

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, JANUARY 4, 2010.

Mayor Benton called the meeting to order.

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

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and Reginald Sessions; City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

The next item on the Agenda was Approval of the Minutes of the Regular Meeting on December 21, 2009.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Regular Meeting on December 21, 2009.

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

City Clerk Steele read the following Resolution into the record:

RESOLUTION NO. 10-01

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **IN APPRECIATION OF THE SERVICE OF CHRISTINE COKE AS A FORT PIERCE CITY COMMISSIONER.**"

WHEREAS, CHRISTINE COKE has served as a City Commissioner of the City of Fort Pierce, Florida, from January 7, 2002, to January 4, 2010; and

WHEREAS, CHRISTINE COKE has provided very important guidance and leadership during her service as City Commissioner in the positive development of the City of Fort Pierce; and

WHEREAS, CHRISTINE COKE promoted the growth of the Police Department and its vital community sponsored programs, as her number one priority has always been the safety of the citizens of Fort Pierce; and

WHEREAS, CHRISTINE COKE presented recycling programs, updated sea turtle ordinances, and the need for beach cleaning and dune vegetation to the members of the City Commission and received their support, and has promoted capital improvements to the parks throughout the City of Fort Pierce; and

WHEREAS, CHRISTINE COKE supported economic development and new businesses in the City of Fort Pierce and encouraged hiring local people to rebuild the City's neighborhoods; and

WHEREAS, CHRISTINE COKE has served as a member of the Sunrise Theatre Foundation Board, the Executive Roundtable of St. Lucie, the Beach Preservation Task Force, the Love Center Board, the City Retirement Board, the St. Lucie County Land Acquisition & Selection Committee, the Transportation Planning Organization, the Treasure Coast Regional Planning Council, and the St. Lucie County Tourist Development Council; and

WHEREAS, CHRISTINE COKE has always demonstrated a deep concern for the well-being and quality of life of the citizens of the City of Fort Pierce.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, on behalf of the Citizens of the City and the City's Department Heads and Staff, do hereby acknowledge with a deep sense of gratitude the service of CHRISTINE COKE as a City Commissioner for the past eight years.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to CHRISTINE COKE and spread upon the Minutes of the Fort Pierce City Commission as a permanent record of their appreciation.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 4th day of January, 2010.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, and unanimously carried, that Resolution No. 10-01 be adopted.

Mayor Benton presented Resolution No. 10-01 and a Plaque to Commissioner Christine Coke in appreciation of her eight years of service to the City of Fort Pierce.

Commissioner Coke said first she wants to thank the citizens of the City. It has been an honor to serve everyone for the last eight years. She wants to say a special thanks to the Staff, all the Department Heads, and the City Manager, who have made life here a lot easier with all the help they have given her. She thinks it would be remiss not to thank all the Commissioners and the Mayors who came before, who laid the groundwork that led them on the right path. Finally she wants to thank Commissioner Sessions, Commissioner Becht, Commissioner Alexander, and Mayor Benton. She thinks it is wonderful that they all have always pursued what was in their hearts and in their minds as the right thing for the City of Fort Pierce. They may not have always agreed, but they always found very good compromises. She hopes in the future they will continue to have the courage of their convictions to lead the City through the tough times they are going to face; but there is a great road ahead for the City of Fort Pierce. She is honored to have served with all of them and to have served the citizens of Fort Pierce. She wishes them well on their continued journey.

The next item on the Agenda was Swearing In of Rufus J. Alexander as City Commissioner, District 1; and Thomas K. Perona as City Commissioner, District 2.

City Clerk Steele administered the Oath to Rufus J. Alexander and to Thomas K. Perona prior to their being seated as City Commissioners.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Thomas Perona, and Reginald Sessions; City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

The next item on the Agenda was Appointment of a Mayor Pro Tem for 2010.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to appoint Commissioner Becht as Mayor Pro Tem for 2010.

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

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

Letter from Pam Gillette, Main Street Fort Pierce, thanking Director of Public Works Nick Mimms and the Public Works Department for their assistance, participation, and support.

The next item on the Agenda was Comments from the Public.

Mr. David King said he is fifth generation Fort Pierce, his family moved here in 1898. He has a **Subway at 1002 Seaway Drive** on South Beach. He started looking for a place to put a store on the South Beach in 2003 or 2004. He lived over in Faber Cove at the time. He found a place. He remodeled and spent major dollars, his dollars, to remodel that old store. He applied for permits in April 2005, it took him almost two years to get it open because of all kinds of complications from sewer, water, etc. He finally got it open with a lot of help from a lot of good people. He knows road construction happens everywhere, but it seems to follow him. He had a store at U.S. #1 and Midway Road, there was massive road construction in front of that, which made it three years of living nightmares that he could never get people to come to. Now that he has this store open, they have put a temporary road on the side and kind of taken away what parking he was able to use besides the parking places he had on the side. Then they came in June and literally barricaded the store in. If there are orange barricades every five feet around a building, regardless of the reason, nobody is going to stop at that business. He is in the business to try to make some money and actually get a paycheck each week, which he is not able to be doing, he is going backwards. He tried to go through the correct channels. He talked to Mayor Benton and Commissioner Becht. He talked to Mr. Andrews (City Engineer) briefly about the possibility of putting on-road parking like they have already done on the A1A and Seaway Drive project along the beach. All along there, where there are not any businesses, they put along road parking. Mr. Andrews thought that it was possibly possible, he didn't like the idea. But Mr. Andrews

didn't say it was impossible. So he can't seem to find the right avenues of who to talk to. He was going to try to talk to Mr. Recor, but he wasn't able to get in to speak with him. Each time he tried, he just wasn't able to get in there, they could not get the time for him. So he figured he would come before the City Commission to see if there was somebody or somewhere he could go to, to try to get some assistance. There are eight businesses in that little corridor right there. If they go to any road - Okeechobee Road, Delaware Avenue, Orange Avenue, Avenue D, or Seaway Drive - there is on-road parking. Go down 7th Street, where there are all those little businesses, they have got parking. They could really use a little help in that area right there. So that is why he is coming to them, to try to get some help. Maybe they can guide him to the right place. He got some guidance from Commissioner Becht, who helped him with Mr. Recor for one of the situations he had to take care of. That is why he came to talk to the Commission, to get some guidance.

Mayor Benton asked could Mr. Recor schedule an appointment with Mr. King?

City Manager Recor said yes. He is actually a little bit surprised to hear that he had a hard time scheduling a meeting. He knows they played phone tag and passed in a restaurant downtown. He was not aware that Mr. King wanted to actually meet with him to go over things. So he apologizes for that.

Mr. King said Mr. Recor's secretary told him it was not important enough. He didn't like that, because to him it is the most important thing in the world, to be able to run his business.

City Manager Recor said sometimes the calls are screened. He thanks him for bringing it to his attention.

Mr. King said that is all he wanted to do, to be able to sit down with him and talk.

Mayor Benton said it is his understanding Mr. King needs a certain number of parking spaces.

Mr. King said it goes by square footage. He has 775 square feet and is required to have 8 parking spaces. The paved front, which has been used since 1950 - whether it is right-of-way or not - they allowed that to be parking. They allowed him to use that when he opened up. He put parking places on the side and the handicapped parking as required. Now that it has been removed, of course he can't run a business where everybody comes in a two hour period for a sandwich.

Mayor Benton said they are going to work on resolving this.

Mr. King said if somebody would sit down and work on that, it would be great.

Mayor Benton said he spoke to the construction superintendent last week, who said he had spoken with Mr. King. Maybe between

Mr. Recor and Mr. Andrews and Mr. King... It is a State road. FDOT will listen to the City; but it is not like the City is doing it themselves. They want to keep this business open.

Mr. King said he appreciates any assistance they can give.

Commissioner Sessions asked did he hear Mr. King say that in order for his business to remain viable, he is going to have to have a certain amount of parking spaces?

Mr. King said he is required to have 8 spaces open. It goes by square footage. He has 775 square feet. If it was a fast food restaurant, he would need 11. But they called it a regular restaurant, so he needed 8 parking spaces to open. He got his permit and actually opened the doors officially in July 2007. It took a little over two years to get open. The Mayor knows all the situations he had to run through to get open.

Mayor Benton said yes, it was a nightmare.

City Manager Recor said this project definitely has some history to it. He is intimately familiar with the issues surrounding the opening. By the way, he thanks him for the investment and the improvement to the property. But along with redeveloping an older structure comes a lot of difficulties and a lot of obstacles. This was one of those projects where the staff actually administered the development regulations very flexibly. He thinks the only required parking spaces for this development were 4 and those were on the side. As Mr. King acknowledged, the parking that was utilized in the right-of-way was never legally recognized parking. The fact is, Mr. King has provided as much parking as physically possible on the property. So no doubt the construction is having an impact on his business. There was recently some discussion about utilizing that paved area, the lane that is nearly complete, as parking. A great idea, at least on a temporary basis, to provide parking relief for businesses along Seaway Drive. They will talk about it further and see what kinds of alternatives are out there.

Mr. King said that would be great.

