDOT as it relates to that road. Every one of them are sitting here about a year of the annoyance over the time frame it has taken to get them where they are on A-1-A. If they start changing design and right-of-way requirements and different issues, not only are they going to have to deal with FDOT and add some unbelievable amount of time to that acquisition process, they are then going to muddle up this Developer's Agreement that they have with Harbour Isle through relating to the construction of this roundabout. Because the construction of this roundabout was tied directly to the two laning of A-1-A from South Bridge down to the roundabout. If that somehow gets altered - and he is trying to say this in a non-legal way - what they are going to do is gum this up to the point that he doesn't know when they will see it constructed.

Mayor Benton asked wasn't it about a year and a half ago when they had the meeting in the Engineering Conference room with everybody involved with the roundabout. FDOT was there, they had staff there, they had everyone. His question at that time was, if this doesn't work... Because he was talking about four lanes and requiring a turning lane going into Harbour Isle. In other words, four lanes from the bridge to Harbour Isle with no roundabout, just to see where that would go. His question was, suppose they find out with evacuation and with density in the future that the roundabout causes a problem? What happens then? FDOT says it comes out at the City's expense. That was his concern, if people find out they can't maneuver around it or if it becomes a problem. He thought at that point beforehand early on... Mason Simpson

wasn't at the meeting. But he is sure it is cheaper to put in a turning lane and four lanes than a roundabout and all the amenities that go with it. But that discussion went nowhere, other than if there are problems with it then the City will cover the cost.

Mr. Arias said that is exactly right.

Commissioner Nelson said looking at the distance from the base of the bridge to the roundabout, if they were to in fact make that distance four lanes, it is very practical with the turning lane going into Harbour Isle. If they were to leave it in there, they could in fact put the two lanes around the roundabout and follow the rules of the road with respect to roundabouts, i.e. the person on the right has the right-of-way all the time, he can cross right in front. The man on the right always has the right, that is European driving. It just might be practical to eliminate that and put the two lanes on the east side of the roundabout and four lanes on the other and eliminate the roundabout. He could guarantee them with the build-up they have over there at both Harbor Isle and all the rest of the beach area down there, they are going to have congestion there. But that is no greater than, if he has to go back to his European influence, of the traffic they have around the Arc d'Triomphe.

Commissioner Coke said they are not going back to Paris, let's stay right here. Before they have Mr. Arias spend time, effort, energy, and money, as well as staff, she would like - although Mr. Beach says they don't want to hear from Mr. Schwerer - but she thinks it might be a shorter time frame to hear his opinion on whether or not they could legally pursue any of these matters. And if so, what the delays would be both in time and money?

City Attorney Schwerer said he will be brief. Mr. Arias has said nothing is impossible to engineering, he can engineer whatever they want. He is going to say legally he could do that too. But let him tell them the legal problems. Three years ago the City entered a legal agreement with Harbour Isle to build a specific roundabout - to design it, permit it, and build it. They entered a legally binding agreement. That was the plan that was submitted to FDOT. It takes over two years to get anything through FDOT. He asked Stef Matthes in a meeting today, how far is he through that if they wanted to change these plans? He said they are looking at another year to a year and a half if they want to redo the plans. They have FDOT sitting there that has been looking at this roundabout. From the safety standpoint, he is not going to address it. But he has done a lot of personal injury lawsuits in his lifetime. They have people coming down that bridge at 55 miles an hour; and to try to put four lanes into the roundabout at 100 feet from the roundabout is suicide, they are going to have people crashing into each other. They need to have people slowing down and flowing through the roundabout like they do downtown here. But their legal issues are, they have to now go back... That segment of A-1-A has been assigned under the Developer Agreement to Stef Matthes firm to design for Harbour Isle, and they are legally obligated to build what the City told them they had to build. If they change the design, it is a change that now goes back to FDOT for re-permitting, and they are two years down the road at best in getting this back through. So they will never see that roundabout for two years. Mr. Matthes says they are at the end of the tunnel right now with the light they can see to get the permits to start building. They have another problem. Mason Simpson is obligated to only pay so much for the cost of that and he is to absorb any

