

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 TUESDAY, FEBRUARY 16, 2010.

Mayor Benton called the meeting to order.

Father Richard George, St. Anastasia Catholic Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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The next item on the Agenda was Approval of the Minutes of the Special Meeting on January 28, 2010, and the Minutes of the Regular Meeting on February 1, 2010.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve the Minutes of the Special Meeting on January 28, 2010, and the Minutes of the Regular Meeting on February 1, 2010.

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

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Mayor Benton proclaimed February 14-20, 2010 as NATIONAL ENGINEERS WEEK.

**Mr. Javier Cisneros**, P.E., Florida Engineering Society of the Treasure Coast, said the Florida Engineering Society actively represents and promotes the practice of engineering. Engineers are notoriously bad at self-promotion. They are regularly portrayed as number-crunching Dilbert types, but that is merely stereotype. In fact, they are active members of the community. They volunteer their time to sit on boards and committees for local governments and their technical knowledge is often invaluable. Their Chapter is made up of over 150 engineers from the local community. They proudly sponsor scholarships for local high school students interested in entering engineering programs. They also plan and organize the Math Counts competition for the local area middle school students and are heavily involved in the Annual Engineering Class Project at Lincoln Park Academy. They realize that math and science based education is important and work diligently to promote higher aptitude in these areas for students living on the Treasure Coast. On behalf of FES and his fellow engineers here tonight - Mr. Andrews, Mr. Thiess, and Mr. Kennedy of EDC - they thank the City for helping them to celebrate Engineers Week.

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

**Mr. Eddie Whitfield**, 1207 Palm Walk Lane, said he is here representing the NAACP. He wants to speak about the **Community Services Division**. The NAACP has a serious concern as to

whether or not civil rights may have been violated in recent actions of the City regarding administrative leave of some select few of the Community Services Division, and recently following the review of the Kessler audit and later intent to redirect Community Development Block Grants that have been primary funding the City's housing program in order to fund certain projects for infrastructure. They are carefully reviewing these two issues. He wants to raise several questions tonight that the NAACP will be pursuing answers to in the immediate future. One, it appears that

the select few City employees inside and outside the Community Services Division referred to on Pages 4 and 5 of the Kessler report were singled out in some manner. How were they selected? What was the rationale? Two, based upon this rationale, who within the Community Service Division, including the most high-ranking official or supervisor, was excluded from this audit and why? Three, who is primarily and ultimately responsible for accountability and oversight of the Community Services Division? Four, how has the audit been or is being used? Five, what conclusion drawn and recommendations made in the audit are actually being addressed and what is the time frame? Six, what is the status of the current housing projects that were in process at the time key members of the Community Services Division were put on administrative leave? Seven, who is currently fulfilling the duties and responsibilities of the administrative leave employees? Eight, is the Kessler audit the basis for redirecting Community Development Block Grant funds meant for community housing to infrastructure? These questions are the concern of the Lincoln Park area. Please address these questions.

Mayor Benton said if Mr. Whitfield could have that put in writing and address it to the City Manager. Because the employees do work for the City Manager. The City Commission does oversee the City, but the only people that work for the Commissioners that they really have a direct say in is the City Manager, the City Clerk, and the City Attorney. Put that in writing and get it to the City Manager, with a copy to the City Commission.

**Mr. Jerome Rhyant** said the Afro-American Council of Ministers and citizens of St. Lucie County, along with over 1,300 signatures(?) that he represents tonight, they call upon the City Manager, they call upon the Commissioners, and they call upon the Mayor to keep Community Services housing programs in their community. In this regard, suspended **Community Services Division** employees with over 40 years of experience, who have administered over \$25 million, \$10 million successfully over the past five years, they are asking that they put those individuals back to work. Further, they ask that they serve their community development dollars and restore the good name of singled-out members of the Community Services Division staff. As members of the clergy and citizens of the City of Fort Pierce in the Lincoln Park area specifically, they echo the words of Dr. Martin Luther King, Jr., which is stated in one of his books - Why We Can't Wait. This is what Dr. King said: "We are not content to be thermal meters that record the ideas and principles of popular opinion; but thermostats that transform the mores of society." It is important that they work together,

not in adversarial manners. There is no greater good that could come for the City of Fort Pierce by destroying the integrity and good name of those experienced in administering federal and state community service programs, who have worked so hard to better the conditions of the people and the quality and for assisting the agencies that seek to help them. Nothing good can come from telling the community that has waited so long for justice and fair treatment that justice must again be delayed and even denied in the name of infrastructure. The community asks the City Manager to compare the approved audit of Florida Housing Corporation, a credible source, against that of Kessler. They question the integrity of Kessler and encourage the people to visit the City of Fort Pierce website to review the Community Services Division response to Kessler's audit. In closing, this is nothing personal to the City Manager, but he thinks when they think about where they have come from over a number of years in working together and building a community, that everything that has happened recently is a step backwards. He thinks they have a lack of experience in the city management position today, he thinks it has brought divide. If there is ever anything they have sought to work for and to accomplish over the years and they have been successful in accomplishing, that is to build community. Today they have a divide within the city government between the City Manager and the Commissions, they have a divide between the City Manager and the community. With that being said, he sees the City moving in the wrong direction, he sees a lot of flip-flopping going on. For instance, if they are going to transplant a tree, they take the tree and keep as much of the dirt around the root system as possible when they transfer it. If they fail to do so, it causes the tree to experience stagnate, it goes into shock, and the tree could very well die. So they have to cultivate when they make transitions. Cultivation means they have to move slowly. It is very necessary, from the Workshop he saw, he saw where the City Manager made a decision and did not consult. A decision like this does require the input of the City Commission, it is not a solo decision, that is a decision that should have been brought to the Commissioners and they collectively should have carried out that mission. So in closing, he asks the City Manager to offer his resignation.

Mayor Benton said for the record, the City Manager did consult with the Mayor and Commissioners on this.

Commissioner Alexander said for the record, he did not consult with him.

Mayor Benton said he believes the City Manager kept a record of how many times his secretary and himself called his office and tried to reach him.

Commissioner Alexander said he is not going to get into that, because the Mayor doesn't know what he did.

Mayor Benton said Mr. Recor called him to discuss it with him. He told him to just keep a record of those phone calls.

Commissioner Alexander asked so he is his attorney now?

Mayor Benton said he is just telling him what he asked the City Manager to do. That is between them.

Commissioner Alexander said he would appreciate it if he would let it stay between them, because the Mayor does not control this seat.

Mayor Benton said he is not controlling any seat. What he is doing is making the record straight.

Commissioner Alexander said don't make statements that he can't back up.

Mayor Benton said it is recorded. If the phone calls were made, they will find that out.

**Mr. Ralph Flowers**, 5104 San Diego Avenue, said he is here on behalf of the Community Focus Committee and they have some concerns as it relates to the **Community Services Division**. The internet will give them some interesting things, because a few years ago Kessler audited Cape Coral. He wishes they could see that report, because it stirred up that city, caused a lot of problems there. Kessler also recommended they send to the proper authorities for prosecution, the same way as here. So much so that one company decided that it would bring in another reputable company to give a report on Kessler. They brought in Price Waterhouse, which is a reputable company. Price Waterhouse made some findings, very interesting. He is going to read Price Waterhouse findings contained in this report - it identified no issues that it considers to be material, and concluded that almost all of the assertions raised by Kessler are unfounded. Not only that, the City of Cape Coral also had another audit by their auditor; and they concluded that the report by Kessler was not in keeping with the proper auditing procedures. So what he is saying here is that evidently something is wrong. He is quite sure the City Manager is familiar with Kessler, because from what he understands he worked for Cape Coral once before. His second point is this. The persons that are targeted are assistants. If they notice, President Obama whenever anyone in his Cabinet makes a mistake, he comes out and says the buck stops here. So where is the accountability here when they are targeting assistants and not the main person over the particular thing? His last point is that when the Cape Coral report went to the Justice Department, the FBI came in; and as of this day, that investigation has gone nowhere. So he thinks they need another report, some kind of auditing report, that will really give them a true picture of what is going on here.

**Reverend Harry Shaw** said he came out tonight to invite all of the Commissioners to their **National HIV/AIDS Week of Prayer**, March 7th through March 13th. They will have a candlelight vigil to open up the ceremony. They will start at the Health Department and march to the old City Hall building. During the rest of the week, they are going to be at various churches. This not only includes the City of Fort Pierce, but also the City of Port St. Lucie, because HIV/AIDS is not just a Fort

Pierce thing, it is St. Lucie County. They are inviting both the Mayors from Fort Pierce and Port St. Lucie to come out and be a part of this week of prayer. The closing ceremony will be in Port St. Lucie. He wanted to be here tonight to invite them all out to be a part of that. They will really appreciate their support in this.

Mayor Benton asked would Rev. Shaw give him a call tomorrow? He met with a scientist from Torrey Pines who is working strictly with HIV and AIDS. He guesses there has been a breakthrough. The scientist is looking to have a symposium in the next week and also a public meeting for awareness, to bring to light some of the strides that have been made. He thinks this is somebody they all need to embrace in this community. Give him a call and he will give him more details on that.