Mr. Edward Gandy Sr., 2005 Barcelona Avenue, said he is a pioneer of Fort Pierce, he was born in Fort Pierce. He moved to 2005 Barcelona Avenue four years ago. He stayed in the County most of his time here. This was annexed into the City last year. Now the County is out there doing construction on the roads (in **Paradise Park**). The County said they were going to put swales in, but they put canals in the front of his property. It was a \$200,000 house. He had it appraised last week. It is \$50,000 now. These canals they are putting out there, part of it they are putting underground with cover, part they are leaving open. Right in front of his house they have a 38-inch ditch. He cannot even cut his hedges on that side. His wife has a lot across the street. The same thing, they put the canal through there and refuse to put a pipe in there. The property is cleared off. They cannot maintain the property. He talked to County Commissioner Dzadovsky about it. He talked to Don Pauly about it. It has been going on about three months, the

work in the area. He is trying to get them to take care of that while they are in the area so they don't have to come back in there, but he doesn't seem to be getting anywhere. What eventually is going to happen, they are going to turn it over to the City and the City is going to have the problem, because they are not doing the job right out there. He comes before the Commission to see if he can get some help to get it straightened out, if someone can come out and look and see what is going on out there.

Mayor Benton said maybe they can have the City Engineer take a look at it. He does not know if Mr. Andrews is familiar with this project or not. If it is something they are going to inherit from the County...

City Manager Recor said he is familiar with the situation. He thinks Commissioner Alexander brought this to his attention just before the holidays. He will follow up and will coordinate with the County, find out what is happening. If they can get Mr. Gandy's contact information, they will be sure to keep in touch with him.

Commissioner Sessions said he spoke with Mr. Gandy about this about a month ago. A lot of the neighbors in that area are suffering through the same thing. As pointed out, the City does not want to inherit a problem that is going to cost them. So they need to make sure they follow up on this with the County. He believes Mr. Gandy has given them a heads-up and they need to follow up.

City Manager Recor said he will.

Mayor Benton said he wants to thank Mr. Gandy, because they won't know these things unless somebody brings it to their attention. He will take a look at it and talk to County Commissioner Dzadovsky personally. They will see what they can do to straighten this problem out.

Mr. Anthony Johnson Sr., 1908 Barcelona Avenue, said he has lived in **Paradise Park** six years. He pretty much has a similar problem like his neighbor, Mr. Gandy. Road & Bridge, he used to work for that company. The original plans were to have underground all the way through Paradise Park. But somehow, that got changed. They started back last year putting the drainage in. At 1908 Barcelona Avenue, they were supposed to put a swale, but they have a canal there. In order for him to get a pipe, he has to pay \$900 out of his pocket. His neighbor paid to have her pipe underground. There are kids that play out there. He has grandkids. A little boy was out there playing, running from a dog, and went off in that canal on a bike. There are cement headwalls. That kid just missed busting his head. There is about 6-feet on the east side of his house, on the front of his house is a real long one, that ties in with Mr. Gandy's empty lot. They come out there and put the sod down. It is dead sod. They said they would water it. But they came out one time on a Friday about 2:30 to water it and haven't been back out there since. So his complaint is, he has grandkids out there. If they go about a block down the road, they did the

same thing, but covered it up. On 19th Street and Barcelona Avenue, right there where Skeeter stays, they covered his up. They have called the County Commissioners and they pretty much laughed at them and didn't do anything. So he is wondering if they can get some help to get that closed to save the kids out there. There are a lot of kids out there that play, they go in and out of those ditches. He knows water moccasins live in those ditches. That is his concern.

Mayor Benton said they will look into it to see if there is anything they can do to put pressure on the County, especially if it is something the City is going to inherit. Did he speak to the County?

Mr. Johnson said yes, he and Mr. Gandy spoke to the gentleman at the same time.

Mayor Benton asked did he go in front of the Board of County Commissioners?

Mr. Johnson said yes.

Mayor Benton asked no response?

Mr. Johnson said they laughed at him there too.

Mayor Benton said they will look into it. If there is anything they can do, they will put some pressure on the County to make it right.

Ms. Ursula Freeman, 714 South 10th Street, said she talked with the City Manager today. Basically she does not think really that he is going to get anything done, because he is telling her that he is going to get in contact with the County about holding the funds. She does not think she can do that. So she is addressing the Commission to have it overturned what the **Historic Preservation** Board decided, not to demolish her house. At the same time, she understands what they are trying to say. But they don't care about her or her grandkids. They pushed the meeting back to the 25th. She feels like these same people that she went before in December are going to be the same people she will go before again. So what is the use of her going through the whole motion again? Even though they say they have two more members, that still doesn't mean anything. Because the way that man spoke to her, saying that he is not going to take the taxpayers money to get her a new house. She is a taxpayer too, she works just like he does. So she figures they keep just pushing her back. So she is asking the Commissioners to do something, because the next meeting is on the 25th. If they turn her down again, they tell her she has to appeal. For what?

Mayor Benton said this Commission does not have the information on her home. There is a procedure she has to go through before it reaches them.

Ms. Freeman asked what procedure is that? She has been fighting this for a while.

City Manager Recor said the procedure that he explained to her this afternoon.

Ms. Freeman said yes, she spoke with Mr. Recor. He was pretty much telling her...

City Manager Recor said the Commission does not have the authority to override his decision.

Ms. Freeman said when she was in his office earlier, he did not say that. What he was basically telling her, she goes before these people again and they put her down again and she has to appeal. Why should she go through the same motion again with the same assholes?

Mayor Benton said there is no excuse for that language.

City Manager Recor said he does not think this is the appropriate time or place to have this discussion.

Ms. Freeman said he is not going to do anything. That is why she is coming back to the Commission.

City Manager Recor said neither he nor Mr. Margotta told her that they were not going to do anything for her.

Ms. Freeman said Mr. Recor said he was going to get in contact with the County to ask her can she hold the funds. She can't do that. That is what she is saying.

City Manager Recor said this is not the appropriate time to have this kind of dialog.

Ms. Freeman asked when is the appropriate time?

Mayor Benton said this Commission does not have any information on this issue.

Ms. Freeman asked she goes before them again on the 25th, right? If they say no, she can't demolish her house, then what?

City Manager Recor said if the Historic Preservation Board denies her, she can then appeal to the City Commission. But before the City Commission can hear her application, it has to be heard by the Historic Preservation Board. The City Commission can't say she doesn't need to go before the Historic Preservation Board, that they will just eliminate that process and decide it. The Historic Preservation Board has to make a ruling on her application for demolition. And if she is not satisfied with that ruling, then she can appeal to the City Commission. That is what he explained to her this afternoon. He also offered to call the County and speak to...

Ms. Freeman said yes, but that is what got her. Mr. Recor offered to call the County, but she can't do that. Why should she listen to Mr. Recor, the City is not funding the money, the County is funding the money.

Mayor Benton said Ms. Freeman needs to have this discussion with the City Manager.

Ms. Freeman said she went through the motions. They asked her to sit down and talk to him. She did that. He is pushing her back.

Mayor Benton said there is a process this has to go through. Government doesn't work very quickly. Until a decision is made, they are not throwing her out on the street. Bear with Mr. Recor and they will see where it goes from there. But he does not have any information in front of him, he can't make a logical...

Ms. Freeman asked when will it come to him?

Mayor Benton said once the process moves forward, if it has to, it will come in front of this Commission. When and if it has to be appealed, then it comes in front of the Commission. This is the last group to hear the appeal.

Mr. Marty Laven, 2400 South Ocean Drive, said he is often in Palm Beach County. On his way to the Commission meeting this evening he heard a radio signal for the City of Palm Beach Gardens. He knows their resources are certainly taxed. But the possibility of a community access radio station, a WFPR or something of that ilk, might be mighty interesting for this community. Just something to consider. Again, he knows resources are modest at best. Just something to bring to the attention of the Commission and Staff. Also, as a member of the Marine Industries Association of the Treasure Coast, he has the opportunity to sit on the Economic Development Council. Recently an item was brought to them, the **Florida Back to Work** monies, which are available through Workforce Alliance, to pay the wages and training for a period of approximately six months, possibly to be reimbursed at some point in time. Those funds are available for public entities, non-profits, and small businesses as well. The deadline for that is January 15th. The point of contact is Ms. Gwenda Thompson at Workforce Solutions. Even though some of them have their political opinions about some of the monies coming from the federal resources, it is still something to consider. Wages and benefits and taxes would still have to be paid. But if there is a way to kind of get some gap monies in the six month period between February 1st and October 1st, and if it is possible to comply with those requirements, he thinks it behooves the public, non-profit, and private sectors to avail themselves of those monies. His final point, as representative of the renewable energy industry, Climatic Solar, there have been some federal monies as well. There is an exciting solar initiative that the County has adopted and he knows the City is a big part of that. He just wanted to extend an invitation to the Commission and to Staff. His firm will be holding another event on the 27th, a Wednesday. Mr. Meyers has availed himself, as has some of the staff. As they try to collaborate on some of these monies from the federal resources as well as others, the more they can educate people about the power of the sun. He comes to them with a message of warmth and reduction of utility rates. So if he can be of

further service, please don't hesitate to call.