cost increase that is associated with that particular design. If they change that design, they will face the possibility of having to pick up all the additional costs over and above the original estimates - which have tripled by the way - for construction costs, and that will be the City's responsibility. The other thing they have to consider is that they don't have any right-of-way for four-laning. They went through that today. They asked the Engineering Department. They need another 18 feet. The City can't acquire that. It is FDOT right-of-way. The FDOT's right-of-way acquisition process is so detailed that it will take them two and a half years to get 18 feet. That needs to go through the Smithsonian, the trailer park, and everybody else including the County. So if they want to do what they are talking about, then that is redesigning the project at this stage. Yes, it can be done; but that is their legal impediments, that's the engineering problems.

Commissioner Coke said not in her lifetime.

Mayor Benton said also keep density down on the Island.

Commissioner Nelson said it might be the case of pay now or pay later.

Mayor Benton asked does anybody want Mr. Arias to come back with anything?

Commissioner Alexander said the only thing he suggests is maybe they put some type of signage on that bridge for people who are not from this community to know when they are traveling 50 miles an hour, they are going to come to...

Commissioner Coke said that bridge is the most dangerous spot they have in the City of Fort Pierce. She goes over it a dozen times a day. She almost gets run over every time, because she is the idiot that does 35 miles an hour.

Commissioner Alexander said so they add 100 more cars to that.

Commissioner Nelson said the proof will be in the pudding when it is built. If they start having problems, he thinks FDOT will tell them to take it out in the future.

Mayor Benton said so the subject is dead.

Mr. Arias said he was in a meeting with FDOT when that statement was made. This is why they see FDOT so flexible with what the City wants, because they really don't care. If it doesn't work they are going to take it out of there and the City will pay for it. That's their attitude.

Mayor Benton said Mr. Arias doesn't need to worry about it. They don't want to slow this project down any more. And it will keep density down.

The next item on the Agenda was Discussion on proposed expansion of the **Backus Gallery**.

City Clerk Cassandra Steele said this item has been pulled by Staff.

The next item on the Agenda was Discussion on City's ability to proceed with annexation of **Paradise Park** under Florida Statute 171.

Commissioner Becht said he met with Ms. Satterlee and Mr. Beach to discuss the annexations, on how they were choosing the directions and whatnot, and asked how they move north and how they move west. There are some issues with regard to moving north specific to Paradise Park. The short version of Mr. Schwerer's explanation would be that they have to conduct a referendum in order to do that. If they want the explanation from Mr. Schwerer, he can give them the explanation. But he thinks the question to this Commission is, do they want to pay for the cost of a referendum to see if the residents of Paradise Park wish to become involved as residents in this City?

City Attorney Schwerer said a referendum is required. There are some legalities. If they decide, he will have to advise them what that requires.

Commissioner Alexander said his only discussion with this is - and he brought this up before the Commissioners since he has been here - why not Paradise Park, why not Sheraton Plaza? Why don't they box that area off completely? Why just pick and choose Paradise Park when right across the street is Sheraton Plaza?

City Manager Beach asked is he talking about for a referendum?

Commissioner Alexander said he doesn't care how they get it on, if that is what is necessary. His question is, why would they do just Paradise Park and not right across the street, Sheraton Plaza?

City Manager Beach said the answer is, what they asked the City Attorney to evaluate was the possibility of annexing all of Paradise Park simply by using the annexation agreements that exist there. They think over 51% of those properties in Paradise Park have signed annexation agreements. No one in Sheraton Plaza has signed an annexation agreement because they haven't had to.

Commissioner Alexander said he thought they have properties along Juanita Avenue that have agreements.

City Manager Beach said they have agreements wherever people have signed them for water service. That is the only answer he can give him. What he is going to suggest to them this evening, and he would like for them to consider, and this suggestion was made by someone else, he can't recall who it was. But what they do have the ability to do is start annexing those properties in Paradise Park that they have the agreements on, instead of doing a referendum, trying to take in the whole area. Because he is fairly convinced that the results of a referendum are going to be negative.