**Mr. Richard King**, 6402 Santa Clara Boulevard, said he is the current proprietor of **Little Jim Bait & Tackle**. He knows this is not on the Agenda tonight. After the City Commission meeting on January 19th, he had a meeting with staff - Mr. Recor, Mr. Margotta, Mr. Schwerer - in which they came to what he thought was a reasonable agreement for the lease to Little Jim and he commends these guys for that. Leaving that meeting, he thinks they all thought that it was ready to be presented to the Commission at their next meeting to be voted on. A couple of days later he was informed by Mr. Recor, after discussing the offer that was made to him with all the Commissioners, that one Commissioner did not agree with it and would vote against it. It was 22 months ago their RFP was accepted and turned over to staff to be negotiated for the conditions of the lease and then brought back to the Commission to be voted on. Since then, they have jumped through hoops to comply with this. They have complied. He thinks the lease should not be held up at this time because of one person's agenda. According to the rules of parliamentary procedure, which most meetings are governed by, a situation like this does not have to be unanimous, it has to be a majority vote. Let the Commissioners vote their conscience and lets get on with it.

Mayor Benton said he hopes to have something on the Agenda for their next meeting to be voted on. If not, they go back to the drawing board to work on it.

Mr. King said they have been back to the drawing board for 22 months.

Mayor Benton said he knows. He wants to get it out of the way too. But there are some issues out there. Staff requested information. He is going to put it on the next Agenda and they will get through it one way or the other.

Mr. King said these things that are requested now were requested 22 months ago and they complied with all of that. Where does it end? Do they just have to keep complying, until when?

Mayor Benton said that is between Mr. King and Staff. Hopefully they can put some numbers together at the next meeting and see if they can get three votes to approve it. He knows Mr. King

has talked to everybody. What he wants to do is get this behind them.

Mayor Benton said he wants to say to the folks that are here for the **Community Services Division**, this Commission wants to get through this. There has been a cloud surrounding this for some time. They have heard allegations one way and the other. Their job is to have the appropriate people come in, do the investigation, get the details, and then decisions are made. But right now, because of the cloud surrounding the Community Services Division, they have had to do what they have had to do. They all want to get through it, because it has done this community a remarkable thing, the housing. He has been dealing with it for 15 years. They have come a long way and they don't want that to stop. But there has been a bump in the road. They have to get over that bump and see if there is anything to the allegations, that is their job. They can't look the other way. Hopefully they will know something within 30 to 90 days and they can take it from there. That is all he can say today. Those folks do not work for this Commission, they work for the City Manager. The City Manager works for the Commission. They will take it from there.

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The next item on the Agenda was Public Hearing on Application for **Waiver of Distance** submitted by Susie Poux, Clean & Preserve Inc., to obtain a 2-APS license to sell beer and wine in sealed containers for off-premises consumption from **Sudzy Sue's Grocery** at 1001 North 13th Street; said property zoned C-2, Neighborhood Commercial Zone.

Mr. Paul Williams, Urban Forester, said the applicant is requesting the City Commission reconsider a Waiver of Distance for a 2-APS license to sell beer and wine in sealed containers for off-premises consumption at 1001 North 13th Street. The applicant has waited the appropriate amount of time to reapply and feels that since an existing business (JJ Agnews BBQ) located directly south of the Love Center is permitted to sell beer and wine inside the establishment for consumption with a meal, she should be approved for a Waiver of Distance to sell beer and wine for off-site consumption. Also, the applicant has advised that she needs the waiver to sell beer and wine so she can reopen the business. The property is located at 1001 North 13th Street, directly across Avenue I from the Love Center. Property owner notifications were mailed out to 146 property owners within 500 feet. As of today, 17 responses have been received - 5 approve and 12 oppose. As the applicant was denied a Waiver of Distance by the City Commission on September 15, 2008, because it would adversely affect community health, safety, and general welfare, and because the Planning Board at their January 12, 2010 meeting forwarded a recommendation to the City Commission for denial of the Waiver of Distance, Staff recommends that the City Commission not approve the request for the Waiver of Distance because of the close proximity to an alcohol treatment center. It should be noted that a 4/5ths majority vote is required for the City Commission to grant the waiver, since the Planning Board recommended denial pursuant to Section 3-94 of the City Code.

Commissioner Becht said numbers Mr. Williams gave them about the property owner responses, that contradicts the information in the Agenda packet (Property Owner Response Summary as of February 3, 2010), which says 5 in favor and 17 oppose. Which is correct?

Mr. Williams said that is from 2008 and was not updated correctly. What is correct is 5 approve and 12 oppose.

Commissioner Alexander said this location, isn't that a building that the FPRA assisted in a grant for them to renovate?

Mr. Williams said that might be correct. There was improvements made to the property.

Mr. Jon Ward, Director of FPRA, said yes.

Commissioner Alexander said they spent public money on both of those buildings. This person wants to open up a little mom and pop grocery store. There are no grocery stores in a mile radius of this place of business. Not only is Agnews immediately south, but within 500 feet is another place of business that is selling beer and wine. 13th Street is infamous about having beer and wine. He is for what is right. This person has a mortgage on that building she has been trying to maintain. That buildings has always, as long as he can remember, been a grocery store that sold beer and wine. He does not have a problem with it. He is just trying to keep another business from folding up and leaving Fort Pierce. They just cannot be anti-business. They gave a beer and wine license to a Tiki bar on Seaway Drive that had not even been built yet, and adjacent to that were other establishments. He does not know the owners of this business. But he just does not think it is fair. If the Love Center is an enclosed place, then their participants need to be in an enclosed situation. They don't need locks and chains on those fences or gates, because if they are going to do that, they can go right next door and get beer and wine or they can walk three minutes further and get whatever they wish. It is about what is right and the right thing to do is allow this business to open a grocery store to sell beer and wine. He does not know why it is not being looked at as an overall community effort. There are no grocery stores in that area. Where do people have to go? They have to go all the way out to WalMart and some people can't get there. They send their children way over to U.S. #1, jeopardizing their life and health. That is just his two cents about it. He thinks that this person should not be denied from making a living. If they are going to continue to stop this community from growing, they are just going down the wrong road.

Mayor Benton said the first time this was in front of them, he had concerns. But knowing there is a bar just to the south of this... This bar has been there forever, hasn't it?

Commissioner Alexander said yes, and there has been more trouble there than anything.

Mayor Benton said seeing the improvements made to that property

and it is a convenience... One thing they have heard so much of recently is the new urbanism, where people don't have to drive miles to do their shopping, they want people working and shopping closer to home. They want that grocery store closer to home. That used to be prevalent in the Lincoln Park area many years ago. In his opinion, if the place was to go vacant instead of selling beer and wine and groceries, there might be drug dealers on the corner. As somebody who drove down that street going to Lincoln Park Academy for probably 15 years with his kids going to school, he has seen a vast improvement in that property.

Commissioner Perona said he read through the information. He did not have the benefit of knowing the history on it beforehand. He did meet with the applicant. He is very pro-business. In fact, he remembers this place, he thinks it was a laundromat at one time. He was in the laundry business also, barely making it, and his partner talked him into buying a liquor store right next to it, like it was going to solve the problem. It didn't. In fact, it was even a worse situation. But when they go into these types of things, they have a market plan. If the market plan doesn't work, they make a new market plan. That market plan affects the neighborhood it is in and it can even go against some of the things that are already institutions in that area. He has a problem with that. He has read many of the Minutes from the last couple of months, they have had situations just like this, right next to a church, similar situations. Really what it comes down to is a market plan. People go in and buy an establishment, but things don't necessarily go right, so they make a new market plan. But when it affects the area it is in, then he feels there is a responsibility to make sure it doesn't negatively affect the churches and schools and stuff like that. He doesn't think he can support this. He understands the intention, he is all for business; but he is not convinced. The Planning Board did a great job in reviewing this. He went through their Minutes, it was really informational for him, every question he had was pretty much answered. So he does not think he can support this because of those reasons.

Commissioner Alexander said when the applicant first put a business proposal together, they went before the Planning Board. The Planning Board okayed it for them to open that place of business. After they spent all that money there and they spent the FPRA's money there, now they tell him they can reverse their decision that was made? He is sure the only thing they could go there with was some type of grocery store or laundromat. Are they telling him the Planning Board didn't know what they were planning after they presented their plan to them?

Commissioner Perona said he didn't see anywhere where alcohol was even considered in the original plan.

Commissioner Alexander asked what does he think a grocery store is going to produce?

Commissioner Perona said he is sure there are grocery stores that don't sell alcohol.

Commissioner Sessions asked from a historical standpoint, does Mr. Williams know the background of that particular site? Have they been notoriously known for actually selling beer and wine in conjunction with a grocery store prior to the actual person that is occupying the premises now?

Mr. Williams said no, he does not know the history of that building. He has heard about the history of the area, but not that specific building.

Commissioner Sessions asked as it relates to his recommendation to deny it, with regards to the Waiver of Distance, did he see where it was going to have some impact on the safety, health, and well-being of the individuals in that particular area? Or is it solely based on the fact that it is across the street from the Love Center?