The next item on the Agenda was Ordinance No. L-103, Rezoning property located at 2301 Sunrise Boulevard from R-2, Single Family Intermediate Density Zone, to C-1, Office Commercial Zone. (Applicants: ARVOS LLC and Lee L. Legler)

City Clerk Steele said Staff has requested that this item be pulled from the Agenda. If there is no objection, they will go to the next item.

Commissioner Becht asked Staff requested it be pulled? Is the applicant here?

Mr. Matt Margotta, Community Development Director, said at their last meeting (December 21, 2009), a question was raised as to the notification to surrounding property owners. Staff noticed that several properties were not properly notified. They need to bring this back to first reading. It will be the first meeting in February before they can bring it back. But they need to correct the path they are on.

Commissioner Becht said he appreciate they are correcting it. But it is not the first time - and he hopes it is the last time - that they have been down this path with improper notice. He does not know what they need to do to correct that deficiency, but he sure hopes somebody would figure out how to give proper notice.

City Attorney Schwerer said for legal technical reasons, the Commission would move to postpone this item and return it back to first reading, apparently due to some notice issues. They have a rule that says once a matter has been noticed for a public hearing, they need to vote on it for a postponement.

City Clerk Steele said Staff wanted to start over with first reading.

City Attorney Schwerer said he knows, but it is on the Agenda for second reading and he would not want any technical issues raised later on this. So he thinks the Commission should simply postpone it and send it back for first reading. Staff will bring it back when?

City Clerk Steele said February 1st.

City Manager Recor said Commissioner Becht is exactly right, this is not the first time this has happened. It is the very first place a good land use attorney is going to go to in contesting an application. It should not happen. Mr. Margotta, Mr. Carlin, and he met this afternoon and he does not think they will have to worry about this happening any more.

Motion was made by Commissioner Perona, seconded by Commissioner Becht, to postpone Ordinance No. L-104 to their February 1st meeting and bring it back for first reading.

Commissioner Sessions said just to reiterate what Commissioner Becht has pointed out, it is one thing for it to be a situation

when the applicant is requesting a continuance through some fault or reason of their own; but this is something that the City certainly does not want to continue to do in light of their history here, to continue to do this. So for the record, they need to address this problem so it is not a continuous thing.

Commissioner Alexander asked there is no additional cost to the applicant to refile, is there?

City Manager Recor said there will not be, no.

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

Ordinance No. L-104 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE A PARCEL OF LAND GENERALLY LOCATED BETWEEN INTERSTATE 95, THE FLORIDA TURNPIKE, AND SOUTH JENKINS ROAD, KNOWN AS **4001 SOUTH JENKINS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: Wal-Mart Stores East LP)

Mayor Benton declared a Public Hearing on Ordinance No. L-104 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 Becht, seconded by Commissioner Alexander, that Ordinance No. L-104 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-104 on second and final reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

Ordinance No. L-105 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3095 OLEANDER AVENUE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Property Owner: John & Kathleen Reynolds)

Ordinance No. L-106 entitled, "AN ORDINANCE EXTENDING THE

TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3101 OLEANDER AVENUE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Property Owner: R. Stein LLC)

Ordinance No. L-107 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4501 SOUTH U.S. HIGHWAY #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Property Owner: David Memon & Muhammed Memon)

Ordinance No. L-108 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4513 SOUTH U.S. HIGHWAY #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Property Owner: Muhammed Memon)

Ms. Erica Ehly, Comprehensive Planner, said these four annexations are annexations via agreement. They have the agreements on file. Staff recommends approval of all four annexations.

Commissioner Alexander asked these are all volunteer annexations?

Ms. Ehly said these are voluntary annexations, but via agreement rather than somebody coming in and applying to be annexed. They have Utility Agreements on file.

Commissioner Alexander said they have that all over the City of Fort Pierce. Are these volunteers?

Ms. Ehly said these are voluntary.

Commissioner Becht said on the aerial map they are looking at,

the northeast corner of Weatherbee Road and U.S. #1 is not shaded in red. Is that within the City limits or not within the City limits?

Ms. Ehly said according to this map, which is the most updated map they have in their GIS system, it is not shaded, which would indicate it is not in the City limits.

Commissioner Becht said that is a huge commercial tract they should try to get in with some speed. They have water there and it is not County water.

Ms. Ehly said they can certainly research and see if there is an annexation agreement on file.

Commissioner Perona said he has a clarification on Commissioner Alexander's question. He noticed the volunteer thing also; but it is basically because they signed an agreement with the FPUA, that makes them a volunteer. It isn't that they just jumped in and said to annex them. He thinks the issue is the fact that it is a prior agreement with the FPUA. Is that correct?

Ms. Ehly said that is correct.

Commissioner Alexander said he is on the bandwagon with Commissioner Becht. They noticed the one on the southwest corner having an agreement; but no one thought to look at that northeast corner? That is a major thoroughfare there. Weatherbee Road goes to a school.

Ms. Ehly said the annexations via agreement come down to the Planning Department via Ms. Satterlee, and then they process those according to the strategy that is coming from the annexation coordinator.

Mayor Benton declared a Public Hearing on Ordinance Nos. L-105, L-106, L-107, and L-108, and asked if anybody in the audience wished to be heard.

Mr. John Reynolds said he owns 3095 Oleander Avenue (Ordinance No. L-105). He has several concerns. One is, he has an approved site plan on the County level for development. Because of the economy, he put it into two phases. The second phase, with the economy the way it is, he didn't need or want it at that point. He needs some assurances, because of the cost of getting all this done, that the City is going to recognize that site plan without extra cost. As long as they follow the provisions of the County or don't change anything, they would be able to go ahead and develop when they want to develop that back piece.

Mayor Benton asked when was the site plan approved by the County?

Mr. Reynolds said about a year and a half ago. They built the first phase, the building on the front portion of it. Back in the back, behind 3101 Oleander Avenue, there is a 7,000 square foot building scheduled for there. They don't have immediate

plans for that, because obviously business is tough right now so they don't really need it at this point. But they wouldn't want to have to start all over, it is very expensive to get these things drawn up. Is there a procedure where the City accept the County's acceptance of that?

City Manager Recor said as a general rule, the City will honor approved site plans by the County when properties are annexed. To the extent it is developed consistent with what the County approved, the City will not initiate additional review. If the site plan expires, or if the plan is modified in any way, a major change, that would open up the opportunity for additional review. Mr. Reynolds did mention expiration?

Mr. Reynolds said the expiration, he got two different stories from the County. One was, it would expire in three years if they didn't do anything with it. The other one was, it doesn't expire, it is the way that it is, unless they make changes to it. That was the building side of it. Right now, it is being held in building.

City Manager Recor said it stands to reason it has a life span attached to it. But that is defined by ordinance and easy enough to determine. As long as the site plan is valid, the City will honor the approval of the County upon annexation.

Mr. Reynolds asked would that site plan have to come over into the City's records?

City Manager Recor said yes.

Mr. Reynolds asked the City would get that from the County?

City Manager Recor said yes.

Mr. Reynolds said the second concern he has there is, the City property is less than 50% of the frontage of his property there. They have had several occasions at that location for some pretty major theft. They have an on-going problem with stones being thrown, broken windows, just general problems out there. They maintain that rail hub there at their expense to keep the brush down so that the Sheriff can ride by and see what is going on there. He has some concerns it is a bit remote for the City's Police Department to cover it properly. Are there any plans to have police presence there?

Mayor Benton said the Police Department would make the same patrols as the County Sheriff's Department would through the area. But if it is in the remote area of his property, which it appears to be hard to see or get to, he thinks the Police would be as limited as the Sheriff's Department is to see any type of vandalism going on back there.

Mr. Reynolds said they have access. Actually they can see this if they come in from the west side of it. Also in between the buildings, the building next door, there is some brush in there they keep down. It is right on the fence line, so they keep that down. They had a break-in attempted seven or eight months

ago.

Mayor Benton said what Mr. Reynolds should do is give the Chief or one of the Captains a call to just bring them up to speed on this. He is sure they will do their best to keep an eye on it.

Mr. Reynolds asked he doesn't think there will be an issue, as remote as that piece is?

Chief of Police Sean Baldwin said it will not be a problem. If Mr. Reynolds has a special concern, they will give it some special attention.

Mayor Benton said the City wants to be as business-friendly as possible. So if there are any issues with his site plan, transferring it from County to City, please let them know. But he does not think there will be.

Mr. Reynolds asked is there someone he should contact on this?

Mayor Benton said Mr. Carlin or Mr. Margotta.

Commissioner Becht said he means no insult to the Sheriff, who has worked wonderfully with the City. But the Police Department will actually come out to his place of business and talk to him about things he can do for self-help, if he will call and set this up with an attitude of, when they come out there they can talk to him about some extra things he can do to help himself.