Commissioner Alexander said he is fairly convinced that if the City doesn't consider the whole northern section of this community, that once they get into District I and District II, it is going to be this monstrosity of a District II and this itsy bitsy District I, and that is not fair.

City Manager Beach said he is absolutely right about that.

Commissioner Becht said that is why they are having this discussion tonight.

Commissioner Alexander said he is not being argumentative. But he doesn't see the point of discussing Paradise Park and not putting everything on the table. If they are going to make this step, let's find out.

City Manager Beach said they have what he sees as two or three alternatives. One alternative is to conduct the referendum and see what happens. They can do Paradise Park and Sheraton Plaza at the same time. Another alternative is to approach St. Lucie County and see if they will support a legislative bill for the annexation of those areas. The last one, of course, is to start just annexing whatever they have agreements on.

Commissioner Alexander said again, he won't be argumentative. But when they annex as far down as Selvitz Road, they didn't request or ask permission from the County on that.

City Manager Beach said that is because the City has annexation agreements south.

Commissioner Alexander said the developers asked for the annexations.

City Manager Beach said some of them did; but others, the City required them.

Commissioner Alexander said he is not going to get into a debate with this, because his vision of the City of Fort Pierce is just not District II. If they can't understand that, then he needs to shut up.

Commissioner Becht said he would like to ask a question, if he can. What they are looking for is a referendum. One of the ways these properties can be brought in is by referendum. He for one would not want to conduct a referendum that they had a feeling was going to fail. He doesn't have a feeling for what the residents of Paradise Park are going to vote on or the residents of Sheraton Plaza. Paradise Park, based on the analysis that he looked at real quickly with Ms. Satterlee, has a larger contingent of annexation agreements in place than Sheraton Plaza did. They would have to bring the maps in and look at the maps. But he is not trying to do anything other than expand District I to try to capture some residents and expand the City in that direction. There are different problems in annexing north which he had become aware of recently, which they don't have in annexing to the south. And one of those is, they don't have the annexation agreements. This discussion was meant to bring to the attention of this Commission that there are other problems and to try to come up with a direction from the Commission to Staff. Do they want to go to the County and try to get the legislative bill from the County as Mr. Beach suggested? Or do they want to try a referendum? And if so, what area is going to be in the referendum that is most likely to succeed under referendum? And at the same time, Ms. Satterlee is going to proceed with annexing what she can via the agreements that are in place.

Mayor Benton asked can he make a suggestion? He knows they went through this, Mayor Enns went through it more than he did, because the City was looking at annexing Orange Blossom Estates. His suggestion would be, before they do that, it is a lot cheaper to do a mail-out than it is a referendum. If they mail out to the property owners throughout that whole area and find out what the

responses are. And before they have the mail-out, hold a public meeting. Invite the interested people to go. Have it over there in a church or something, and let people know one way or the other. He didn't go, but they almost lynched Mayor Eddie Enns up there.

Commissioner Alexander said they have homeowners associations. Why haven't they taken this initiative? Because he requested it.

Mayor Benton said he had a guy tell him the other night, who lives out just on the other side of St. Lucie Boulevard, and he said if they come and try to annex him, he has six guns waiting for them. People do not want to pay more money in taxes. That is what it comes down to.

Commissioner Alexander said they all keep saying that. But now they are paying 25% more for utilities, they are paying 25% more for water. So why would they say the taxes are going to go up when that would go away? They are not having a fair discussion about this, because every time someone starts talking about this area, the first thing they tell them is, their taxes are going to go up. Well, that is true; but then they are not taking away from the electricity and they are not taking away from...

Mayor Benton said if they have those numbers so they can...

Commissioner Alexander said he asked for those numbers, he hasn't gotten them yet. That is why they are making him kind of steamed.

Mayor Benton said he would entertain it. They don't mind the City growing. But he just knows what he has run into.