Mr. Williams said he looked long and hard at this, because his recommendation in 2008 was for approval and the Commissioner voted unanimously to deny the waiver. In 2008, the Planning Board did recommend approval of the Waiver of Distance to the City Commission. After review and talking to all the parties involved, he could understand the different scenarios. He advised Ms. Poux to meet with the Mayor and Commissioners to explain her business plan and also meet with Pastor Rhyant at the Love Center to find out if there was a way that alcohol could be sold across the street and some type of monitoring be done where the alcoholics would not have a ready source. Ms. Poux told him that she did talk with Pastor Rhyant. He met with Pastor Rhyant, who took him on a tour of the facility, which was the first time he had been through the entire Love Center since the improvements have been made. For the record, he believes the City has contributed at least \$750,000 to that program over the years. Pastor Rhyant told him his concerns about how difficult it would be for the manager or owner to control this if an alcoholic wanted to get beer or wine. But basically looking at what the Commissioners said in the Minutes and based on a recommendation from the Planning Board in 2010, he felt that changing his opinion to denial would be best for the interests of the community and also for the rehab facility.

Commissioner Sessions asked so other than his meeting with Mr. Rhyant and having a tour of the Love Center, has anything changed since his first recommendation up to the second recommendation he is giving tonight?

Mr. Williams said the business has been closed for some time now. It was brought to his attention by a Planning Board member that the property taxes have not been paid in two years and there is not a current business tax license. He did talk with Ms. Poux about this. She told him that for the business to make a profit or survive, she would need a waiver to sell beer and wine. Of course, food, the laundromat, the barber shop, all of that could be used by the community. Not being a business person, he does not understand why the beer and wine is such a big seller. But that is not his decision to make. He will go back to the decision the Commission made in 2008 and carry that

forward.

Commissioner Sessions asked are they presently selling groceries?

Mr. Williams said no, the business is closed.

Commissioner Sessions said this waiver will allow the business to open back up and then she will sell groceries in conjunction with beer and wine.

Mr. Williams said his understanding is, the laundromat, the grocery store, and the barber shop would all reopen.

Commissioner Sessions asked in his investigation with regard to the City's contribution to the Love Center, did he also look to find out what the City's contribution had been to this particular site?

Mr. Williams said no. But his understanding from working with the FPRA Director and his staff, it would not have exceeded \$10,000.

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

**Ms. Susie Poux** said she is the property owner. She has spoken to Mr. Williams in the past. She didn't realize that he had completely changed his perspective on this. The reason why the store is closed is because initially when the waiver was denied, she made every attempt to sell food and groceries and everything else without the alcoholic beverages, and it failed. Customers would come in and ask for a full service product line. A lot of these people don't have cars, they were either on foot or on a bike. So for them to go all the way to Avenue D and 25th Street to purchase beer, eggs, and milk... She had the eggs and the milk, but did not have the beer. So why would they come to her store to get the eggs and milk when they wanted beer as well? So they would pass her store and go someplace else. Lo and behold, she is not able to pay the taxes because the store is now closed because she wasn't able to generate the money. She made effort to do that. Also, the sobriety of the people who are occupying the Love Center is not contingent upon what she sells. If it is, then their conviction is not there. They have to make a conscious effort, a conviction, to remain sober. What she sells should not and could not remove them from their sobriety. She was a chain smoker, she smoked for 20 years. It got to the point where her phlegm had tar in it. She went to the doctor. The doctor told her to stop smoking, because if she didn't, she would not see 40. She is now 49 years old. When she left the doctor's office, she lit up and went to her car. Thanksgiving 1987, she surrendered to God and has yet to crave a cigarette. So she was convicted. Because she was a chain smoker, should she oppose a store selling tobacco products? No, she has to be responsible for herself. She cannot scapegoat, she cannot blame society for her addiction or her insobriety. She has to be an adult and make a decision, she needs to be convicted and not participate in what she knows is devastating

to her. From her personal observation, she has seen some of the men on Avenue D and 25th Street, they are not confined to the Love Center. They are able to leave the premises, they are able to go to work, and she has seen them in certain stores where they can buy beer and wine, aside from the fact that Agnew's is adjacent to the Love Center building. She does not know whether they have the ability or the option in the wee hours of the morning and put their hand through the wrought iron gate and someone pass them a brew. She doesn't know if they do that, but they have the opportunity to do that.

Commissioner Becht asked how long would it take her to reopen the store?

Ms. Poux said it would take her about three weeks to reopen that store.

Commissioner Becht said she had this place open before. It was a grocery store and a laundromat and something else?

Ms. Poux said she attempted to open up a barber shop, but could not find barbers.

Commissioner Becht asked would she be opening both the grocery store and the laundromat?

Ms. Poux said absolutely.

Commissioner Becht asked how many employees did she have?

Ms. Poux said initially it was two. At this point in time she would be able to employ three people because she needs someone to clean the grounds, someone to stay with her in the store, and someone to stock. This business needs to be viable. For it to become an eyesore again like it was before she purchased it, it would be regressive, it wouldn't be progressive.

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

Commissioner Sessions said in light of what has been said and the individual that was in opposition remaining silent, he tends to believe it is not a major issue for him, in light of his silence out in the audience. But aside from that, this has notoriously been known as a commercial street. Throughout recent years, a lot of mom and pop businesses have closed down. He is of the mindset that when those stores were operable and doing well for themselves, they were selling groceries and beer and wine in conjunction with one another. If in fact the City is trying to promote businesses, he does not see, based on what he has heard from staff, that this business being allowed to sell beer and wine is going to pose a threat as far as being a safety hazard to the public. Mr. Williams's concern was for the Love Center after his tour with Mr. Rhyant, as well as reading the Minutes. He tends to believe that nothing has changed since then. So in light of the desperate needs of individuals in that area that have no transportation to go back and forth to the grocery stores - Publix and WalMart being the closest things to

that area where they can buy groceries - he thinks that the public needs a place to go in and buy groceries. If the owner is proposing that the only way that she can give them an opportunity to buy groceries is to sell it in conjunction with beer and wine, he is going to have to make a sacrifice in terms of what he would normally vote for, so that she can get that business up and going and provide the community with something that they desperately need, a grocery store.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to approve the Application for Waiver of Distance submitted by Susie Poux, Clean & Preserve Inc., to obtain a 2-APS license to sell beer and wine in sealed containers for off-premises consumption from Sudzy Sue's Grocery at 1001 North 13th Street.

Commissioner Becht said he is bothered by the signal they are sending to staff, because they have flip-flopping on this. With some irony he notes that the Planning Board, when this came before them in 2008, unanimously voted for approval of the Waiver of Distance, and the Commission voted unanimously against it. He has to give appropriate weight to the positions of the District I Commissioners, because in his opinion they are more connected to that district than he is, particularly this location. He gives great weight to the silence of the Love Center, which did not speak in opposition to this tonight. He gives great weight to the Fort Pierce Police Department, which approved the application without comment. If the Police Department had expected this to be a troublesome site, if it had a problem with this location as it has with other locations, if by allowing alcohol in this location it could be a problem, that is not their position with this particular application. And they have the possibility of actually creating three jobs by merely allowing somebody to start their business. So he will be able to support this tonight, because he has distinguished it from his vote two years ago.

Commissioner Alexander said he just wants to assure the Love Center that they still have 150% of his support in their efforts and what they are doing in this community. Not only is the Love Center standing tall tonight, Pastor Rhyant has taken charge of promoting this community to what it needs to be, he was raised in this community and he knows it is not all bad. He wants to give his support to Pastor Rhyant and the Love Center. He does travel that road up and down. He is here to do what is right tonight.

Commissioner Sessions said anticipates Ms. Poux may be successful in obtaining the support she needs in order to get the waiver. He hopes that she understands and realizes how she got to this point. There have been some great sacrifices made on her part. He hopes she can live with her neighbors in light of what they are doing and be a respectable business. He and Commissioner Alexander ride through there every day. They love their community. He prays and trusts and hopes that with the type of business she is going to perhaps be successful at operating here, that is it a respectable business and she can keep it clean.

Commissioner Perona said it doesn't matter where it is at, to him it is Fort Pierce. As far as he is concerned, it is just a scenario of having a grocery store that sells wine and beer. It is in the vicinity of a church that is trying to do something good for the community. There is no way it makes sense to him. The original plan was a grocery store. She tried to have a grocery store in that area and it failed. Staff sent out letters to 146 people asking if they were in favor or not and the majority of them were not in favor. He wants Ms. Poux to be able to do business and grow. But he thinks the mistake was made when she picked that location. He is not going to be able to support it for those reasons.

Mayor Benton said he met with Ms. Poux, he is glad she came to see him. The first time she was in front of them, he didn't know her. But during their discussion, he got a chance to meet her. She is a very good community-minded person that wants to run a business in this community. She took a corner that he saw for many years going to Lincoln Park Academy and Frances K. Sweet, he saw a lot of kids standing on that corner for many years with a vacant building, doing things they shouldn't have been doing. Jerome Rhyant has done a remarkable job, he hopes this doesn't hurt what he has done. There is a bar next door to the Love Center on the south side, all those years going to school he thought it was a vacant building, he didn't go by there late at night to see the crowds out there. But he thinks Ms. Poux is going to have a reputable business. She took a shot at it without the beer and wine, but couldn't make it. So he wishes her success this time. One thing they don't need is another empty building in Fort Pierce, especially one the FPRA partnered with.