Mr. Reynolds said he does not have an issue with the Sheriff's Department's coverage there. They have a large driveway that is u-turn heaven and a few other things. The Sheriff's Department actually parks there and catches people speeding up and down the road. So it is not that there is a problem with the presence of the Sheriff's Department at this point. He just does not want the potential problems. They are there 14 hours a day.

Commissioner Becht asked does Mr. Reynolds understand that the Sheriff can't abandon him? He still pays taxes to the Sheriff for law enforcement protection, even though he is coming into the City. He is picking up an additional law enforcement agency is what is happening.

Mr. Reynolds said he did not know that and he appreciates that. But from his point, he is concerned over business obviously and damage to trucks. Kids or whoever walk along the railroad tracks, pick up the granite, and throw it against their trucks. They broke out a front window that ran \$2,000 to fix, so it is substantial sums of money. It is the presence he is looking for.

Commissioner Becht said he will have additional presence. And if he will make the appointment, Chief Baldwin has people that will come out and talk to him about lighting and various other things that are proactive in terms of helping the Police Department do their job and reducing the vandalism.

Mr. Reynolds said lighting is not an issue, they need sunglasses

around that building.

Mayor Benton said he hopes Mr. Reynolds is in front of them in a year saying things are better, that is their goal.

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

Motion was made by Commissioner Sessions, seconded by Commissioner Becht, that Ordinance Nos. L-105, L-106, L-107, and L-108 be passed on first reading.

Those voting in favor of the passage of Ordinance Nos. L-105, L-106, L-107, and L-108 on first reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

Ordinance No. L-109 entitled, "AN ORDINANCE **REZONING** PROPERTY LOCATED AT **2400 RHODE ISLAND AVENUE**, FROM OS-1, GENERAL & RECREATIONAL OPEN SPACE ZONE, TO C-1, OFFICE COMMERCIAL ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only. (Applicant: St. Lucie County Fire District)

Mr. David Carlin, Assistant Director of Planning, said the request is to rezone the property from OS-1 to C-1. As they can see from the zoning map, that is the current zoning configuration for those parcels. If they go to the future land use map, it does have a commercial offices and professional land use. The Fire District is intending to lease out some of the office space from that administrative complex and that is the justification for submitted their rezone application. They did have a total of 23 notifications mailed to surrounding property owners. As of today, they received 3 responses - 1 approved and 2 opposed. At the December 8, 2009 Planning Board meeting, the Planning Board did vote unanimously to recommend approval of the proposed rezone. As the proposed rezoning is consistent with the comprehensive plan and satisfies the amendment standards specified in Section 22-128 of the City's Code, Staff recommends approval of the rezoning.

Mayor Benton declared a Public Hearing on Ordinance No. L-109 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 Becht, seconded by Commissioner Perona, that Ordinance No. L-109 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-109 on first reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following Resolution by title only:

RESOLUTION NO. 10-02

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **MARLENE C. SHERWIN** AS A MEMBER OF THE **CITY TREE BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, that Resolution No. 10-02 be adopted.

Those voting in favor of the adoption of Resolution No. 10-02 were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Submittal of Applications for Appointment to the **Historic Preservation Board** (Alternate Member).

City Clerk Steele said the Commissioners have the applications in front of them for consideration. There will be a Resolution for appointment at the next City Commission meeting.

Commissioner Alexander said he brought it to the attention of the Commission that he was concerned about a District 1 person representation on this. He sees they brought them applications from District 2 individuals. He knows there is one from District 1. So why are there individuals from District 2 if they are trying to make a decision? A decision should be already made. He is just trying to make sure there is no misunderstanding.

City Manager Recor asked are all the applicants included in the pile?

City Clerk Steele said all applications that are submitted are always given to the Commission.

City Manager Recor asked regardless of what District?

City Clerk Steele said regardless of what District they are in.

City Manager Recor said so they have every submission in their package.

Mayor Benton said the only person from District 1 is Peggy Harris.

Commissioner Alexander said he is just trying to make sure there is no conflict or confusion about District 1 being represented.

City Manager Recor said Planning Staff did follow up and determine the breakdown of the Historic Preservation Board. It is a seven member board - four members were from District 2 and three members were from District 1. That was the previous composition.

The next item on the Agenda was City Commissioners appoint members to the **Citizens Advisory Budget Review Committee.**

Mayor Benton said he is sure they have seen the memo from the

City Attorney (dated January 4, 2010) where he recommends they wait until they adopt a Resolution which will formally enact this Committee and its guidelines, before they appoint these people. He knows that was a concern of his appointee, who wanted to know exactly what this Committee was going to entail. So he thinks when they have something in writing to give to these appointees... That Resolution should be in front of them at the next meeting?

City Attorney Schwerer said yes, January 19th.

Commissioner Alexander said he had no one to call him but the person he recommended and he got his tail handed to him today because he didn't consider a District 1 person for this Committee. But he asked for several months for individuals to come forward. It was brought to his attention that they are all from District 2.

Mayor Benton said it looks that way. That don't have the name of his appointee in front of them tonight because he had to go through a lot of people before he could find someone. When he looked at some of the information given by the City Attorney about the people they want to appoint to this Committee, those should be big business owners or financial people that really can crunch some numbers, he didn't take it lightly. He asked several CPA's and Accountants. But because of tax season through April 15th, it was hard to find someone, but he did find someone. They still have a little more time with this Resolution coming in front of them at the next meeting. But he would suggest they look for somebody from District 1 and District 2. As it is, everybody will be from District 2, and three of the appointees will come from South Beach.

Commissioner Alexander said along with them handing his tail to him, the comment was made - why don't they add two more members and make it seven? Because that is the same as the County has. Again, he requested over and over about someone to appoint to this Committee. He got no calls until after their last meeting, then he got two calls, both from people in District 2. Just to keep from prolonging it, he went on and made his appointment.

Commissioner Sessions said when they first talked about this, he really didn't get any responses either. But after they started looking, it being televised, individuals started contacting him and expressing their opinion of the seriousness of the Committee. Some individuals pointed out, as far as they were concerned, it is probably next to the most important board there is - the City Commission - in light of the budget and the input that the actual citizens could help in assisting the Commission. Not that the Commission has to take their recommendations, but he thinks it is very important they be able to consider John Doe's recommendation, especially when it is an issue as important as this one is to the City of Fort Pierce in the upcoming future in light of the economic times. But at any rate, he thinks Commissioner Alexander brings up another option, that perhaps they could get even more input from citizens. He believes the resolution they are trying to duplicate as far as the County is concerned, he thinks the County actually has a

committee of seven people. He thinks Port St. Lucie's committee is actually nine.

Mayor Benton said he does not think Port St. Lucie has one.

Commissioner Sessions said at any rate, from his standpoint he does not think it would hurt and it would probably be more helpful to have as much input as they possibly can from as many people as they possibly can. Perhaps they do need to consider, while the City Attorney is getting together the resolution, adding maybe seven, nine, or eleven members. As far as he is concerned, the more, the merrier. They have some serious issues. And the more that he hears from the public in terms of their recommendations, the better it is for him in terms of making prompt and wise and just decisions from a perspective of the entire City as a whole.

Mayor Benton said being that the City Attorney is going to be making up that resolution, he should hear how the Commission feels about the number of people. His concern is, if they have too many, then it is hard to get a consensus. He knows how hard it was for him to find somebody. He was looking for a business person or a CPA, somebody that is good with numbers. It is very difficult sometimes to find people for boards and committees. He gave up on someone submitting their name, he got on the phone and started calling people. He was turned down on several occasions.

City Manager Recor said respectfully, he hopes they can stop this train before it leaves the station.

Commissioner Perona said one of the first tasks he was given was to come up with a name. He went back into the Minutes to try to discern exactly what this Committee is supposed to do and what the intention is and what the degree of importance it is. He gathered that there was a high quality expectation out of this group. He went to great lengths to try to find that individual who he thought would be the best person. His appointee is a CPA. He thought probably the best format would be a small very qualified group that is capable of looking at the budget issues, hopefully not the smaller items, and stay at a pretty high level; and to be able to give the Commission a good product. He cannot imagine a large number being able to do that. He was lucky to get one person that he has confidence in to be able to give him that type of input. He thinks this Commission will have difficulty in trying to find many people of that caliber and quality to be able to do so. So he would rather stay with a smaller high-quality group that are able to give them some type of direction accordingly. He thinks he would have a lot more confidence in that, than something large and uncontrollable.

Commissioner Becht said his thoughts are, this is going to be a one-year appointment, although they really haven't given any direction. If it is a one-year appointment, both the Commission and the Committee are going to be on a learning curve. How do they want this to work? How much feedback to they want? Do they want the Committee at 30,000 feet or do they want them with a microscope? If there is a strong consensus that they want

more people, then he thinks they could find additional people. But he also shares Commissioner Perona's concern that at some point it might become unwieldy. Remember, this group is going to be consuming Staff time as they put together their review for the Commission. He thinks he would rather err on the side of five appointees for the first year, see how it works, see how much Staff time it takes. And then with feedback from the five appointees, if it appears that they could expand it to seven, nine, or eleven... But he does not have a strong feeling about it either way. He just wants to get the Committee up and running. Remember, this first Committee is going to have the task of creating a whole lot of administrative stuff. They are going to have to figure out how they want to operate, when they want to operate, a chain of command with Staff, and how much information they want. As he had originally contemplated, he did not see the Committee having the ability to task Department Heads; but the Commission was going to task the City Manager and Finance Director with feeding information to this Committee. If it expands beyond that, then they have to weigh the benefits of expanding it beyond that with the burden it would place on Department Heads.