Commissioner Coke said she thinks the time is long since past that they aggressively pursue annexation to the north. Unfortunately, she recognizes that they are finding in some areas a lack of annexation agreements. However, Commissioner Alexander has a very valid point. They had presented to the Commission at some point in time - she doesn't have those facts or figures with her this evening - the differential between what the person would pay in increased property taxes, less their homestead, and the difference of what they would save in water. She thinks it was like \$35.00 a year more it was going to cost these people to be a part of the City of Fort Pierce. She would like to see them go ahead and actively pursue all annexations that they can in that area. And perhaps Ms. Satterlee could prepare a mail-out to inform the people what the advantages of being a part of the City is - the difference in the cost, the fact that they would have police protection, road improvements, etc. All the advantages for being part of this City, having a saying in their City government and being able to participate here. She thinks if the City pursued the annexation and the properties they didn't have annexation agreements with in both Paradise Park and Sheraton Plaza, send that mailer and try to get some feedback. Give it a couple of weeks after the mail goes out and go ahead and schedule a meeting with the homeowner's associations and try to talk to them. People can now voluntarily annex, if they didn't have an annexation agreements? Ms. Satterlee is saying yes. Commissioner Nelson is saying no. They could annex without water agreements. She thinks at least if they start taking those steps, they are moving down the right path.

Commissioner Nelson said they had a study made of what it was going to cost for people to annex into Paradise Park and Sheraton Plaza. They looked at the differential between the two some years ago.

Commissioner Alexander asked how many years ago is he talking about?

Commissioner Nelson said about seven or eight years.

Commissioner Nelson said the City made that study. Does Ms. Satterlee recall?

Ms. Anne Satterlee, Assistant to the City Manager, said it was some time ago. She believes it was about five years ago. That information would have to be updated at this point.

Commissioner Nelson said if they annex southward like they have been doing, he has been in great concern, there becomes a disproportionate number of people in District II versus District I. By law they are supposed to do what they call re-districting. They initiated that action some time ago too. By and large, people who in fact have recently in the last four or five years gotten water via the annexation agreements says in effect that they are willing to annex in the City when it becomes advantageous and contiguous to the City. Paradise Park and Sheraton Plaza were built without annexation agreements and they have water, sewage, sidewalks, and everything else out there, so they have no legal obligations to in fact annex into the City unless they do it by way of referendum. The City just passed an ordinance just two or three weeks ago. He challenged the lawyer on the interpretation of that annexation agreement saying if in the event the City offers that agreement, tell them to sign it, and they don't sign it within 90 days or so, the City is allowed to go ahead and annex them anyhow.

Commissioner Becht said no, they had two attorneys agree that it didn't mean what the Commission thought it meant. Mr. Koblegard and Mr. Schwerer both felt it didn't mean what they wanted it to mean.

Mayor Benton asked do they want to start the ball rolling toward a little public presentation?

Commissioner Becht said the Sheraton Park properties, the point that Commissioner Alexander raised that if they come in, the utilities subsidy drops down. His concern is that the benefit of the utility subsidy may flow to a renter as distinguished from an owner; and the owner may say, he is paying more taxes, he doesn't want to come in. So if Ms. Satterlee could ascertain... The property cards for these properties will have a homestead exemption on them if the occupant is living there. That would give the City a better feel for how many are owner-occupied and how many are rented, or Ms. Satterlee may have an easier way of doing that. But he thinks that is a factor they may need to take into consideration.

Mayor Benton said people who have been living there for some time where their property values went up 3% a year won't mind. But if somebody has just purchased a home in the last couple of years where their property values are considerably higher, he doesn't think that is going to even out with water and sewer. But there might be enough folks who have been living there long enough that it won't. He thinks it is an education. That way instead of the debate going on, maybe they can find out one way or the other.

Commissioner Alexander said that is what he thinks.

Mayor Benton said he thinks that is what they are looking for. They have had this debate many times. Let's see if they can get those numbers, maybe from the Utilities Authority. Then Staff present the Commission with maybe a campaign on how they are going to do this.

Ms. Satterlee asked for point of clarification, they wanted to do this for both Paradise Park and for Sheraton Plaza?