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

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Ordinance No. L-112 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE THREE PARCELS TOTALING APPROXIMATELY 1.38 ACRES GENERALLY LOCATED ON THE **EAST SIDE OF HARTMAN ROAD, NORTH OF OKEECHOBEE ROAD AND SOUTH OF WHITEWAY DAIRY 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. (Owner: Good Flowers Corporation)

Mayor Benton declared a Public Hearing on Ordinance No. L-112 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-112 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-112 on second and final reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-113 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **6120 GLADES CUT OFF ROAD** (APPROXIMATELY 330.14 ACRES GENERALLY LOCATED BETWEEN INTERSTATE 95 AND THE FLORIDA TURNPIKE AND NSLRWMD CANAL #102); 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: St. Lucie County)

Ms. Erica Ehly, Comprehensive Planner, said this property has recently become contiguous to the City limits as a result of the annexation of the Walmart Distribution Center property in January 2010. This makes it eligible for annexation via the 1994 Annexation Agreement they have on file. The property contains the St. Lucie County Landfill, which will continue to be regulated by the Florida Department of Environmental Protection. Compliance with all regulations will continue to be the responsibility of the owner/operator and will not be affected by the annexation. The Planning Board recommended approval at its meeting held on January 12th. Staff recommends approval of the annexation.

Mayor Benton declared a Public Hearing on Ordinance No. L-113 in session and asked if anyone in the audience wished to be heard.

**Mr. Mark Satterlee**, St. Lucie County Growth Management Director, said he is here on behalf of the County Commission. First he apologizes for showing up at the last minute. Let him assure the Commission he is not here to object. He recognizes that the County agreed a long time ago to annexation of this property. But Geoplasma has recently come back into play, going through the permitting process. He believes they are about to get their permits from FDEP for that project at the landfill. After having internal discussions with staff, wondering whether they should even appear tonight, there was some consensus from the Board that he at least come before the Commission tonight, hat in hand at the last minute and apologize. Mr. Carlin has asked them on more than one occasion if they had any concerns, comments, or questions; and they didn't really respond. But this afternoon the Board kind of felt maybe they should comment, just ask the Commission to consider a delay in the annexation so the County can work through the permitting issues, not only with FDEP, but once they get the ground lease established, then they will be having to permit the actual development of the site. Should the Commission not want to delay, they would at least

like the opportunity to meet with the City Staff, the City Attorney, and the City Manager to discuss the actual permitting, so when they get to that point, they can use the County's expedited permitting process to get Geoplasma up and running as quickly as possible and not have issues of dual permitting that would occur should this come inside the City limits. Again, he apologizes on behalf of the Board for coming in at the last minute. City Staff has made every attempt to kind of prod the County into raising any of these issues. He is here hat in hand, asking for their indulgence and forbearance.

Commissioner Becht said for the record, this City Commissioner has spoken to County Commissioners Craft and Coward well in advance of tonight. He alerted them. He knew it was going to be important to Commissioner Craft because of his involvement with Geoplasma. He had a meeting with Commissioner Coward and purposely brought it up. As one Commissioner, he is willing to work with the County so that this does not delay Geoplasma one day. He is not sure that the annexation really is as big an impediment to them coming in as maybe some of the County Commissioners are thinking. He would direct City Staff to work with the County and with Geoplasma to make sure that this job-generating facility gets built if they can get permits out of FDEP - good luck on that. He recognizes that the City Commission may need to consider a limited waiver or deferral on taxation, he had that discussion already with County Commissioners. These things are happening behind the scenes. But they have tasked Mr. Satterlee to come forward and ask them to wait. He is planning on moving ahead tonight. But if Mr. Satterlee could document how this annexation is truly going to negatively impact the process... He saw Dr. Hilburn Hillestad at lunch the other day, but he has not heard anything from him or the gentleman that is funding the facility on why this should not proceed and why they should not be brought into the City of Fort Pierce. With all due respect to Mr. Satterlee, he tasked staff in the last month or two - Mr. Carlin specifically - to look at the City's permitting process and the time it was taking them to process permits, because he had become aware and educated of the County's fast-track permitting. What Mr. Carlin came back with, the City has a turn-around time on most permits of three to four months once something gets in the chute. He does not think the County's track record is three to four months on an average project. So he does not think the City is going to be the delay that the County Commissioners fear. But if there is a real identifiable problem with annexing into Fort Pierce and that being a problem, if Mr. Satterlee can identify that before the second reading, then he will take that under consideration and he is not going to do anything to delay it. But he can't have naked assertions that if this property is annexed, it is going to be a problem. He has to have something tangible to warrant delaying what the next step is. The next step is, they have before them for consideration later tonight a Comprehensive Plan amendment (Ordinance No. L-116) so that they can annex the next piece of property - he doesn't know if it is still called Provences or something else. But this is part of building the City of Fort Pierce and protecting it from the City of Port St. Lucie's annexation north of Midway Road, which he would think would be of some interest to the County as well. So

to summarize, if Mr. Satterlee can before the second reading provide him with something tangible as to why the annexation hurts Geoplasma - which probably would include a letter from Geoplasma - then he would consider that. But he does not see Geoplasma having the permits. What Dr. Hillestad told him was it would be this summer before they had everything in to them.

Mr. Satterlee said he didn't in any way mean to impugn the City's permitting process. His hope would be, whatever the outcome, they could work together to make this happen as quickly as possible. If they can get with City Staff between now and the second reading, maybe they can have all that stuff worked out and perhaps it will become a non-issue. He will take the request and go back to see if there is any duplication of...

Commissioner Becht said they are going to work together, he promises. If Geoplasma wants to make this happen, if they are sincere, then the City is going to cooperate.

Mayor Benton said some years ago Fort Pierce Utilities Authority and the Florida Municipal Power Agency built a power plant out of Glades Cut Off Road. After spending literally hours and hours and many days working with the County Commission to try to straighten out permitting on that, County Commissioner Coward asked for a donation from FMPA - which comes out of all their electric bills - to the County each year. He forgets what that number is.

Commissioner Becht said \$50,000 a year.

Mr. Satterlee said he thinks it is \$75,000 a year.

Mayor Benton said whether \$50,000 or \$75,000, he will have that number by the second reading of the ordinance. But he will expect that to the City of Fort Pierce from Geoplasma. That is what the County did. Fort Pierce could use that money. Commissioner Perona, on the FPUA Board, sat through those hours of negotiations. It came up at the last minute - what is it going to take to approve this? This \$50,000 or \$75,000 a year for however many years. He will agree to defer taxes, but he wants that money into the General Fund.

Mr. Satterlee said the County is not in any way objecting to the actual annexation, they agree to that years ago. They just want to make sure they can permit this as quickly as possible.

Commissioner Sessions said he is surprised Mr. Satterlee is here in light of the Annexation Agreement that is in place. He thought he was here just for observation; but now he has addressed some concerns with regards to the permitting process. But as far as City Staff is concerned, are there any impediments in place with regards to permitting this Geoplasma outfit as quick as possible to accommodate the concerns here? Is there going to be a problem?

City Manager Recor said the City will not be an impediment to permitting the Geoplasma facility. Obviously they are going to do whatever it takes to work with the County to get that done.

While there may be some technical issues related to building codes, the construction is going to meet the code, they are going to work together to get it done.

Commissioner Sessions said so in essence, they don't have a problem with proceeding with the annexation tonight. He thinks it is important that they start sending the message out to potential developers that both the City and the County are willing to work together in order to accommodate their needs so they can take care of the most important thing, that is to make sure that businesses come into the City/County and become productive for their citizens. This is not an issue that would cause chaos between the two of them. They need to send a message to Geoplasma that they are working together to make this happen. He believes this will be a successful annexation and it will be productive for both the City and the County. They can assure Geoplasma that they are going to get them up and running as quick as possible. There is nothing from the City's standpoint that is going to be a caveat to them running a business.

Mr. Satterlee said that is very encouraging. They will get together with Mr. Recor, Mr. Carlin, Mr. Margotta, and the Building Department Staff to make sure they can cover whatever issues there are. The County has been working on this for some time. Maybe they can help each other out.

Mr. Marc Meyers, Building Official, said if he gets a set of plans that complies with the Florida Building Code, he can turn them around as quick as the County's Building Department, faster.

Seeing no one further 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-113 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-113 on first reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-114 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE FUTURE LAND USE** DESIGNATION OF PROPERTY LOCATED AT **438 NORTH 19TH STREET**, FROM NC, NEIGHBORHOOD COMMERCIAL LAND USE, TO RME, MEDIUM DENSITY RESIDENTIAL LAND USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." and Ordinance No. L-115 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING** PROPERTY LOCATED AT **438 NORTH 19TH STREET**, FROM C-2, NEIGHBORHOOD COMMERCIAL ZONE, TO R-4, MEDIUM DENSITY RESIDENTIAL 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: LaKenya Ruffin Taylor)

Ms. Erica Ehly, Comprehensive Planner, said the applicant is

requesting approval for the change in the current land use designation and zoning classification to allow for the reconstruction of a single family home. The existing single family home has been demolished and rebuilt by the St. Lucie County Community Block Grant Program. The property is bounded to the north, east, and west by commercial and to the south by medium density residential designations. There is a single family home across the street to the west, a vacant lot and a single family home to the north, and a paved parcel and a single family homes to the south. 114 property owner notification letters were mailed. Out of the 5 responses received, 2 were for denial and 3 were for approval. The changes meet the requirements of the Comprehensive Plan and the Zoning Code. The Planning Board voted to submit a recommendation of approval at their meeting held on January 12th. Staff recommends approval of the change from Neighborhood Commercial to Medium Density Residential.