Mayor Benton said he would agree. So the consensus is, five members for the first year to see how it goes.

Commissioner Alexander said he is fine with that. He just had to bring it to their attention. He went overboard trying to find someone after the other meeting, before this one.

Mayor Benton asked does Mr. Schwerer have enough information? If not, he can contact them.

City Attorney Schwerer said yes, he does.

Commissioner Sessions said he appreciates what the City Attorney is saying. But this is a Committee he is taking very serious. He just hopes they don't get into a situation where they have resolutions and staff input and it will be 2011 before they are ready to get these people on board to help assist them. Do all they can to get them up to par as quick as they can, he would appreciate it.

Mayor Benton said he believes February was their goal. When they talked about this, getting it rolling, was to get an early start into next year's budget. But when he called some CPA's, this is their busiest time of the year. So he thinks some people might have a limited ability, until after April 15th, to put into this.

Commissioner Becht said he is not aware if a date has been set for the capital improvements or the strategic planning workshop they have been discussing for two months. Has a date been set?

City Manager Recor said his instructions were to get it scheduled for the last week of January. He can't tell them tonight if it has been.

Commissioner Becht said in his opinion, for the Strategic

Planning Workshop, they ought to request that the appointees to the Citizens Advisory Budget Review Committee attend. Most of them probably will attend without the invite. But he would like to at least let them know this is happening and the date and the place. He is not looking for their comments or feedback at the workshop, they are not the Commission. But he thinks it might assist them to hear the Commission discuss what their strategic vision is for the City and knowing where in the budget they might want to cut and where in the budget they might want to leave it alone.

The next item on the Agenda was Appointment of Commissioner to Sunrise Theatre Advisory Board (Chair), City Retirement Board, St. Lucie County Tourist Development Council, Transportation Planning Organization, St. Lucie County Land Acquisition & Selection Committee, and Executive Roundtable of St. Lucie.

Commissioner Becht said there are several appointments that Commissioner Coke had that are now open. They have the new guy, green and wet behind the ears. He will trade him the Treasure Coast Regional Planning Council (TCRPC) for the Transportation Planning Organization (TPO).

Mayor Benton said out of all the boards and committees he ever sat on, he was wondering why the TPO didn't just have that meeting once or twice a year. There is more people now, so it has to be worse.

Commissioner Becht said he had an opportunity to attend at least one meeting. But with the federal stimulus package, this has become a committee of some great concern and great import. He is going to say this on TV with some regret later, but the TPO has a new Executive Director over there - Peter Buchwald - who does seem to have that thing moving along like a Singer sewing machine. And with all respect to Commissioner Perona, he would like to go over there, because he thinks they can move some of those dollars back into the City limits of Fort Pierce. He thinks they need that pressure out there at the County and with Port St. Lucie to make sure that happens. He is sure Commissioner Perona could do it; but he thinks he would be much better suited for the Treasure Coast Regional Planning Council meetings that are short and only once a month.

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, to appoint Commissioner Perona to the Sunrise Theatre Advisory Board (Chair), City Retirement Board, St. Lucie County Tourist Development Council, the Transportation Planning Organization (as Alternate Member), St. Lucie County Land Acquisition & Selection Committee (as Alternate Member), the Executive Roundtable, and the Treasure Coast Regional Planning Council; and that Commissioner Becht take Commissioner Coke's place on the Transportation Planning Organization (change from Alternate to Regular Member).

Commissioner Alexander said he did have some concern at the TPO. He was assigned as an alternate many years ago. He resents being called ten minutes before a meeting to go to Port St. Lucie. Who is in control of the times they will be available as

an alternate to fill in? He does not mind going to any meeting; but he does not want to be called five minutes before a meeting in Port St. Lucie. Mr. Buchwald called frantic last month when they didn't have a quorum.

Mayor Benton said that would be the designated regular member. If he is ill or going to be out of town, he should give plenty of advance notice to the secretary or to the alternate. That is what he has done in the past. Normally they would like to have at least a day's notice or more. He would ask everyone up here to please honor that alternate, give him as much notice as possible, because it does create a problem when there is not a quorum.

Commissioner Perona said he feels very comfortable in Commissioner Becht's comments, like he is buying his first automobile. But they are looking at what is best for the City. Commissioner Becht has a certain working relationship with Mr. Buchwald, he thinks he is related to Mr. Buchwald, but is not sure. But as the new guy, he looks forward to learning more about the City. He is sure they are going to introduce him to many opportunities that are going to educate him appropriately. He is involved with TCERDA. He does not know what his future fate is with that Board, but he hopes it would at least be an advisory position if the County chooses to remove him from that Board because of his recent election as a City Commissioner. Dealing with the Fort Pierce Utilities Authority, he plans to be involved a lot with them. But there are many things he would like to learn about, so he does not mind taking on some of these tasks accordingly.

Mayor Benton said when it comes to the TPO, be ready; because they are outnumbered. There are only two from Fort Pierce. There are four from Port St. Lucie and four from St. Lucie County. For instance, the project on 13th Street with the utilities and stimulus money, maybe that voice can be heard loud and clear about the problem it has created with the utilities.

Commissioner Becht said so it doesn't look like the new guy is getting railroaded, if they want to break this down by committees that Commissioner Coke served on, if somebody has a strong preference... He does not know how they want to handle this so it is fair to everyone involved, including Commissioner Perona.

City Manager Recor said he had asked they have a list prepared of all the boards and committees the Commissioners participate on and a list of the current assignments, with the anticipation of the Commissioners wanting to discuss who is sitting where and the opportunity to shuffle it. If they would like, rather than just the committees Commissioner Coke sat on, consider all of the appointments.

Mayor Benton said it is up to the Commission. Over the years, it has been split up about evenly. Everybody up here sits on various boards.

Commissioner Sessions said he is willing to go with the motion

made, especially since Commissioner Perona does not have a problem with it.

City Clerk Steele said just one clarification. Commissioner Becht will no longer be an alternate on the TPO, but will be the regular member, which will make Commissioner Perona an alternate in Commissioner Becht's place.

Those voting in favor of the motion were: Commissioner Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Mayor Benton discussion regarding the super-majority requirement for the City Commission to overrule the Fort Pierce Utilities Authority rates or budget.

Mayor Benton said he put this on the Agenda because he saw the letter (dated December 21, 2009) from Mr. Thiess (FPUA Director). He thinks several of the items Mr. Thiess listed could create some real concern and problems for not only the U.A. but the City. When they had this discussion, he thinks Commissioner Coke was the one who wanted to look into the pros and cons. He sees several items, especially the reduction of the annual transfer to the City, which would be worse each year. So as much time as it could take for the City Attorney, he wanted to see what the Commission felt, whether it was worthy to continue on or stop it in its steps.

Commissioner Sessions said actually he believes it was Commissioner Alexander that brought this issue up about the super-majority vote, about a month and a half ago, to actually review the process. Unless there has been something that has changed since then, he is still in support. He believes at this point they are just talking about discussions regarding the change. He believes the same concept and principle that elected them as City officials is probably best suited in terms of them making decisions; and that is, it is just a majority as opposed to a super-majority. It appears that for the most part that process is probably the system of democracy they practice here in America when it comes to voting. He does not want to state a strong position now with actually doing away with it; but certainly it is something he would like to get some input and he is going to be open-minded. He believes it is very important they practice the same thing up here that it took in order to get them here, a majority as opposed to a super-majority. The bottom line is, it was a concern of Commissioner Alexander's in light of the Fort Pierce Utilities Authority and the issues regarding approving their budget and what it took from this City Commission's standpoint to approve that. He believes maybe there was one other decision, other than approving the FPUA budget and rate increases, maybe two. Otherwise, it would take a majority vote. He believes that takes a lot of the politics out of it from the standpoint of being a majority versus a super-majority. This is just for consideration, they are not making a decision, but he thinks they need to still move forward, unless there is something that has changed since the last time. They do have a new Commissioner aboard. Other than that, he does not see any reason why they should not continue on

with what they started.

Commissioner Becht said where he thought they had left this issue was that Staff was going to identify... He thought Commissioner Alexander had asked if there are any other issues or boards or matters that required more than a simple majority vote? And there are. He thought they had asked Staff to come back with identifying where a super-majority is triggered by the zoning code or certain other things. In general, starting with the big picture, there are in their society certain issues and certain matters that require a super-majority or a unanimous vote. In his practice, he draws up agreements all the time that require super-majority votes or unanimous votes. For instance, a partnership, sometimes they draft the instrument such that they have to have unanimous consent to admit a new partner. So there are situations in society and in the world where a straight democracy vote is not appropriate. That would also be in the criminal defense world where they don't convict somebody on a majority vote. This isn't apples to apples, because obviously that is something of great importance. But there are issues that people have identified as being of great importance for voting on. And one was, this issue of raising rates. And they structured it such that it would be difficult to override the decision of a business board - the FPUA Board. He would like to have a full discussion on it by this Commission, to see if they agree with the thought process that went into that before. But he would like it identified in a context not singularly about the super-majority requirement for the FPUA, but all of the other super-majority requirements that the City has. He thought that was where they were going to start.