Mayor Benton said yes.

Commissioner Alexander said they might as well add Sunland Gardens because they have the water being...

Ms. Satterlee said that will currently come in with annexation agreements as they apply for the services through the MSBU.

Commissioner Alexander said but there is some reluctance on behalf of those home owners out there. So just get everybody in that area, so they are on the same page.

Mayor Benton said U.S. #1 west to wherever the City limits are, and Airport Road south to the City limits.

Commissioner Becht said they are going to grab Joe Smith.

Ms. Satterlee asked at the same time, do they want to proceed then with the agreements they have in place in the Paradise Park area to begin the annexation process?

Mayor Benton said he thinks they should, if they have agreements in place. Agreed?

Commissioner Nelson asked they are going across Taylor Creek?

Mayor Benton said where they have agreements now.

Commissioner Nelson said they have agreements across Taylor Creek, both sides of St. Lucie Boulevard.

Ms. Satterlee said yes.

Mayor Benton said if they have agreements, as long as they are contiguous.

Ms. Satterlee said it will be the ones that are contiguous with agreements.

Commissioner Coke said she had a very interesting phone call from some friends of hers in Tennessee who used to live in Fort Pierce. They kept their home down here for many years and they sold it in March. It is right over on Poinciana Boulevard here in Fort Pierce. In September they got a letter from the **Code Enforcement** Department telling them that their house is in violation of the code. So they called and said they don't own the house any more and sent copies of the papers. Then they got another letter from the Code Department. People from the Code Department were very nice, they were very helpful and everything else, but they kept saying they got all their information from the Tax Collector's office, which is oftentimes what they say to people. So she went on line today. Yes, the Tax Collector's office still shows this property as being owned by these people. However, if they click on

the Property Appraiser's office rather than the Tax Collector's office, it shows that the property was sold March 15th. This woman called her today because she felt the need to go out and hire an attorney because she got a notice that she has to appear in front of the Special Master hearing, despite the fact that the City knows she no longer owned the property. When she called, the woman in Code Enforcement said she guesses she probably won't be coming to this Special Master hearing. She is in her late 70's. Her husband is in his late 80's.

Commissioner Becht asked so some poor attorney didn't get a retainer to appear?

Commissioner Coke said her attorney did get a retainer to write a letter to the City of Fort Pierce explaining the details of this. This is after these people in Tennessee have been calling for three or four months. Her point is, not that they had to pay an attorney, although she does think that is pretty bad since the City knew the property was sold. The point is, why don't they click on Property Appraiser instead of Tax Collector?

Commissioner Alexander asked is that a suggestion?

Mayor Benton said if they legally can do it.

Commissioner Coke said anybody can do it. She can do it. They can do it.

Mayor Benton said he means as far as when they are doing legal action against the property.

Commissioner Coke said she meant for City staff, when they go to notice them.

Commissioner Alexander said when they send certified mail out documenting it, they want it to be right.

City Attorney Schwerer said correct. He doesn't rely on either one of them. He does a title search.

Commissioner Nelson said it was brought to his attention that the City has a deficit in membership on their **185 Police Retirement Board**. He thinks they need to put some effort toward getting that membership filled.

Commissioner Nelson said the **Betts Building** is still up in the air. He doesn't know what their status is, whether or not they should be handling this through the CRA or through the City Commission. Is there any status report? They had three weeks or so to do something.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said they have had no response from the owner.

Commissioner Nelson asked who has been handling this now, the CRA or the Commission?

City Manager Beach said it has been to both. But didn't they at the last meeting give him some period of time to respond?

Commissioner Coke said it was two meetings ago, wasn't it?

Commissioner Alexander said just put it on the Agenda. They can deal with it then.

Mayor Benton said let's wait until the CRA meeting.

Mr. Ward said they gave him until January 21st to respond. They gave him three weeks to respond at the November meeting, so December 21st was his date of response. He has not responded.

Commissioner Nelson said perhaps their City Manager wants to say something about his trip regarding the General Obligation Bonds. Did he learn something about that in New York?