Commissioner Becht asked this house is nearly complete, a new house, and a Building Permit was pulled for that house?

Mr. David Carlin, Assistant Planning Director, said that is correct.

Commissioner Becht asked who signed the zoning letter?

Mr. Carlin said to facilitate this application to essentially build back what was already there, Staff worked with the applicant and with St. Lucie County with the condition that they submit all the application materials to bring this forward while the construction was going on. They felt it was a reasonable approach to take with this particular application. He had discussion with Commissioner Alexander on this matter in terms of trying to facilitate getting the applicant through the system without going through a lot of the red tape that is associated with some of these processes.

Commissioner Becht asked what is he going to do if three of them turn down the rezoning tonight?

Mr. Carlin said he hopes there won't be another demolition. But certainly these are the types of things they try to work with the applicants on. Commissioner Becht brings up a legitimate point. But from a land use inventory perspective, this is the right thing to do. The applicant had questioned the commercial land use on this property. It has always been residential.

Commissioner Becht said he thought Mr. Ward got out ahead of the Commission sometimes, but he has never gotten out ahead of them so far that residential structure was built on commercial property. He is going to leave it alone, he just wanted to know how and why it got done. If anybody thinks Fort Pierce is not friendly to building, they need to look at this as an example.

Mr. Carlin said there was also County CDBG funding associated with this as well.

City Manager Recor said Mr. Margotta and Planning Staff have

indicated that this is a prevalent enough issue that they felt it was something the City should initiate and go in to change the rest of the affected properties in the area.

Mayor Benton declared a Public Hearing on Ordinance Nos. L-114 and L-115 in session and asked if anyone in the audience wished to be heard.

Seeing on 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-114 and Ordinance No. L-115 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-114 and Ordinance No. L-115 on first reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-116 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE DESCRIPTION OF THE **MXD, MIXED USE DEVELOPMENT DESIGNATION**; AND AMENDING POLICY 1.1.2; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only. (Applicant: Willow Lakes LLC)

Ms. Erica Ehly, Comprehensive Planner, said the applicant is requesting a text amendment to the Future Land Use Element of the City's Comprehensive Plan, and requesting that the City Commission approve transmittal to DCA (Florida Department of Community Affairs). The reason for this request is that the applicant is anticipating annexing property in the near future. The property currently has a County MXD Future Land Use Designation. The proposed language regarding Policy 1.1.2 provides direction for the identification of compatible zoning classifications and future land use designations in the Land Development Regulations. The proposed language regarding the description of the mixed use development description removes the residential requirement and other language that is more appropriate for the Land Development Regulations, such as building height, stories, and site design standards. Staff recommends changing the minimum requirement proposed by the applicant of three complementary uses to two. The minimum of three uses is identified by the Urban Land Institute to include a residential component. This model is more applicable to a suburban environment and could conflict with the focus on infill and redevelopment of an urban core. Additionally, Staff recommends removing the changes to the rest of Table 1-12, as these types of changes are anticipated to occur during the EAR-based amendments later this year and are not relevant to the applicant's particular issue. The Planning Board, acting as the Local Planning Agency (LPA), at their meeting on January 12, 2010, voted to forward a recommendation of approval to transmit to DCA this text amendment. Staff recommends approval to transmit the text amendment as it appears in the ordinance to

the Department of Community Affairs.

Commissioner Becht said in the Staff Report it says that their Comp Plan - not their Land Development Regulations - has in it right now regulations regarding building height, and that should be removed from the Comp Plan as it is more appropriate for the LDR's. He has asked Mr. Recor, Mr. Margotta, and Mr. Carlin to think about whether they should have a comprehensive review of their Comp Plan to eliminate things like this from the Comp Plan before November, when Hometown Democracy will probably be voted on. The rationale for that is, there is very little that the federal, state, county, or city governments can do to generate jobs. But one of the things they can do is make it relatively fair and easy to get proper permits. Hometown Democracy, in his opinion, is going to have an effect that some might not fully understand what it is going to do. Because in this particular instance, they would have to go through a referendum in order for somebody to have a change in their height restriction. There are a couple of points he wants to make. One is, he would like to know if there is support from the Commission to task Staff with reviewing the Comp Plan to clean it up as much as possible before the November election, so that these types of things are eliminated from it? Because Hometown Democracy has a groundswell of appeal to it to those who do not fully comprehend what it could mean to a city government or to development within a city. If they don't clean their Comp Plan up and Hometown Democracy passes, they could bring development in Fort Pierce to a standstill, because every time somebody wanted to do something that requires a Future Land Use amendment, it is going to have to go out to referendum. One possible way of doing that is to streamline their Comp Plan, pull out of it anything that requires a specific decision, and then put great latitude in the LDR's. But he as one Commissioner cannot task Staff with that big of a job, because it is going to be a big undertaking if three or more of them think it is important.

Ms. Ehly said they are presently undergoing the EAR (Evaluation & Appraisal Report) of the Comprehensive Plan. One of the focuses they are looking at in the EAR-based amendments is to simplify and streamline the Comp Plan already, to take out exactly what Commissioner Becht is speaking of. So they are actually already undergoing that process.

Mr. Carlin said they have already underlined and struck-through many of the things that are superfluous and are repetitive, trying to clean it up. They have already gone through most, if not all, of the sections of the Comp Plan, both the Consultant and Staff. They have already made the suggested changes. The LPA will be hearing this at their March meeting. They will be bringing it forward to the Commission for consideration. They can go through those lined-out sections and changes that have been part of the EAR discussions they previously had.

Commissioner Becht asked this will be done before November?

Mr. Carlin said the EAR-based amendments, their goal is to make this happen before November.

Commissioner Becht said the other thing is, he has also asked the development community where they know that there might be provisions in the Comp Plan that could be problematic at a later date. They need to point these out. He would prefer that they provide alternate language that would streamline it. Not to the point that it would allow development they don't want to have, but that it would allow development that could be reviewed in an LDR process, not in a Comprehensive Plan amendment process.

Commissioner Alexander asked concerning the height limits, are they going to restrict height limits to removing of the height limits from certain parts of the City limits? Are they going to do a blanket of the City of Fort Pierce?

Ms. Ehly said height will be determined by the zoning classification rather than the Comprehensive Plan. The Future Land Use Designation in the Comprehensive Plan will dictate the intensity of development, such as the dwelling units per acre for a residential development or building coverage. But as far as the specific height requirements, that will be dictated by the Land Development Regulations.

Commissioner Alexander asked removing that from the Comprehensive Plan, that means they don't have to deal with it?

Ms. Ehly said no. It means, if someone needed a different height than what is allowed, they would only have to process a rezoning application rather than a Comp Plan amendment. If Hometown Democracy passes in November, all Comprehensive Plan amendments will require a referendum in order to be adopted.

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

**Mr. Peter Radke**, Willow Lakes LLC, said they concur with the amendment in the ordinance. He is here to answer any questions.

Commissioner Becht asked as Mr. Radke filed his petition for annexation yet?

Mr. Radke said the City is one step closer with their first reading annexing the County Landfill (Ordinance No. L-113), so they are getting all their ducks in a row. As soon as that Landfill comes in, he will be knocking on their door.

Seeing no one further 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-116 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-116 on first reading were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Report on alternative roofing materials proposed for St. Lucie County Intermodal Transit Facility to be located at 424-438 North 8th Street. (Public

Hearing was held on January 19, 2010 on Notice of Appeal submitted by Paul Dritenbas, Architect, of a condition imposed by the **Historic Preservation Board** in the Certificate of Appropriateness (COA 09-62) issued for the SLC Intermodal Transit Facility.)

Mayor Benton said it appears most of the discussion had taken place because of the Dade County and Broward County building codes. Is this complete building going to meet those codes?

**Mr. Paul Dritenbas**, Edlund Dritenbas Binkley Architects & Associates, P.A., said no.

Mayor Benton asked so why are they talking about just the roof? Is it because it is cheaper going the route the County wants to go? What he does not understand is, the rest of the building isn't, but the roof is?

Commissioner Becht asked if the appeal has been pulled, what action does the City need to take?

Ms. Leslie Olson, Historic Preservation Officer, said none.

Mayor Benton said so there is nothing to talk about.