Commissioner Alexander said that is what they asked for. That is exactly what the direction he thought he was requesting of Staff. Because the difference that he sees with the U.A. and any other boards, the one thing that sticks out mostly is that the Fort Pierce Utilities Authority is owned by the citizens of the City of Fort Pierce. They in turn elect the Commission. So if they are sitting up here, it seems like it is a constant squabble or bickering between the boards. And he does not see no entity that is involved in the City of Fort Pierce, whether it be the Golf Course or the Marina, they all have to come back here, because the Commissioners are the policymakers. He does not see one entity telling them that... Even the City Police Department, right? All they have to do is call the City Manager, right? That is front line there. He just thought that Staff would be bringing it back to them with an explanation, not that their forefathers came up with this super-majority idea, because they have all learned that they need an ordinance changed every day almost. They can't say that maybe something was not done right and it should be made a change? He is not just totally saying that it must be changed. He still questions when he has Fort Pierce Utilities Authority here and they act like they are on some type of pedestal. He does not want Mr. Perona to take that wrong.

Commissioner Perona said he is not on the Utilities Authority any more.

Commissioner Alexander said he was. He just does not want it to be taken out of context that he is sitting here trying to beat on the U.A. He asked the question, is that the only board? Obviously not, because they said that night it is not the only board. So get it clear for the public, because the public is the one that is in an uproar. If they don't listen to them... He just came through an election, so he does not have that worry four more years. He is just looking out for his fellow Commissioners and Mayor, because the people don't like this. For them to threaten that they might deduct? He won't allow...

City Manager Recor said so the Commission doesn't think that Staff was not moving forward, he thinks the City Attorney's office is going to be prepared with that ordinance for discussion, as they were instructed to do. Nobody has stopped working on it.

Mayor Benton said that is why he put this on the Agenda. It appears the Commission was asking for a report to start with on why the other boards...

City Manager Recor said that part of the follow-up he missed. But that is easy enough to determine. But they are absolutely working on an ordinance for discussion.

Mayor Benton said that is the problem. When he is in the City Manager's office and the City Attorney's office and this is a top priority for them - on top of the other many priorities that are on the City Attorney's list, like the Backus Art Gallery - that this one has been put to the top of the list. When this information from Mr. Thiess came through, he just felt that they need to get it off the City Attorney's pile. If it means just getting a response from the City Manager on what boards require a super-majority and why, if that is what they are looking for, he is okay with that. His problem is the pile that is on the City Attorney's desk, it just grows and grows. This is one that the City Attorney could put a lot of time into. They do have change. They have a new Commissioner up here. Because Commissioner Coke was looking for answers, they do have some answers. Now Commissioner Perona is on the Commission, maybe he has some input in this.

Commissioner Perona said he did wear a FPUA hat at one time. The Mayor currently wears one. The job here is, City Commissioner. He read through this and tried to be very objective through the whole thing. If they read Mr. Thiess's letter on what would have happened, that is all he has to compare it to. When they start talking about the simple majority being able to overrule Fort Pierce Utilities Authority issues, he thinks they get dangerously involved in politicizing a business that makes a lot of money for the City of Fort Pierce. He thinks that number is up close to \$8 million right now. If they start dealing with it at that level, he thinks they have a chance to really corrupt some of that possibility. The job that the FPUA Board has is a very intense one. He sat on it for seven years. The Mayor deals with it on a daily basis, not only as Mayor but from the standpoint of the FPUA.

It is very time-consuming. So much time-consuming that he thinks their forefathers thought they could not do both jobs. They had the insight and good thought to be able to make an independent autonomous board to be able to do those things. It became the task to go ahead and find the right type of people that can spend the time, that have the talents. They are no different than anybody sitting up on this dias right now. But they have committed to that, they have gotten the charge that the Commission has given them, and they are doing the job. That is the Commission's job, the most important thing, to field that board, to put the right type of people on that to make sure that the product they get from the FPUA is the right product. If there is a problem between the City Commission and the FPUA Board, he thinks they need to reach out and become part of that board and understand what is going on a little bit better, a little bit more. That is one of the jobs he intends to do. They have to remember that he ran for City Commissioner and he had FPUA stamped all over him. And the citizens of this community elected him to this position because they think that is the benefit he can bring to this Commission. He understands the Commissioner's concerns, because he was on the other side of the fence. He is not going to make little of the concerns. He thinks they need to hold the Utilities Authority responsible for everything that is happening right now. They need to hold them to task, to lower the PCA. They need to make sure the rates are fair and equitable to everybody. But their job, by doing that, is by becoming more involved with the FPUA in their daily tasks. And not so much to be able to have a simple majority vote, which he thinks is highly political, to be able to deter any movement the FPUA makes. If they are not happy with the FPUA, change their Board. If they are not happy with the FPUA, get more involved. That is where he comes from.

Commissioner Sessions said not to prolong it, because he guesses they have a consensus where they are going with this. But he tends to differ with Commissioner Perona in terms of this dias. They are similar to the Board in that sense, because as far as this Commission is concerned, they are elected individuals and those are appointed individuals. Therefore, the voice of the people will speak on election day, if no other day. And he thinks it is very important. He does not want to get into the issue regarding the specifics of why they are going to review them all. But when he looks at the letter from the Director of Utilities Authority, 75% of it makes reference to the budget and the increases. So in light of that, that is something to be considered. Again, he feels that it is something they at least need to look at. Everybody in this room knows what position he is going to take after they look at it. Be that as it may, he thinks they at least deserve to look at the issue, determine from this dias after they have reviewed it. Based on what the City Manager is saying, he is in the process of following their direction. He does not want to change the direction. He would like for them to look at that issue and then make a decision one way or the other.

Commissioner Becht said it is along a parallel path. After they had the discussion about abolishing the FPUA Board and bringing that within, he received a memo from a private citizen and

forwarded it on to Mr. Thiess. He had asked for 10 suggested changes, he thinks he got 14 recommended changes. He edited it down to the 10 that he thought were most important. And he got feedback from Mr. Thiess on some movement by the FPUA. It was the Utilities Authority that was going to actually move, he would call it more user-friendly. He as a single Commissioner cannot tell the FPUA what to do. But he wonders if the five of them should try to put together 10 recommended changes, a list of 10 they would agree on by consensus, and send it over to the FPUA and ask them to consider making these changes. Obviously they can't do that tonight. But with consensus, maybe they could schedule that for a meeting in February where they would build 10 recommended changes they want the FPUA to consider.

Commissioner Alexander said when Commissioner Becht makes that statement, he makes it sound like something is wrong. If they request from the FPUA that they come back with some changes to the Commission and they flatly rejected it. Now they are talking about turning around and making some changes. If they feel nothing is wrong, nothing broken, so what is going to make them accept the changes?

Mayor Benton said he sits on the FPUA Board. All the recommendations that have come to them. Commissioner Coke suggested bringing two departments of the City and the FPUA together.

Commissioner Alexander asked has it been done?

Mayor Benton said they looked into it. Something might be able to be done. But there are reasons why maybe it couldn't be. But it has been looked into.

Commissioner Becht said what he thinks has happened in the past is, Commissioner Alexander may have asked for something or asked a question; but he does not think that this Commission as a whole has said they want the FPUA to look at and evaluate making these changes, he does not think that has ever been sent to the FPUA. There have been one or two ideas that one or two Commissioners have had; but he does not think there have been 10 ideas that at least three Commissioners have said they want the FPUA to seriously evaluate and tell them why they can't effect this change. And he thinks that is the big difference.

Commissioner Sessions said again, it is not going to have a whole lot of weight unless it is a super-majority in light of the policy that they have in place. Because each and every one of them may make those recommendations that Commissioner Alexander is pointing out and they will be taken like a grain of salt. It goes back to what it takes in order to make a difference. And right now, they can't make a difference unless it is a super-majority.

Commissioner Becht said he does not feel that hopeless about it. He thinks if they send over 10 recommendations or ideas, he has the hope they can effect change, or they can find out why that change can't happen.

Mayor Benton said he thinks it came from the City Commission, whether it was voted on formally or not, but looking into what departments they could combine. That was an action that came from the City Commission. And the U.A. Board and Mr. Thiess worked on it very hard with the City Manager. He does not know what the results are yet. He has seen memos go back and forth. Mr. Perona sat on the FPUA Board. Most of the items the City Commission was concerned about, the U.A. Board looked into some of those things. He sat up here as a Commissioner for eight years and he wasn't on the U.A. Board. Now as Mayor, he sits on the U.A. Board. That doesn't make him a bad guy when he does what responsible business people have to do. He does not want to raise rates. But he also does not want the U.A. to go down the tubes financially. They have responsibilities. If he is the bag guy sometimes, so be it. But he does not think the U.A. Board has ever turned their nose up to the City Commission and said they are not going to listen to a suggestion. If the Commissioners want to put it formally in writing and they can all agree to it, he does not see there would be a problem, and he would guarantee it would get the attention of the FPUA Board.