City Manager Beach said he will be submitting a report to the City Commission on that trip. That was in relation to the City's **Stormwater Utility Bonds** that they are in the process of issuing. But he will be submitting a written report to the Commission on that.

Commissioner Nelson asked basically, they were favorably considered?

City Manager Beach said the meetings were very positive. In fact, Moody's is going to be doing a rating of their General Obligation Bond ability. Fort Pierce currently does not have a rating because the City hasn't issued any General Obligation Bonds in the foreseeable past. But they are in the process of doing that as part of this evaluation on the City's Stormwater Utility Bond. Again, he will get the Commission the details of those discussions. He thinks some of the rating agencies had actually visited Fort Pierce over the past year. And they were very positive on what the bond rating was going to look like and what the insurance rates would be for this upcoming issue.

Commissioner Alexander said he just has one item of concern, they discussed this before. He doesn't recall which avenue the Commission took on it. It is concerning the **blue roofs** in Fort Pierce. He understands they have at least 26 **FEMA trailers** still out in their community. Again, he doesn't know which direction and he doesn't recall what decision was made on these. But he has grave concern, because he has spoken with Le Thomas today who was out on an investigation of an incident concerning pavement of these roads out there that are deplorable and he observed these. It is embarrassing to him because he lives in this community. He thought they were going to take some type of step until monies are retrieved from FEMA or HUD or whomever. It is the City of Fort Pierce that has this black eye with these blue roofs. And if they can get Sunrise Theater a no interest loan, he thinks they can do that for the Housing Authority. He has spoken of this before. He is asking again, what are they going to do with the City of Fort Pierce?

City Manager Beach said he will get him a response tomorrow on what they have done to date. He recalls this subject coming up previously. His recall is that staff was going to work with the Housing Authority to see what they could do. He can't tell him off the top of his head what action they took. They did look up in the minutes today this discussion that took place at that Commission meeting. He is reasonably sure there was some follow up from that. He will get that feedback to him.

Mayor Benton said after the last meeting, he called Mr. Brooks (Director of the Housing Authority) to ask him about inventory, how many structures need a new roof. He hasn't gotten that information yet. Maybe with the holidays over... But also he thinks what they need is a request maybe from the Housing Authority Board for this City to intervene and help on that one.

Commissioner Alexander said that is what he was thinking. He thought Mr. Brooks sent out to each of the Commissioners a letter.

Commissioner Becht said he didn't get a letter. If he needs money, he needs to tell the Commission how much and for how long.

Commissioner Alexander said he thought they allocated monies for improvement of **resurfacing or paving** or whatever. He thought the City did something about resurfacing these roads. Le Thomas told him he was out there investigating an incident. That is a cost for the City of Fort Pierce.

Mr. Hector Arias, City Engineer, said before he went on vacation, the contract for the resurfacing with Dickerson was sent to Dickerson by the Purchasing Agent, he believes about two or three weeks ago. They have to wait for that contract to be signed by the Mayor. And then they have to have a preconstruction conference and they will start the process of doing that.

City Manager Beach said that process is underway.

Commissioner Nelson asked did he understand them to say resurfacing had stopped or ended?

City Manager Beach said no, he said it was underway. They have completed the contractual documents. Those documents have been sent to the paving company. Once they are executed by the paving company, they will be executed by Mayor Benton, and then they will have a pre-construction conference and start the overlay. It is in progress.

Commissioner Becht said the City has recently had some very favorable press in the newspaper on the **Indian Hills Golf Course**. That article revealed to him something that he would like to share with the Commission. There is an underprivileged program for kids to learn how to play golf and get involved in golf there. If they need information on it, Mary Beth Birsy has it, they can get it from her. He was very proud that she had already instituted that.

Commissioner Becht said one thing more negative. They are way out of control with their **Comprehensive Plan Amendments**. He would like for Calvin Giordano to be up here at the next meeting and tell the Commission what has been done and how they are going to meet their two year contract that is now six months old. Because he doesn't think they are going to meet it. The contract as drafted didn't include land development regulations. The port element for the Comp Plan has not been submitted. The school siting issue has not been addressed. He received no indication that they have lifted a finger to do anything. He talked to Mr. Arias today, who indicated he has not heard from them. He doesn't know who has heard from them or what they have done. Unfortunately, he is left with the impression that they have done nothing. But if they have, why don't they come up here and tell the Commission what they have done at the next meeting.

City Manager Beach said they will be at the next Commission meeting.

Mayor Benton said the **South Jetty**. It appeared things were on track before Hurricane Wilma, the Army Corps of Engineers was out there with a barge putting new rock on the Jetty. His understanding is that they have very little work to do; but because of Lake Okeechobee and the dike, the Army Corps has been out working on that. He is just wondering if this Commission could put a letter together requesting that the Army Corps come back and finish that work, because it is almost done. Maybe Mr. Hood can help him on this one. It appears that it is probably 98% finished. It is up to the City to finish the paving of the Jetty, or is it up to the County? But because that park is in the City limits, and they did a great job with the parking lot and the rest of it, the public wants it finished. When is it going to happen?

City Manager Beach said that was scheduled for discussion on tonight's Agenda, but they removed it because they wanted to do some more research on source of funds to actually complete the work. What he is getting from staff at this point in time is just what the Mayor said. The Corps has left. There is still a good \$100,000 worth of work to be done there. What his staff is recommending is that the City figure out how to do that. They would have had that in front of the Commission this evening, but they needed to do more research on source of funds to do it.

Mayor Benton said he would hope the County could pitch in maybe, because he knows in the past the County has been pretty good about that. That park really needs help. He has had many complaints.

Commissioner Coke said there is where the parks referendum money could be used.

Mayor Benton said another item is the **Port**. DEP (Department of Environmental Protection) doesn't seem to involve the City in some of the decisions. They have to hear it from third parties on some things going on over there. But for the past six or eight months, through DEP there has been a mitigation project going on where they are ripping out an island north of North Bridge. That is where the barges that are sitting over there on Lloyd Bell's property are. But now they are stacking equipment, steel and stuff. As long as Mr. Bell is allowed to do this and the government is doing it with him, when they leave then he is going to say they have been doing this business for years and the government has been doing it. Nobody asked the City about this. This is a mitigation project because of the Jensen Beach Causeway. It has nothing to do with St. Lucie County or Fort Pierce, but they have a junk yard over there.

City Manager Beach said the Port is going before the Special Master, he believes January 16th. They have a staff meeting on January 14th preparing for that meeting. What is going before the Special Master is the unauthorized business operation at the Port, the storage of the boats at the Port, as well as the mobile homes - the FEMA trailers. The idea behind the meeting, of course, is to get them on notice and under fines to start clearing that property off and cleaning up and stopping that business operation. He is clearly operating without any type of permitting, licensing, or any of that.

Mayor Benton said he just wants to make sure they included that work that is being done there on the south side of the property, he guesses through the State. It appears there is more and more debris being piled up there. He doesn't know how much longer that job is going to take. But here is another job where DEP didn't inform the City. They just signed a contract with the property owner.

Commissioner Becht asked would Mr. Schwerer make sure whoever the Code Enforcement attorney is looks into Federal preemption or State preemption, because he is going to guess that Lloyd Bell is going to say that Federal FEMA laws preempt whatever the City zoning ordinances are.

City Attorney Schwerer said they have already looked at that and they don't.

Monday, January 16, 2006, is Martin Luther King, Jr. Holiday in the City of Fort Pierce. All City administrative offices - with the exception of the Police Department Public Safety Services, the City Marina, and the Indian Hills Golf & Country Club - will be closed. There will be regularly schedule garbage and/or trash collection on that day. The City Commission meeting normally scheduled for Monday, January 16, 2006, will be postponed to Tuesday, January 17, 2006, beginning at 7:00 p.m. in the City Hall, Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida.

There being no further business, Mayor Benton declared the meeting adjourned at 9:45 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