Mr. Dritenbas said he asked this to be left on the Agenda just so he could address one Commissioner's concern at the last meeting regarding risk of building materials. EDB Architects is the architects for the new Intermodal Transfer facility on Avenue D and 8th Street. They had designed the building initially with a metal roof, a Gerard roof, but the Historic Preservation Board recommended by mandate that they use Ludowici clay tile. The last time he was before the Commission he appealed that. He had a lead on some clay tile that did meet impact and wind uplift which did meet Dade County and Broward County requirements. After further investigation, no such product exists. There is no clay tile that meets the wind uplift and the impact rating. So they withdrew their appeal for the metal roof and the County has agreed to use clay tile. He is here tonight to let them know they found two other tiles that are very similar in profile to the Ludowici Celadon that the Historic Preservation Board recommended. One is manufactured by Santafe Tile Corp. and the other is manufactured by ALTUSA. They are proposed to meet with Ms. Olson to review the colors and these profiles to ultimately decide which one to use. He just felt compelled to come back to the Commission because there were some concerns about the safety of the public in the event of a high wind event. In Florida there is no perfect roof, all of them will incur damage in a high wind event. Some roofs just have a higher risk associated with them in the event of debris coming loose from the roof. Clay tile is very fragile, it will come apart upon impact and the shards will be scattered around the neighborhood. But all have a risk associated with them. A metal roof would be damaged, but it would not become a frangible item upon impact. He is not here to dispute the metal roof versus clay roof. They are going to meet the Florida Building Code for 140 miles per hour wind load. But this region does not require an impact-rated clay tile or an impact-rated roof, only

Dade and Broward Counties require that. That is where the confusion may have come in. He was going to try to find one, because they are installing clay tile in Dade and Broward Counties. They are using a "deemed to comply" portion of the Code to circumvent the impact rating, using that as an assembly. That is why it is still being put on, is because the clay and concrete tile people had a really good lobbying group down in Dade and Broward Counties. They are still installing clay and concrete tile in Dade and Broward Counties, but they are using a "deemed to comply" approach to qualify it as an impact-rated product. Basically they are looking at the clay tile, the mastic, the adhesive, the underlayment, and the roof as an assembly. In closing, he just wanted to let them know that they are going to use clay tile. They will be meeting with Ms. Olson. The project is coming along nicely. They just cleared the Planning Department with a couple of contingencies before it comes back to this Commission for final approval. All their permits are being applied for. Hopefully within about a month they will go to bid and in about 90 days they will be breaking ground.

Mayor Benton said they thank Mr. Dritenbas and the County for working with them. He can't wait to see the finished product.

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The next item on the Agenda was Mr. Peter Harrison, Adams Ranch, Inc., request two (2) year extension of approved **Site Plan** for **Bridgewater II Office** Project at 511 South 2nd Street.

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, to approve a two (2) year extension to the Site Plan for Bridgewater II Office Project at 511 South 2nd Street, subject to payment of a fair share contribution in the amount of \$7,847.25 and dedication of 5-foot easement along South 2nd Street within 60 days.

Commissioner Perona asked was the original Site Plan approved for 12 months?

Mr. David Carlin, Assistant Planning Director, said yes. They did receive a subsequent Site Plan extension for 12 months from the first approval that was granted.

Commissioner Perona said he has no problem with it. But is it normal to approve for longer than the original Site Plan approval?

Mr. Carlin said the Code does not specify a time limitation as it applies for site plan extensions. It does specify that the City Commission can grant extensions of time. It does not specify six months, twelve months, or any other period of time. The only requirement that is in the Code today as it relates to the actual approval of a Site Plan, it says that a Site Plan shall be valid for a period of twelve months; and subsequent to that twelve months, if an extension has not been granted by the Commission, then the Site Plan does expire. The reality here is that the Code does not specify a minimum or maximum time for site plan extensions.

Commissioner Perona said he just thought it was odd, because normally they give a maximum extension to the original time limit. He saw that this was double that, so he needed to ask.

Mr. Carlin said they are seeing a few more of these requests come forward due to the economy and financing and things that have fallen through. This is not inconsistent with previous extensions that have now been granted by the Commission for these time period, provided that the conditions or associated development order requirements are adhered to.

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

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The next item on the Agenda was Mayor Benton discussion regarding the funding provided by the City of Fort Pierce to the Humane Society of St. Lucie County, Inc.

Mayor Benton said an article appeared in the local newspaper about a deal that the Humane Society of St. Lucie County is making with the City of Port St. Lucie to build a new shelter. It appears they have \$1.2 million and they were looking for four acres. But in doing so with the City of Port St. Lucie, the Humane Society said they would lower the price per animal to \$99. The City of Fort Pierce is paying \$114 per animal. The City is not only allowing the Humane Society to use City land, but has also been providing them a facility, so he feels the City should be getting a better deal. What he is requesting is that Staff sit down with the Humane Society and come back with a better number than \$114 per animal. He is thinking if Port St. Lucie gets \$99 for the land, \$15 off the going rate, then Fort Pierce should get at least \$30 off the going rate for the land and the building. He thinks at a time when they are looking to save a few dollars here and there, and it appears that the Humane Society has plenty of money in the bank and are willing to work with Port St. Lucie, then Fort Pierce should be sitting down and negotiating.

Commissioner Sessions said he appreciates the Mayor bringing this up. The Mayor is correct, in light of their contributions towards their efforts, he would think they would be offsetting it with the price they are charging. In light of what Port St. Lucie's lack of contribution is, Fort Pierce needs to be way below that figure. So he is in strong support of whatever the Mayor needs in terms of bringing this up and bringing it to their attention and expecting something in response. Whatever measures this Commission decides to take, he is in support of it 100%, because it needs to be addressed.

Commissioner Becht said independent of whatever the Humane Society may be doing with Port St. Lucie, it is probably something the City needs to review because it was a \$250,000 line item in this year's budget. They have to look under every budget line item to see what they can afford and what they cannot afford in the coming two years. So he would support sitting down with the Humane Society and discussing what can be done.

Commissioner Alexander said they also receive his support on this matter. They need to get it done.

Mayor Benton said they would like for Mr. Recor to entertain some discussion with the Humane Society. Fort Pierce deserves some credit for providing land and a building for many years.

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The next item on the Agenda was Mayor Benton request approval of Statement of Support for the **National Guard and Reserves**.

Mayor Benton said they have the request in front of them from the Office of the Assistant Secretary of Defense, Florida Committee for Employer Support of the Guard and Reserve. He is looking to get a consensus. (The Commissioners agreed.)

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The next item on the Agenda was Commissioner Alexander discussion on City Hall Front Desk **Telephone System** not being answered.

Commissioner Alexander said he is not the only person. He gets so many complaints from the public about the telephone system in the City Hall. He is sure the City employees hear the complaints. He does not know what the problem is with it. Generally, instead of going through all those prompts, they can hit zero and go directly to an operator. But not here. He just does not have the time to sit there and press the buttons to get to whatever prompt. He just remembers one extension, his secretary. He knows she gets flustered sometimes when he asks her to transfer him to someone else because he can't get through to them. If he is the only one having that problem, he can deal with it.

Mayor Benton said Commissioner Alexander isn't the only one, he has the same problem because he can't remember everybody's extension. If he tries zero, he doesn't get an operator.

City Manager Recor said his office has also received a number of complaints regarding the system. Several years ago they eliminated the Receptionist position. Ms. Smith, the Director of Administrative Services, has done a really good job of getting volunteers through the AARP, who are actually being paid through AARP, but are volunteers to the City. There is generally coverage at the receptionist area with the exception on Wednesdays. Ms. Gaskin can summarize how the system has been modified to allow a caller to get a live body at all times.

Commissioner Sessions said he has some concerns too. He gets aggravated, it is like trying to get a ticket from Delta when he calls City Hall, it is hard to talk to a person. He knows the citizens get discouraged and upset too. It needs to be addressed. He hopes they can come up with a better system. It seems to have just started recently, within the last six to eight months it has gotten even more difficult.

Ms. Marjorie Gaskin, MIS Director, said she put a statement on there; but she thinks when they hear her voice, they stop and just hit zero. Zero is no longer an option, because if no one is at the station, it just goes around in a circle. In that

statement she names the departments and a number where a live body answers. What she can have their telephone contractor do is, zero will forward it to HR (Human Resources) or to Ms. Smith's secretary. People are used to hitting zero, but zero was taken out. But she knows as soon as they hear her voice, they hit zero. Maybe she needs to get somebody else to record the message, maybe they will then listen to the whole statement. The statement tells them what number to call for each department, it lists all fourteen departments with the number for a live body.

Commissioner Becht asked when can that solution be implemented? If they hit zero and it goes to the reception desk, all they have to do is forward that to a human being, whether it is in Human Resources, Administrative Services, or MIS. When can they implement that?

Ms. Gaskin said she can call their telephone contractor tomorrow and they can tune in from off-site and do that.

City Manager Recor said he thinks they need to talk further about just transferring all calls to zero to Ms. Smith's Executive Assistant. He does not think that is a plausible alternative at this point. They cut the resources back considerably in that department. If the Commissioner asked, when can that be implemented? It already has. Somebody can get a live body in every department if they simply follow the prompts.

Commissioner Becht said no, he is talking about zero. Yes, they are all painfully aware of what they have had to do in these times. But if they rotate the zero between fourteen departments, that is two full calendar weeks if each department just picks up one day. He is sure Staff can solve this problem.

Mr. Recor said he can.

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The next item on the Agenda was Submittal of Applications for Appointment and/or Reappointment to various Boards & Committees.

City Clerk Steele said they have the applications in front of them for consideration. At their next meeting, they will making their decision by resolution.

Commissioner Becht said when this is brought back before them... He and Mr. Recor had a discussion today. He does not need the answer tonight. The Historic Preservation Board has an adopted policy where the alternate slid into the first available regular seat. If they do not have those policies with the other boards, he would like to know - perhaps information transmitted in their Agenda packet - before they vote the next time.