Commissioner Perona said he thinks Commissioner Becht has a good idea going. At least it will initiate some type of interaction with the Utilities Authority and get them to respond. The FPUA Board members are ever-vigilant of their obligation and they should get some of their obligation from the City Commission. He sees one of the members in the audience, Mr. Perri, who took his position on the Utilities Authority Board. Mr. Perri is up for renewal in September. So if they are not happy with him in the next few months, they will have a replacement for him - that is how it works out. Mr. Perri knows he has a job to do. He knows Mr. Perri is going to do a great job. But that is how it is with all of them. The Commissioners have the opportunity on every one to change that out. It is like a bad tire on a car - change it out and keep on moving. But he thinks they need to have that interaction with the Utilities Authority. They can't sit in judgement, they have got to become part of the solution process. He does not think anybody at the Utilities Authority would keep them from becoming a very integral part of their solution process. And he looks forward to that.

Mayor Benton said Mr. Perri, at his second meeting on the FPUA Board, made the motion to reduce the PCA (Power Cost Adjustment) down \$2 and the Mayor seconded it. So Mr. Perri is on track and he is somebody they want to keep on that Board. But it also means that this Commission needs to get more involved with the utilities issues. They appointed Commissioner Sessions, who volunteered to sit on the FMPA, but he didn't go to any of the meetings.

Commissioner Sessions said no, he is not going to participate on a rubber stamp...

Mayor Benton said he volunteered to do it and then he didn't do it.

Commissioner Sessions said he looked into it and when he saw what position he was going to take, rubber stamp increases on

his citizens, he decided not to move forward. He brought that to the Mayor's attention...

Mayor Benton said no, Commissioner Sessions said he went to the meetings, but he didn't go.

Commissioner Sessions said okay, but he is not rubber stamping increases on his citizens, no. That is not why he is...

Mayor Benton said that is not what it had anything to do with. He would have been going to the FMPA meetings to understand why the rates are what they are.

Commissioner Sessions said he doesn't need to understand.

Mayor Benton said he should understand. He can't make a responsible decision until he understands these things. He would hope there is somebody willing on this Commission to go to those meetings now. Maybe Commissioner Perona would be willing to. It doesn't appear anyone else is. But to make decisions when it comes to utility rates, you have to understand why.

Commissioner Sessions said he understands all so well why. Again, he is not going to rubber stamp a decision made by a board to increase the rates on his citizens. He is not going to be a part of that, that is not why he ran for office.

Mayor Benton said back to the item at hand. If Mr. Recor can get the information back to them. He was hoping they could get this off the City Attorney's plate until a decision is made. Is that okay with three of them - that the City Attorney doesn't have to be putting an ordinance together?

Commissioner Becht said he thinks they need to have the discussion on - why is it this way? So he would like to have the discussion now. How much City Attorney time has to be involved in them having a discussion on why it is the way it is? It is a historical perspective on why Mayor Dannahower and Mayor Bryan...? They were there then and both served as Mayors of Fort Pierce, so he would hope that gives them some credibility. They could get some feedback from them on the historical perspective - what was the mindset, why was it done that way? Maybe the rationale is still appropriate and maybe not. But he does not mind having the discussion. At the end of the day he may decide he still likes the super-majority way on what he considers a political hot potato, or he may want to change it. But right now, he thinks for the benefit of the community they have to have the discussion.

Mayor Benton said right. All he is saying is, have the discussion; and then, if needed, the City Attorney put the ordinance together. But for the City Attorney to do the work and then it be thrown out - why waste the time?

City Manager Recor said he does not think they need to have the ordinance in order to have the discussion.

Mayor Benton said right, that is what he is getting at. He

knows it is taking up the City Manager's time and the City Attorney's time.

City Attorney Schwerer said they can have that discussion. He is about 50% or a little more through that project. Referendum and ballot questions come under very close scrutiny by courts and citizens and legal challenges. So his job is to make that ordinance that is necessary to put a ballot question on for referendum and the question itself... There are two jobs - one is to develop the ordinance, the other is the language for the question. The question is very simple: Shall the Charter of the City of Fort Pierce be changed to eliminate the need for a 4/5ths majority vote when disapproving the rates or the budget of the FPUA? It is kind of simple in layman's terms, it is not a difficult question. It is getting it down into the ballot language, single subject, etc. His staff has been tasked to do that. They are on target to deliver something by the last meeting in January or the first meeting in February. It is a lot of work. But they don't need that in front of them to have that discussion. It is a very simple question - are they going to change it so that they can have a citizen vote, which is required by either a special or general election. The citizens have to vote on the issue of whether that Charter will be changed from a 4/5ths to a 3/5ths vote essentially. The City Commission can't change it. They are only voting on whether they are going to submit that question to a vote of the public; and the public is the one that makes that decision, because it is a referendum vote. So they can have the discussion on the pros and cons of changing it, what the history of it is. There are other provisions of the Code. The City Clerk can do a search in the Code and come up with just about everything. He just did one on-line while he was sitting here. There are 4/5ths majority requirements for a lot of things. When the City disposes of property for sale, they have to have a 4/5ths majority. When they lease property for more than a one year period, a 4/5ths majority is required. Those are things that are required in the Charter. There are a number of those. He can produce for them those other issues if they want them, the Code sections.

Commissioner Becht said he does want them.

City Attorney Schwerer said he wasn't aware that his office was being asked to do that; but that is something they can certainly ask the City Clerk for assistance, to cite every section of the Code or Charter where a 4/5ths majority is required. Anyway, they don't need the ordinance or the ballot question to have that discussion. He just needs some direction. Do they want him to continue working on it? He will, if that is what they want.

Commissioner Alexander said tonight he ended eight years and began four more. He wants to stop right now before he goes any further. He does not understand why his staff can tell him that after discussion with the Commission that they didn't know they wanted them to do this or that. His question to all staff - he sees all the Department Heads here - if they hear a question or concern coming to their department, why don't they get a clarity

then if they don't know? Because he gets tired of hearing that - I don't know. If a child comes up to him and he asks a question and gets "I don't know", he quits talking to that child. That is not an answer to him.

City Attorney Schwerer said when they are charged by 3/5ths of this Commission to do something...

Commissioner Alexander said he doesn't care if it is but one. If it is one person asking the question, then they should ask if there is a consensus. It should come from the City Manager or from the City Attorney - do they have a consensus?

City Manager Recor said he simply acknowledged earlier that he missed that part of the follow-up. But as the City Attorney has indicated, it is fairly easy to determine. He just didn't realize that the Commission was expecting that information. He missed it. But he can follow up on that.

Commissioner Alexander said they get the Minutes from the City Clerk. Every word mumbled is there. So if they don't understand, they should go and ask her for the Minutes. He does. He calls and asks, she remembers. It helps him.

Mayor Benton said what he was hoping was this discussion tonight would at least put it off into another pile on the City Attorney's desk, it would be on hold until this Commission looked at the information, and then ask Mr. Schwerer to continue with the ordinance.

Commissioner Becht said he is okay with that. But he does want to have the discussion.

Mayor Benton said that is all he was looking for. He is in the office every day. He is trying to work on a lease with the Backus Art Gallery & Museum. They are trying to get through the Little Jim Fish Camp lease. There are so many other things that he thinks need to be out of the way. This one popped up and became urgent to the City Manager and the City Attorney.

Commissioner Becht said it is the parallel path. Do they as a Commission want to have a meeting to discuss ten - he arbitrarily chose ten, he does not care how many it is, but it needs to be a reasonable number - of recommendations or considerations they want to send over to the FPUA? And when do they want to have that discussion?

Mayor Benton asked when they have the Strategic Planning Workshop, could it be an agenda item on that?

City Manager Recor said yes.

Commissioner Becht said he is okay with that.

Mayor Benton said he thinks that would be the appropriate time. He is sure they will have some U.A. people sitting at that meeting. Will that work? (The Commissioners agreed.)

The next item was the **Consent Agenda**. Mayor Benton asked does any Commissioner wish to remove an item for discussion? Commissioner Perona said he would like to remove Consent Agenda Item 24b (Southern Police Institute's Administrative Officer's Development Course) because he has a question about it.