Mr. David Carlin, Assistant Planning Director, said he is not aware of any policy in place for the Planning Board to allow for the transition of an alternate into a regular position. He did recommend that the alternates move into a vacancy as part of this particular application for the appointments for the alternates. There is a vacancy coming up on the Planning Board

and there are two alternates currently serving. It is his hope that one of those alternates will be able to fill the Planning Board's regular position, in the absence of having a specific policy in place. If he didn't make it clear, the appointments for those terms that are about to expire on these boards, he would also hope that those alternates are also considered for a regular appointment for another term. The alternate system they have in place for the Planning Board has worked out very well, attendance has been very good. One of the alternates is sitting in the audience this evening, his participation has been key. That also holds for the Board of Adjustment, their attendance has been very well, the alternate system in place works out really nice.

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The next item on the Agenda was City Attorney request for Special Closed Meeting (Attorney-Client Session) to discuss settlement negotiations or strategy session relating to litigation expenditures in connection with **Florida Tower Partners LLC** v. City of Fort Pierce.

City Attorney Schwerer said he is announcing on the record tonight and also making a request pursuant to Florida Statutes for an out of the sunshine meeting with the Commission concerning on-going litigation with the Florida Tower Partners lawsuit, to discuss legal strategies, options, and litigation expenditures in the case. He believes the City Clerk already has a date scheduled. They will be meeting in a closed door session pursuant to the Florida Statutes.

City Clerk Steele said the Out of the Sunshine Meeting is Thursday, February 25, 2010, at 2:00 p.m. in the City Hall 3rd Floor Conference Room.

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The next item on the Agenda was City Engineer update on **State Road A1A** Project.

Mr. Jack Andrews, City Engineer, said construction is progressing along. They do have the traffic in Phase IIB (from South Causeway Bridge to Bayshore Drive) switched over. They are working on the east side of the project now. He anticipates completion of construction in that phase probably by the end of June. They are ahead of the contract time right now. Also, they are working with FDOT to get the final phase permitted (Phase I - From Bayshore Drive to Gulfstream Avenue). They have the redesigned roundabout in for FDOT's consideration, so they are getting closer.

Commissioner Becht said he wants to thank Mr. Andrews, who attempted to set up a meeting with some of the business owners that might be affected by the final phase. He understands only one business owner appeared at that meeting.

Mr. Andrews said they have also been in contact with others. When they move into that phase of construction, he is sure they will respond then.

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The next item on the Agenda was City Engineer update on **City Marina** permitting process.

Mr. Ed Seissiger, Engineering Project Coordinator, said they are still pretty much in a holding pattern. They did hear from the Army Corps of Engineers today. The Army Corps has come to an agreement with National Marine Fisheries on conditions. Whether that means they are going to issue a permit or send a notice of intent, they won't allude to that yet. He still has no idea what the conditions are, he is still waiting. The Army Corps did elevate it to the Jacksonville office for the Coastal Engineers to review the modeling and wave analysis and design. That review was supposed to be completed today, but they haven't heard anything back on that yet.

Mayor Benton said Staff got him involved in this over a year ago. His frustration with the Army Corps on Engineers is second to none. At a previous meeting Commissioner Becht asked the folks from South Florida Water Management District about the reservoir. SFWMD does own the property, but it is the Army Corps reservoir that is not functioning because of the way it was built. It appears that the Army Corps of Engineers answer to no one. Even the folks he has contacted - their Congressmen and Senators and their Staff - very little response, or none. It just boggles the mind that the Army Corps answers to no one and this could go on forever. When he goes to Washington, he is going to bend some ears up there and hope somebody will listen. This is frustrating. Palm Beach County hired a specific lobbyist just to deal with the Army Corps of Engineers. They have a person that works year around for them, just to deal with the Army Corps. That is unacceptable to him. He is not going to give up, but it is very frustrating.

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The next item was the Consent Agenda.

Mayor Benton asked does any Commissioner have an item they would like to pull for further discussion? He would like to pull Item 22b (Request for Public Funds).

Commissioner Alexander said he would like to pull Item 22d (Sunrise Theatre Blanket Purchase Order).

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 submitted by Ben DeVries, Treasure Coast Research Park, for \$500 in **Public Funds** for advertising 5K Run as part of the **XE3** (Xtreme Energy Education) Event 2010 on May 21 & 22, 2010.

c. Award bid for **Cable TV Services** for the City Marina to Muzak Focus Four for purchase of equipment and installation in the amount of \$26,605.70. RFP #5972

e. Approve purchase of one 2011 Mack Front Loader **Refuse Collection Truck** for the Solid Waste Department to Nextran Truck Center of Orlando in an amount not to exceed \$209,489.

f. Award contract for Lawn & Grounds Maintenance for **State Road**

A1A (Blue Heron Boulevard to Gulfstream Avenue) to Forever Lawn & Landscaping in an amount not to exceed \$16,800. Bid #5971

g. Approve submittal of an application by the Police Department to the Florida Department of Transportation (FDOT) for a Highway Safety Grant to implement DUI Reduction Program and purchase of 12 in-car video cameras.

h. Approve purchase by Police Department of 29 Panasonic Laptops from Insight Public Sector in the amount of \$50,713.75 through the 2009 JAG Edward Byrne Memorial Recovery Grant.

I. Approve purchase of Computer Equipment by MIS Department - Five (5) Servers - from CDW Government in the amount of \$24,830. (Florida State Contract 250-000-09-1)

j. Approve purchase of iQ Suite Software by MIS Department - iQ.Store for Email Archiving Retrieval - from Group Technologies in the amount of \$11,302. (Sole Source)

k. Reduce Code Enforcement Lien in the amount of \$27,450 against 1009 Martinique Avenue, owned by Wells Fargo Bank, to \$3,000, contingent upon payment with 60 days.

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The next item considered was Item 22b, which had previously been removed from the Consent Agenda: Request submitted by Sarah Jackson, Sunrise City CHDO, Inc., for \$1,500 in Public Funds for advertising Juneteenth Freedom Fest events.

Mayor Benton said his concern is, he thought they had tried to limit the requests to \$1,000. He knows they have very limited funds. This request is for \$1,500, that is why he questioned it. He would support \$1,000. Didn't they set a policy of limiting that to \$1,000?

Commissioner Becht said he thought so too.

Mayor Benton asked how much is left in that fund?

Ms. Gloria Johnson, Finance Director, said there was \$2,000 left before tonight.

Motion was made by Commissioner Perona, seconded by Commissioner Becht, to approve \$1,000 in Public Funds to Sarah Jackson, Sunrise City CHDO Inc., for advertising Juneteenth Freedom Fest events.

Commissioner Alexander said they gave the Downtown Business Association \$7,000. He is in agreement with the rest of the Commission. But when they do things out of the ordinary, they need to remember because he is going to remind them regardless.

Mayor Benton said that was for seven different functions. It wasn't just one function. It was \$1,000 for each.

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

None.

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The next item considered was Item 22d, which had previously been removed from the Consent Agenda: Approve Sunrise Theatre Blanket Purchase Order increase from \$10,000 to \$20,000 for WHLG FM - Coast 101.3 Radio Advertising.

Commissioner Alexander said just a matter of concern, thinking the Sunrise Theatre is in the dilemma that they are, they should not be increasing anything. It was budgeted for \$10,000 and now they want to bump it up to \$20,000. They do that much advertisement?

City Manager Recor said at the Department Head meeting this morning, he shared the same concern that Commissioner Alexander has expressed tonight; and the explanation that he received was that this is part of a larger marketing budget for the Sunrise Theatre, this particular line item, and that the actual budgeted amount is over \$300,000 for marketing. This PO being recommended to be increased by \$10,000 will not affect the overall marketing budget for the Sunrise Theatre.

Commissioner Alexander said he is just asking for them to cut as much as they can. They are at a point now where even \$10,000 makes a difference. But if they have to do or die, he can go along with it.

Motion was made by Commissioner Perona, seconded by Commissioner Sessions, to approve Sunrise Theatre Blanket Purchase Order increase from \$10,000 to \$20,000 for WHLG FM - Coast 101.3 Radio Advertising.

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

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City Manager Recor said he had intended to provide the Commission with an update on the status of the **Little Jim Bridge Lease**. Mr. King beat him to the punch earlier (under Comments from the Public). Staff is still waiting for the financial information. It became clear at one of their recent meetings that there were three Commissioners that were interested in the financial analysis to accompany Staff's recommendation on the lease. Staff has asked for that information. There appears to be some resistance in providing it. They are at a point where they can advance a recommendation to the Commission. But for that financial analysis to be completed, obviously the King's are going to have to provide it, and then Staff will have to have an opportunity to do the analysis.

Commissioner Becht asked is Mr. Recor saying that Mr. King, who stood before them tonight and said he is ready to go, has not given him the financial information requested from him?

City Manager Recor said yes, that is exactly what he is telling them. Before he left to go on vacation, he made a point to contact Mr. Gorman, their legal counsel, to let him know that he still had not received the financial information that had been

requested, to avoid that potential scenario that happened earlier tonight.

Commissioner Becht said he restrained himself tonight when Mr. King said one Commissioner was controlling the Commission, because that is not true. One Commissioner does not control this Commission. Do the leases for Cobb's Landing and the Tiki Restaurant, which are percentage leases, which is what Mr. Recor is calling for with regard to Little Jim Bridge, do they not require financial accountings on an annualized or a more frequent basis?

City Manager Recor said yes, they do.

Commissioner Becht asked so are they asking for anything more or less than what they asked of those particular tenants?

City Manager Recor said no.

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City Manager Recor said he wants to bring to their attention a rather alarming announcement they received a few days ago from U.S. Congressman Connie Mack's office. Congressman Mack is not their Representative, he represents Charlotte and Lee Counties over on the West Coast of Florida. But Congressman Mack was advising his constituents that FEMA funding for certain categories of projects has been put on hold. One of the affected categories is the Public Assistance category that would fund \$9 million of spoil islands in the **City Marina** Reconstruction Project. This is obviously very concerning to the City. In response to that, while he has indicated that he thinks they should be considering a different direction when it comes to their federal lobbyist, this is exactly the kind of thing that Marlowe & Company could earn its stripes and confidence from the City if they were to be able to shake this loose and move this along. They are far enough in the permitting process, this is funding that has been in discussion for 5-plus years. That is going to be his approach, he intends on talking with Marlowe & Company this week, asking them to make this their top priority in terms of shaking this funding loose out of FEMA.

Commissioner Becht said the Mayor came up with the idea of perhaps cutting Marlowe's budget and using the money to travel to D.C. This might be one of those things where this Commission needs to go to D.C. If they can make one trip to D.C. and secure the \$9 million...

City Manager Recor said it certainly rises to that level.

Commissioner Becht asked without the islands, wouldn't they have to redesign the whole thing?

City Manager Recor said he has asked if they can do the project in phases, but that is not practical. Yes, it totally changes the project, minus the spoil islands.

Commissioner Becht said so they have a \$21 million stimulus package that really...

City Manager Recor said talk about shovel-ready. At the Department Head meeting this morning they talked about the possibility of having this shovel-ready project eligible for stimulus dollars. But this announcement was devastating. He appreciates the Finance Director and Staff bringing it to his attention as quickly as they did.

Mayor Benton said he has a meeting with Senator Nelson on Thursday. Senator Nelson is coming to the Airport and he believes he is going to visit the Port. He will be speaking to him about it then. At one point some time ago he said maybe they should get started on this project without the approval of... They got the okay from the State. What are they going to do, sue the City? The problem is, if they don't get going, the other money that is sitting there is going to dry up. If that is what they are waiting for, the economy of Fort Pierce is going to go to hell because Washington is dragging its backside. The time for being nice is over.

City Manager Recor said they have \$4.5 million of the original \$6 million in insurance proceeds, they have that cash money. What they didn't have was the \$9 million from FEMA for the spoil islands. So this has the potential to become a Federal Courthouse saga all over again unless they get some attention from Washington.

Commissioner Sessions said Mr. Recor pointed out what he feels Marlowe's contribution could be in terms of working with them. He thinks in light of the seriousness of the matter and the type of money they are talking about and the impact that project is going to have on their City, not only do they need to make sure they have Marlowe on board, but each and every one of them need to make a trip to D.C. So he thinks they need to work together to make this a reality.

City Manager Recor said they have talked about this Washington, D.C. trip on several occasions. If they would like for him to begin to schedule that, he can do so. He will schedule it just like he does a joint workshop, check everyone's calendar and get a date that works. If there is interest in doing that, he will begin to put that together.

Commissioner Becht said he doesn't want to go to D.C., but he does not see that they have any choice but to go up there.

City Manager Recor said there is no choice.

Commissioner Becht said they also need to make sure they have a list of St. Lucie County's and Port St. Lucie's federal projects, and make sure they have Fort Pierce's list of projects, so they can - to the extent possible - regionalize these projects. From the little bit he has learned, the more regional the project, the more they have a chance of getting Congress to look at it. Whatever they can do in that regard to get letters of support from Port St. Lucie and from the County before they go up, and Fort Pierce gives them reciprocal letters for their projects. All he is looking for is, the Marina project truly is a regional project in this County. So book the

trip.

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City Manager Recor said he is going to be scheduling meetings with the Commissioners during the remainder of this week. He thinks the direction concerning the **Community Services Division** was clear at their Strategic Planning Workshop - don't change the product, just change the way the product is delivered. They can do that. Mr. Margotta met with him and he had follow-up discussions with various other staff members. They have a plan they are ready to move forward with. He will be calling to set up a time where they can brief each Commissioner in advance.

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Commissioner Perona said he is very proud of the Commission and its support for **TCERDA** (Treasure Coast Education Research & Development Authority). This is a group that has worked very hard for the last five years and basically hadn't moved at all. And now when they are seeing the working relationship between the City and the County, this is going to be something that is very real. The money is in place. TCERDA is talking with the County. The Interlocal Agreement seems to be getting very close. This is something that will be a reality. There is a lot of excitement, not only from the County perspective, but the City and TCERDA. He wants to thank the Commission for its warm welcome at the Strategic Planning Workshop. He attended a TCERDA meeting yesterday and Fort Pierce got top billing as far as their acceptance. It felt like there was a real synergism going on. He felt very proud to be a part of this Commission and a member of TCERDA.

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Commissioner Sessions said he wants to say a few words. He says this very carefully so he does not put himself in a posture, as well as this Commission, to exceed their authority in terms of operations of the City. He is always encouraged and enthused and motivated when he sees their citizens come out in overwhelming numbers to address issues that have some impact on them. In light of what they have seen the last couple of times they have met, there have been a great number of citizens that have come out to address the issue of their **Community Services Division** program. Before this could erupt into a major problem, a Category 4 storm, he thinks perhaps it is incumbent upon this Commission to step in to try to dampen this down a little bit before it erupts into something that they won't have any control over. Individuals as far as their constituents are concerned have addressed and said something to the effect that Kessler International auditing company, their history and track record, is not the best in terms of what they have done in other municipalities. He has had the opportunity to look into it and google some things. It seems to appear that the information he received substantiates what he has been told from the citizens; and that is, Kessler has caused some problems for other municipalities in the past as a result of their lack of investigation and taking the necessary measures before they made major decisions. When he read the responses of their staff after the Kessler auditors came in and gave their report, he tended to believe that perhaps there are some things there that should have been addressed that weren't addressed. First and foremost, he thinks that the individuals where these allegations stem from should have had an opportunity to respond before a

written report was made, which is what they received. But that is just one issue of several that he saw. He thinks that perhaps they need to look into whether or not they would like someone to investigate the auditors themselves in terms of their investigations and how they carried out this investigation before that report was made. Again, he just sees something erupting here that they are all going to perhaps feel they should have stepped to the plate and done something about it before it erupts. This is going to be a major issue for them in the near future. He would be remiss if he didn't address this to the Commission just to find out what their position is. But him personally, he thinks that they need to look into the individuals that made this report and check out whether or not they followed proper procedures before they gave such a report. Because if they don't do it now, they may regret it later.

Mayor Benton said his understanding is, another party has come in through HUD. They have somebody investigating these allegations through HUD.

City Manager Recor said on HUD's own initiative. The City didn't make the request.

Mayor Benton said HUD is where the funding comes from. So in his opinion, they don't jump to conclusions until they get a report from HUD. That is where the money comes from, HUD can cut it off. He has always been very supportive of the Community Development Department and the people down there, he knows them personally. This cloud has to be cleared up in the public's eye. He does not think they have jumped to conclusions. They haven't said they are going to discontinue this service to the community in the future. On a temporary basis, until they get this cleared up. The strides they have made in housing in this community are second to none in the last 12 years. The Oaks and that area are just remarkable. They don't want that to stop. What they have to do is clear up the fog in the air. When that is cleared up, then they can get back on track. But the community needs to be sensible to the allegations and let them get to the bottom of it. He thinks HUD will do that. HUD has overseen this for many years. In his opinion, HUD should have been keeping track of their funding, he would have thought they would have audited themselves through their funding to all the communities. But he knows with the hurricanes, a lot has been brought to this community and to St. Lucie County, and the money having to be spent in such a short period of time. But he thinks it is time to give HUD a chance, because it is their money. He hopes they hear something from HUD in a very timely frame. Maybe a letter from the City Manager to HUD, asking them to resolve this in a timely fashion, this community would appreciate it.

Commissioner Becht said he does not want this to become an inflammatory issue. In his opinion, the focus has gotten diverted from what the problem is to what the perception of the problem is. That takes part on two fronts. There is a perception that money is going to just City employees. That is taxpayer money, whether it is federal, county, or state money, and it should be fairly and justly distributed to all

applicants, not just City employees. So there is a perception that was happening. He is now sensing there is a perception that there were some harshness with the administrative leave actions that were taken by the City Manager. He thinks that is a perception. The Commission can do a great deal to get the focus back on the problem. In his opinion, the problem is that this City received HUD monies that could and should have been distributed to a wide number of their population. He is not going to exclude City employees, but he thinks those were disproportionately represented as the recipients of that HUD money. They have to fix that problem - which is the problem, in his opinion - before they start putting the HUD money out into the community, so that everybody knows that this program is being administered fairly and the money is getting out into the community. That is what he heard Mr. Recor say earlier tonight, that he had heard their direction at the Workshop, and that he is intending to implement policies and procedures so that that fairness is apparent to everyone, so they can do what they are supposed to do, get the HUD money out into the public. That is the problem and he would like to stay focused on solutions to that problem.

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There being no further business, Mayor Benton declared the meeting adjourned at 8:50 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

MAYOR COMMISSIONER