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

a. Request by Michael Cassens of Spot On LLC for \$1,000 in Public Funds for advertising Spot On's 2nd Annual Hooked On Music & Arts Festival in Downtown Fort Pierce on April 10, 2010.

c. Approve Lease Agreement between the City and the Fort Pierce Police Officers Association, Inc. for Activity Building located at 2505 Atlantic Avenue in Dreamland Park.

d. Award Construction Contract to H & D Construction Company Inc. in the amount of \$416,114 for Sidewalk and Bike Path Improvements along Oleander Avenue and Sunrise Boulevard (from Virginia Avenue north to the Ohio Avenue Roundabout). (Funded by American Recovery & Reinvestment Act) Ref. Bid No. 5932

e. Approve Change Order to Redmarq Homes Ltd. in the amount of \$14,125 for Housing Rehabilitation Project at 408 North 22nd Street. (Funds from CDBG Disaster Housing Rehabilitation)

The next item considered was Agenda Item 24b, which had previously been removed from the Consent Agenda: Authorize expenditure by Police Department of up to \$10,000 from the Law Enforcement Trust Fund for tuition and expenses for the Southern Police Institute's Administrative Officer's Development Course.

Commissioner Perona said he is all for education. This is \$10,000, this is one person. Is there some type of employment agreement with this person that, once trained, they come back? In his businesses he has trained mechanics, etc. and a lot of times he would lose these people; so he came up with some type of employment agreement to make sure that he got his money's worth out of them. He does not know if that is something the City does or not.

Chief of Police Sean Baldwin said Commissioner Perona has a great idea. They do that for newly employed employees that, for instance, they send through the academy. They don't do it for tenured employees that are subject to bargaining unit agreements and so forth, because that may be an issue they would have to work through with them. It is an idea, certainly something they can look into. He has no reservations about this particular arrangement here. He believes the City is going to benefit from this. He does not see any threat of this particular person leaving. But it is certainly something he would be happy to check into, to see if they can come to some kind of agreement. He fears it is something they may have to bargain with the unions.

Commissioner Perona said the amount kind of got him, this is

\$10,000, an investment. Even though it doesn't come from the General Fund, it is still money they can spend and get some guaranteed benefit out of. He was just curious and he appreciates the Chief answering the question.

Chief Baldwin said he will check into it and see if they can come to an arrangement. To be honest, they are probably going to see more of this in the coming years. They have lost a considerable amount of money in their training funds as a result of the budget situation, so he is looking for ways to continue to develop staff because he thinks that is incredibly important to their organization. So they will probably see more of these requests. But before they see the next one, he will have checked into that issue.

Commissioner Alexander said when they start talking about administrative officers, his question and concern has been about any African-American sergeants, lieutenants, and captains. This may not fall under that, but he still has that concern out there and it has not been addressed.

Chief Baldwin said they actually have taken steps to address that. He probably hasn't done as good as he needs to do to keep the Commissioner apprised of that. But he will give him an updated report on what they have been working on over the last couple of months to try to address that.

Motion was made by Commissioner Perona, seconded by Commissioner Alexander, to authorize expenditure by Police Department of up to \$10,000 from the Law Enforcement Trust Fund for tuition and expenses for the Southern Police Institute's Administrative Officer's Development Course.

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

City Manager Recor said the Board of County Commissioners met on December 23rd and accepted the City's counter-proposal on the **Parks MSTU**. They instructed the County Attorney to prepare a modified Interlocal Agreement to reflect the 75/25 split on the cost of Lawnwood and the Football Stadium, the retroactive payment to the City from Fiscal Year 2009, and the transition of three County parks located in the City, two over the next two years. In Fiscal Year 2011, the City will take over Maravilla Park. In Fiscal Year 2012, the City will take over Dreamland Park. And at the end of the MSTU, in 2023, the City will take over Elks Park. He responded to the County Administrator that he thought those terms would be acceptable. The only thing they had not discussed specifically was the transition of Elks Park, because it is not a passive park, there are scheduled activities that occur there.

Commissioner Becht said what he was looking for was for Mr. Mimms (Director of Public Works) to eyeball these parks and give them an idea in writing - with a copy to the City Clerk, so they can find it later - what it is going to cost for the City to take over management of these parks. The County Commissioners

took offense at some of their comments about the condition of the County parks. He thought about it after the fact, so he drove around and looked at some of the County parks. He thinks the City has a different expectation about the parks. He spoke with County Commissioner Coward, who said they are talking about an urban park. He thinks maybe there is a higher expectation for the care that an urban park should have than a county park out in the non-urban area. But he does need written figures. He does not think it is going to change what he wants to do, which is to move forward on this. But he thinks prudence dictates that he needs to get those figures in writing from Mr. Mimms on what they are obligating the City to going forward in the next two to three years. Beyond that, he does not think his crystal ball will be real clear.

City Manager Recor said he had discussions with the former Director of Public Works. And knowing Bob Hood as well as he did, he would expect that he involved Mr. Mimms, or Mr. Mimms is in large part responsible for the analysis that they embarked upon earlier. But they will update it.

Commissioner Becht asked they will get it in writing?

City Manager Recor said yes.

Commissioner Becht said he does not want the County's figure, what they say it costs to maintain the parks. He wants Mr. Mimms figures on what he thinks it is going to cost to maintain the parks.

Commissioner Alexander said Ms. Freeman came before them earlier (under Comments from the Public) and she was talking about the health and well-being of her child living in a contaminated house. They have taken a back seat on this and he just does not think that is the right thing to do. He thinks they should be knowledgeable on what is going on with that project as far as that house and how much contamination. He is talking about young children in there. He just truly believes that staff should take a greater step with the health and well-being of these children. That lady has some real concerns. She sounds argumentative. But sometimes when people think about their children, they get argumentative.

City Manager Recor said he was quite frankly a little surprised by her reaction. Because when she left his office late today... Both he and Mr. Margotta had met with her and explained what the process would be; and although she didn't like it, that they couldn't waive the process, she left his office apparently with an understanding. She changed her mind. If there is a leg to stand on to move someone along in the process, they are going to make it happen. But there are certain things that he just can't do, that he does not have the authority to do. He cannot waive the requirement that the **Historic Preservation Board** issue a finding in order for the Commission to take action.

Commissioner Alexander said he is not asking that. He is just asking consideration of anyone that comes before them. The health and well-being of a child or elderly, they have his support. An able bodied person can get out and move. A child

or an elderly person can't move to a different house. Again, they have his support. He is going to be on Mr. Recor's back about it until they get it resolved.

Mayor Benton asked is there any way Mr. Recor can put the information in a page or two, any background on this item? That is twice this lady has been in front of them. He is at a loss, he does not have a clue what is being discussed. Just bring them up to speed so they have an idea of what the issues are.

City Manager Recor said he will be happy to provide that to every one of them.

Commissioner Becht said he does want to thank Commissioner Coke for her service and point out to the citizens that they got their money's worth out of that lady. They may see some serious money coming through to the City from the County in the next two months, if this revised Parks MSTU Interlocal Agreement comes through. He welcomes Commissioner Perona and looks forward to working with him. It is a new year. It is just a turn of a page on a calendar, but he would like to have a fresh attitude and attack some old problems with a fresh attitude to see if they can come up with new solutions.

Commissioner Sessions said the Mayor pointed out earlier his lack of participation with the FMPA. He thinks it would be more than appropriate at this time for them to consider a representative other than himself. Because as he indicated earlier tonight in the confrontation he had with the Mayor, based on what he observed, once he became educated as to what his lack of participation would be in sitting out in the audience and not being able to vote on the issues of rate increases, but to rubber stamp a meeting that he participated in, that is not on his agenda nor on his radar. So admittedly he has not gone to Orlando once a month to attend those meetings. However, he would like to encourage this Commission... Maybe somebody would like to volunteer to do so. But as far as he is concerned, he was elected for reasons that he believes... One of those most important reasons was to do all he possibly could to do something about these rate increases. His lack of participation in going to Orlando once a month is solely not in furtherance of his agenda. So he wants to encourage them to find somebody here that would like to go up there and sit in the audience while the FMPA continues to do what they are doing. Lately, there has been a difference. Be that as it may, he is not going to participate in that. Maybe there is somebody here that would like to do so.

Commissioner Perona said he would like to volunteer for that. He has a defined interest in that and is curious. He has a lot of respect for what Commissioner Sessions says. He guesses he wants to find out for himself. So he would like to volunteer for that.

Commissioner Becht asked do they need a motion for that?

City Attorney Schwerer said they are not supposed to make motions under Comments from the Commission. But they can accept

that as a consensus.

Commissioner Perona said he wants to thank everybody. This is overwhelming, it is an exciting time for him. He is finding out the tasks are monumental compared to what he thought at first, but he will rise to the occasion. He looks forward to working with this Commission. He knows they have several years of good thinking, good talking, good conversations that have moved the City in a good direction. He just hopes to be a part of that in the future. He looks forward to working with each and every one of them and staff. Lets get something good done in the year 2010. The people are looking forward to them making great decisions and moving forward, helping them out in the economy they have. He thinks they have the right team for it.

Mayor Benton said he welcomes Commissioner Perona. Commissioner Coke did an excellent job for her constituents. When you drive over the bridge, it starts there - all the parks they see, she had a big voice into getting those fixed up nicely. She has done a lot of other things, but she represented her constituents and the City very well. Also, as Commissioner Perona saw tonight, sometimes they might not always agree; but the best thing is, they don't hold it personally. He and Commissioner Sessions have been sitting here on and off for many years. They don't always agree, but they don't take it personal. They all have the best interest of the City in mind.

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

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER