

MINUTES OF A REGULAR POSTPONED MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON TUESDAY, FEBRUARY 17, 2009.

Mayor Benton called the meeting to order.

Pastor Ted Rice, St. Peter Lutheran Church, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approval of Minutes of the Workshop on January 12, 2009 and the Minutes of the Regular Meeting on February 2, 2009.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Workshop on January 12, 2009 and the Minutes of the Regular Meeting on February 2, 2009.

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

The next item on the Agenda was Presentation of check from Florida Gaming Centers Inc. for Fort Pierce Jai Alai Card Room.

Mr. Bennett Collett said he is the CEO of Florida Gaming Centers which owns Fort Pierce Jai Alai and has owned the Fort Pierce Jai Alai for 15 years. On September 25, 2007, the City of Fort Pierce approved a Card Room at the Fort Pierce Jai Alai. Part of that approval involved a Revenue Sharing Agreement with the City of Fort Pierce from the revenues of the Card Room. The City of Fort Pierce will receive 1.5% of the gross revenue from the Card Room. The Card Room was opened May 2008 and operated for the rest of 2008 calendar year. The Card Room revenues for the eight months ended December 31, 2008 were \$3,098,886. For a start-up operation, that is very fantastic. The portion of the revenue to be received by the City of Fort Pierce amounted to 1.5% of \$3,098,886, or \$46,483.29, which he just gave to the Mayor. On behalf of Fort Pierce Jai Alai, he would like to thank everyone for helping them get this underway, for their support, and especially the Mayor and the Commission. Also he would like to have a special thank you to Commissioner Becht, who did a lot of work on his own time. He wants Commissioner Becht to know he appreciates that. He thinks this is a good example of success when government and business work together. Fort Pierce Jai Alai is happy to be part of it and happy to have been here 15 years. The project created over 100 new jobs and added \$2 million to the improvement at the Fronton. He wants to thank them for their support and for attending the Fronton.

The next item on the Agenda was Presentation by Mayor Benton of the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association.

Ms. Gloria Johnson, Director of Finance, said the City has applied for this award for the last 20 years and the last 20 years they have received the CAFR (Comprehensive Annual Financial Report) award from the Government Finance Officers Association which is countrywide, the United States. They have received this award for the last 20 years and that is thanks to their staff, auditors, and a lot of hard work. She would like to thank everybody - it wasn't just her, it was the entire Staff.

Mayor Benton proclaimed February 15-21, 2009 as "**National Engineers Week**".

Mr. Stefan Matthes said he is with the Treasure Coast Chapter of the Florida Engineering Society. He is here on behalf of Pat Ferland from their office who is in Tallahassee busily trying to let Legislators know how much money they should be spending in this area as opposed to elsewhere. Engineers Week is an annual undertaking that engineers, who typically don't do very much outside of their society, kind of celebrate the things they do for their communities. Jack Andrews, the City Engineer, is one of their great supporters. Engineers work in the community and do a lot of things. They serve on Boards. They are positive role models for students. They have a couple of different projects they do on a year-round basis. One is a program where they have a math competition for middle school students. That occurred two weeks ago. They wound up giving out future scholarships to children with that. They also have a Project Lead the Way, where they partner and team with one of the classes at Lincoln Park Academy, and they actually go through a design/development project with them throughout the year and have it culminate in the presentations to the Engineering Board at the end of the year to show how they advance themselves in engineering. He would like to thank the City very much for continuing to recognize the Engineering Society during this week.

Mayor Benton proclaimed February 22, 2009 as "**Crop Walk Day**".

Ms. Jean White said CROP stands for Communities Responding to Overcome Poverty. It is a part of the Church World Service Organization. The theme is, "We Walk Because They Walk". They walk in solidarity with millions of people around the world who have to walk for miles to get their water and food to live every day. They also walk with the millions served by the local food banks and meal sites in the U.S. But it is not just about giving them food and water. It is about educating them how to grow their food and how to construct sanitation facilities and water systems to keep them healthy. This year they have 17 area congregations and Habitat for Humanity participating in the walk. By the way, Habitat shows how different organizations and peoples lives intertwine. Habitat International is still working with Church World Service to get hundreds of families into new and renovated homes after Hurricane Katrina. This year's Crop Walk is being dedicated in memory of Chaplain Harvey Holland, who died in December of 2008, and in honor of his wife of 57 years, the Reverend Miriam Holland. They served as coordinators of the local Crop Walk for 12 years. They had a

lifelong concern for social justice, and the effort to reduce hunger locally and overseas was and is still an important issue for them. They thank the Commission very much for recognizing their Crop Walk for a day.

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

Letter from Brian McKenney, B-Mak Construction Company, in appreciation of the service provided by Joyce Kobbe, City Clerk's Office, License & Permit Clerk.

Commissioner Becht said before they get into the Agenda, he thought he heard someone from Staff say they might be pulling an item.

City Manager Recor said the Conditional Use for the Parking Lot over on South Beach (**309-311 South Ocean Drive**). Staff is recommending and requesting that the matter be pulled is due to an error in the notice requirements.

Mayor Benton said they need a motion to postpone. How long do they need?

City Manager Recor said the next meeting should be fine.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to postpone the Public Hearing on the Application for Conditional Use submitted by Jon Ward, Fort Pierce Redevelopment Agency, to construct a Public Beach Access Parking Lot at 309-311 South Ocean Drive, to the March 2, 2009 City Commission meeting.

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

Mr. Jerry Wuhrman, 154 Commodore Drive, Jupiter, said he is here in follow-up of the last Commission meeting wherein they granted a postponement of action on the **Pinecrest ALF Project**. At the motion of Commissioner Coke, it was suggested they have a meeting with the neighborhood people who might be in opposition to the project, which they did last Monday night. There were about 23 people who showed up. Of the 23 people, three of them lived in the City, the balance in the County. The issues that were raised were put in writing. Subsequent to the meeting, they met with his staff of architect and planner, and they took into consideration the issues that were raised. Specifically one of the biggest concerns was the massing of the building at four stories. Even though it was permitted by the zoning code, the neighborhood felt it was too overbearing. So in consideration of that, they went back to the drawing board and were able to take some of the units out of the club building in the center of the project and transfer them into some additional villa units, two more fourplexes. So instead of 24 villas, they will have 32. And instead of 66, they will have 54 in the club building, dwelling units. In addition, it reduced the number of beds they were going to be renting and utilizing by about 10%,

17 or 18 beds. With that in mind, he had a preliminary drawing done of the building to show them just what it would look like on each one.

Mayor Benton said he doesn't know whether this would be appropriate under Comments from the Public. Mr. Wuhrman can explain how the meeting went; but this would be something he should put in their mailboxes.

Mr. Wuhrman said it shows how the building can be reduced to two stories on the wings of the building. It is a U-shape building. It can be reduced to two stories on the wings and across the front of the building would still be retained at three stories. So they would have two lodging levels throughout the building. On the front part they would have all of the amenities on the ground floor. Since they are using the ground floor for lodging at this time, they are taking out what was there in the form of the fitness center and the meeting room and putting it into the club facility at the swimming pool and enlarging the clubhouse over there. So he did this and had followed up with the neighbors by telephone. They haven't seen the plans yet, but he described it to them as he is describing it to the Commission. Of the people who were there, about half of them felt it was a major step in the right direction, and the other half didn't want to see anything developed on the property. His request to the Commission tonight, so the City can really take advantage of the economic impact of this project which is going to generate approximately \$300,000 of real estate tax revenue for the City, aside from the \$110,000 worth of impact fees and further inspection and permit fees as well as jobs of course, not only for construction but continuing. So in order to give the City a fair chance to look at this, he would like to ask that they postpone the March 2nd meeting until the second meeting in March so they can comply with the noticing that has to be done in sending out the information to the neighbors as well as to the Commission. If that would be agreeable, he would appreciate somebody considering that and making a motion.

Mayor Benton said he doesn't know that they can do that tonight. Maybe if he were to put a letter in writing to the City Clerk's Office.

City Clerk Steele said if Mr. Wuhrman would put a letter in writing, she will put it with their Agenda package. That meeting has been advertised already, so it would appropriate for them to make that motion at their next meeting.

Mr. Wuhrman said he will give her a letter asking for a postponement until the second meeting. That will come up at the March 2nd meeting then for action on postponement.

Commissioner Coke said she has some concerns, because the neighbors at the last meeting were saying they were willing to postpone it, but they really didn't want to postpone it any later than March 2nd. She had two or three calls today saying let's move on it on March 2nd and do what they have to do. She understands the predicament Mr. Wuhrman is in as well as the predicament the Commission is in. But they had a lot of

neighbors who came the last time thinking it was going to be done. They came to that last meeting on Monday night to express their concerns. As far as she knows, they are all still expecting to be here and be heard at the March 2nd meeting. She thinks this is not a unilateral decision. They need to get a consensus from the neighbors that they see some compromise and they are willing to move it forward to the second meeting in March.

Mr. Wuhrman said he understands that. He sent an email to Attorney Melville, who represents one of the neighbors over there. Unfortunately he didn't get a response from him, either from a telephone call or an email asking him about what he was planning to do. It is just not feasible, according to Mr. Carlin, for him to get... Even if he could get his engineers and architects to make the drawings necessary for Staff to review and feel that they are complete for the Commission to review, and then be able to get a proper disposition and remailing to the neighbors to see what they think of this new plan versus the old plan. It is something that is pretty difficult to schedule here. But he understands the problem.

Mayor Benton said he thinks with that letter, Staff will have that debate among themselves. Because if it is a substantial change, it would be sent back to the Planning Board and go through the process over again. That determination would be made by Staff. He thinks if he can get the letter in to the City Clerk, maybe through Mr. Carlin they can find out whether it is something they are going to discuss that night or it is something he would withdraw and bring back at a later time.

Mr. Wuhrman said he really hopes that isn't the case. They have been at this for 14 months now, a couple of weeks wouldn't hurt; but if they have to go back through the whole process...

City Clerk Steele said they can't debate this tonight.

Mr. Wuhrman said okay, he will give them the letter.

Ms. Marcia Baker, 1753 Seaway Drive, said she is a resident of South Beach. She got a call around 4:00 o'clock this afternoon about the Conditional Use (for the **Parking Lot at 309-311 South Ocean Drive**) being postponed until March 2nd. She made as many calls as she could to advise people that they didn't have to show up. Obviously she wasn't able to get a hold of everybody. It was postponed because of lack of mail notice to over 30 property owners within the 500 foot limit. She had called this lapse of the actual notice to all of the residents at the Avalon Beach Club on the Conditional Use application to the attention of the Planning Board at the February 10th meeting, as well as commenting on the lack of the required mail notices when the original text change amendment came up. She thinks it would only be fair to the public who were not notified in time, those who showed up and those who left and those who are watching this on TV or watch the reruns, to have the Planning Department give a report tonight of the total they have received for and against of the current responses so that the members of the public will know if they really need to show up at the next meeting. She

will again remind everybody that it should be noted that none of the notification requirements under City Code 22-127 were followed for the text change amendment, nor were the State rules for amendments to the Comprehensive Plan followed, even though the R-4A area covered in that ordinance was over 10 acres and therefore fell within the mandated compliance requirements of the State Office of Comprehensive Planning under Section 163. She suggests that the Planning Department revisit the mandated State requirements for any future wholesale text change amendments and review their notice requirements to better provide for proper notice to property owners in Fort Pierce, whether it is for zoning changes, text change amendments, or conditional use applications. She is not faulting the excellent staff of the Planning Department, working as hard as they can, and she believes understaffed and overworked, for any lapses or errors. They have done their best under difficult circumstances. They will all be happy when Matt Margotta returns, hopefully in May, so everyone will be able to pay closer attention to details and dot all their i's and cross all their t's.

Mayor Benton said on that item he would ask that everyone who does have interest in that do come to their next meeting. He will ask Staff to make sure that is the first public hearing so it will be properly dealt with. He doesn't want anybody to miss it.

Mr. William Dannahower, 809 South Indian River Drive, said would like to speak on the Agenda item regarding former Mayor Wallace Sample (**Indian River Memorial Park**). Wallace Sample was an outstanding Mayor in 1952 and 1953. This is really a matter of history that needs to be preserved somehow. He is sure City Clerk Steele has some records somewhere in the archives of what happened at that time. There was the matter of the mud flats. He doesn't know if anybody at the table remembers when that was mud. He knows Commissioner Becht isn't old enough, nor Mayor Benton and Commissioner Sessions. He wouldn't venture about Commissioner Coke, being a lady they don't talk about ages. Commissioner Alexander may remember when it was literally mud and water from 2nd Street out to now what is the seawall. The issue came up of filling that area during the tenure of Wallace Sample, which was a two year tenure. It became a very hot issue. Mayor Sample worked very hard on that issue. He had secured the titles to that land that was under water and was mud. He was able to finally convince his Commission to go ahead and get that filled. There was a question of the permits, it probably was not as difficult as it is today, but fortunately he got it done. And that whole area they know as Indian River Veterans Memorial Park was filled in. Mayor Sample went through a difficult time. It was called Sample's Folly and Sample's Sandpile. But because of that, there is a very fine area of Fort Pierce that he is sure they have plans to develop further. As much importance as it was to the land they now have available was his willingness to take the chance that it would have severe political implications to him. Mayor Sample set a fine example; but he was defeated for re-election and that ended his political career. But because of Mayor Sample, they have that land. He is simply asking that they consider some type of memorial

indicating that Wallace Sample was the Mayor who got that done. He has no particular recommendation as to what kind of memorial, whether it is a plaque at the Seven Gables House or bronze plaque along the waterway or any number of things. He had a short meeting with City Manager Recor, who had some ideas he thought were very good should the Commission wish to approve what he is asking them to do. So he will leave it at that. He would suggest that if they do wish to proceed with it, that they have the City Manager and maybe a member of the Sample family meet and work out whatever might be appropriate. It was an important part of their history, a part that has really helped in the development of their community.

Mr. Marty Laven, 2400 South Ocean Drive, said he comes before the Commission as the President of the Marine Industries Association of the Treasure Coast to extend an invitation to join them this coming Thursday evening at the Harbortown Marina at the Harbor Cove Restaurant between 5:30 p.m. and 7:30 p.m. At 7:00 p.m. they will be addressed by Mr. Don West, St. Lucie County Engineer, regarding the scheduled dredging of Taylor Creek. He just wants to point out that Harbortown Marina is one of the ten largest marinas in the State of Florida and makes a major economic contribution to this area. Mr. West will begin his remarks at 7:00 p.m. It is a casual affair with a modest cost. They are invited to be their guest. He hopes they can join them, the elected officials and staff as well.

The next item on the Agenda was Public Hearing on Application for Conditional Use submitted by Trinity Lutheran Church to operate a pre-school facility for 14 children in the Fellowship Hall building at 2011 South 13th Street; said property zoned R-2, Single Family Intermediate Density Zone.

Ms. Diann Ploetz, Planning Specialist, said Trinity Lutheran Church has been in operation since 1953 on this 4.77 acre parcel of land. Approximately 3 acres of the property was originally owned by the City of Fort Pierce and deeded to the church in 1960. The subject property was recently rezoned from OS-1, General & Recreational Open Space, to R-2, Single Family Intermediate Density, to allow churches and preschools as conditional uses. The adjoining properties to the north, south, and west are owned by St. Lucie County and are zoned OS-1, also with Land Use Designation of I, Institutional. The property to the east is occupied by public schools and is zoned R-1, Single Family Low Density, with a Land Use Designation of I, Institutional. The applicant is proposing to operate a pre-school facility for 14 children in the existing multi-purpose fellowship hall building. The building consists of two offices, two study areas, two storage areas, a kitchen, two restrooms, and the 560 square foot pre-school area, which all open into the Fellowship Hall in the center of the building. The preschool will only be operated during the morning hours of the weekday and will not interfere with any weekday church-related activities that are normally held during the afternoons. Based on the predicted weekday traffic, the proposed project will have an insignificant impact on the traffic flow in the subject area. The church is providing a total of 86 parking spaces, of which 43 are paved per Section 22-60(b)(6) of the City Code which

requires that 50% of the required parking for a church facility be paved. The facility will be parked adequately with the existing 200 fixed-seat sanctuary parked at the required one space per three fixed seats, or 67 spaces, plus 15% for related structures on the same parcel of property or 11 spaces, as required by Section 22-60(d) of the City Code. Landscaping consists of 5 Live Oaks, 12 Laurel Oaks, 29 Pine trees, 4 Mahogany trees, and plantings of Hibiscus, Ixorias, Wax Myrtles, Silverhorn, Holly, and Queen Palms. The existing landscaping complies with Section 22-187 of the City Code. A total of four notifications for the Conditional Use were mailed to property owners located within 500 feet of the property line. As of today, a total of two responses have been received, both of which approve. All affected Departments have reviewed the proposed Conditional Use and have approved it based on it meeting the requirements of the City Code. On January 13, 2009, the Planning Board voted unanimously to recommend approval of the Conditional Use. As the proposed Conditional Use is consistent with the Comprehensive Plan and meets the requirements of the City Code, Staff recommends approval of the Conditional Use to operate a pre-school at 2011 South 13th Street.

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

Mr. Clyde Hesse, Treasurer of Trinity Lutheran Church, said he doesn't have anything to add to that report. He just wanted to let them know he is here and would like to proceed with the preschool. They got approval to do the rezoning, so they would like to proceed with the Conditional Use.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Conditional Use submitted by Trinity Lutheran Church to operate a pre-school facility for 14 children in the Fellowship Hall building at 2011 South 13th Street.

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

The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by Crossroads Plaza FP I LLC to allow the **Florida Nexus Park**, a biotech research facility, to operate at **2705 - 2823 Peters Road**, said property zoned C-3, General Commercial Zone.

Ms. Diann Ploetz, Planning Specialist, said in accordance with Section 22-30(c)(16) of the City Code, the applicant is requesting approval for a Conditional Use to allow a biotech facility to operate in a C-3, General Commercial zoning district, with a Future Land Use designation of CG, Commercial General. The property is located at 2705-2823 Peters Road on 20.01 acres. The building previously operated as the Manufacturers Outlet Center and Florida Furniture Mart. The subject property and the adjacent properties to the north,

south, east, and west are zoned C-3, General Commercial Zone, and the Future Land Use designation is CG, Commercial General. The access points to the facility are indirectly off of Okeechobee Road and directly on Crossroads Parkway and Peters Road. The existing parking lot is located in the front of the building for parking, with loading and unloading areas at the rear of the building. There are 726 parking spaces, which was parked at one space per 200 square feet for retail service establishments. The parking includes 15 handicapped parking spaces. A letter submitted by the applicant states that the traffic will be de minimus based on the previous uses. The applicant will be making landscaping improvements to the site to bring the property into compliance with the City Code, including the landscaping around the retention areas of the development. The property owner is working with their Urban Forester. Additionally, due to vandalism to the existing parking lot lighting, a lighting plan was not provided. However, when work commences on the property, power will be restored and the lighting will be evaluated to determine compliance with the City Code. A total of 30 notifications for the Conditional Use were mailed to property owners located within 500 feet of the property. As of today, a total of 14 responses have been received, all of which approved. All affected Departments have reviewed the submittals and have approved the proposed Conditional Use based on it meeting the requirements of the City Code. On January 13th, the Planning Board unanimously recommended approval of the Conditional Use. As the proposed Conditional Use meets the requirements of the City Code and is consistent with the Comprehensive Plan, Staff recommends approval of the Conditional Use to operate a biotech facility at this location.

Commissioner Becht asked what is a biotech facility?

Ms. Ploetz said it is a research facility.

Commissioner Becht asked is it defined in their Code?

Ms. Ploetz said as a research facility.

Commissioner Becht asked so they do have a definition for biotech facility?

Ms. Ploetz said they would categorize it under research facilities under Section 22-30(c)(3).

Commissioner Becht asked is manufacturing allowed in a research facility?

Ms. Ploetz said yes.

Commissioner Becht said he doesn't want to throw cold water on what appears to be a good idea. To label it biotech in St. Lucie County is to welcome this thing with open arms. But what he is seeing is the potential for turning... It is a dead space right now, he doesn't think there is a whole lot happening there. But if they had the chance to do planning, they probably would label this as a retail area where it is, they would not

label it as a manufacturing area. His concern is, what is being colored as a biotech facility is nothing more than changing this to a manufacturing area. Does Staff care to comment on whether that is a good idea or a bad idea? If it is a bad idea, how do they protect themselves from this turning into not the vision of a biotech facility that is all clean and very nice, but into nothing more than a manufacturing facility of frames, glasses, and that kind of stuff?

Ms. Ploetz asked is he talking about large manufacturing?

Commissioner Becht said he doesn't know what the applicant is going to do there. Staff's recommendation is to give him a Conditional Use to operate a biotech facility. There is no biotech facility definition in the Code, but there is a research facility definition in the Code. And Ms. Ploetz just advised him there is manufacturing that is allowed there.

Ms. Ploetz said up to 20%.

Commissioner Becht asked so there is a limitation that only 20% of the square footage...?

Ms. Ploetz said yes, 20% of the square footage.

Commissioner Becht asked is that of the land or of the building?

Ms. Ploetz said of the building.

Commissioner Becht asked the applicant is aware of that?

Ms. Ploetz said yes.

Commissioner Sessions asked in the staff analysis dealing with the traffic flow, he takes it they made their decision that traffic would be at a minimum based on information they received from the applicant. But did they go above and beyond that to do some research on similar facilities or anything to make a more valid determination as to whether or not the traffic flow is going to be as the applicant indicated?

Ms. Ploetz said they did give this to the Engineering Department for traffic. Because there is no new construction to it, they will not review it.

Commissioner Sessions asked in-house, they can't get a review?

Ms. Ploetz said it is not in the Codes to review it for traffic if there is no new construction.

Mr. Jack Andrews, City Engineer, said the project is a Conditional Use. In their Code it does not permit them to request a Traffic Study from an individual. But they went ahead and did it in-house, they reviewed what the applicant is proposing. It is a lesser use than what was originally permitted there. It was a full commercial center before. This is a research and manufacturing facility, which is a lot less intense use. So they are okay with the traffic situation there.

Mayor Benton declared a Public Hearing on Ordinance No. L-75 in session and asked if anyone in the audience wished to be heard.

Mr. Harry Zucker, CD Atlantis LLC, said he is the Manager for the Developer and very excited about bringing this project through the City of Fort Pierce and getting it going and providing jobs and opportunities in the City.

Commissioner Becht asked could he tell them what it is precisely that they are planning to do here? He just heard 20% of what they are going to be able to do is manufacturing. What will the other 80% be?

Mr. Zucker said currently this is going to be an ophthalmic park. Ophthalmic is basically a fancy medical word for eyes. It is being modeled after a similar park in Columbus, Ohio. Anyone who wears glasses knows glasses have many different pieces in them. They are in negotiations with companies who do all different types, but he would like to give them an idea so they have an idea of the uses they are talking about. Lenses get coated with ultraviolet coatings. They get coated with different shades, etc. They are talking with a coating company that coats lenses. They are talking with a sunglass company that imports sunglasses in from Germany and distributes out of a facility. They will be having a sales force and be doing distribution out of there. They are talking with a guy who makes equipment. When they go to the doctor's office and look into the machine and the doctor asks, is this one better or that one better? They make a better machine than what the doctors currently have. There are a lot of different uses. One is a company that does what is called free-form technology where they manufacture lenses and they cut it using diamonds and newer technology, so they can make the glasses better than what they are used to right now. They basically moved it from an assembly line process to more of a machine process where they can get it down to 1/1,000th of an inch of precision into it. So it different uses, but all optical related. What they found is a synergy amongst tenants, that they all like to be inside the same sort of facility where a doctor could be calling in a prescription or somebody could be using a diagnostic equipment. It would go into one facility. They would make the glasses, cut the glasses, and somebody else would coat the glasses, another one would have something else to do with it. So really it is a great synergy that happens amongst the tenants. The potential of it to grow in the City is great. In Columbus, Ohio, at their height they had about a million square feet of all optical-related companies like Bausch & Lomb. Their master plan is that they have additional land holdings that go all the way up to Graham Road on both sides of Peters Road where they could potentially go up to this 1.2 million square feet or whatever number is permitted to be developed there with frontage along I-95 and make it into a biotech cluster, but specializing in ophthalmic uses.

Commissioner Becht said thanks for that explanation because that helps him a lot. Nowhere in his explanation did he mention retail, where the public could come in and buy a pair of

sunglasses. Mr. Zucker mentioned manufacturing, warehousing, distribution, and several things. He would like to see them here in Fort Pierce. Because this place has not worked as retail, it seems to him that maybe it needs to go industrial. Which takes him back to the question to Staff. They are coloring this as a Conditional Use, which essentially allows them to use this commercially. It is C-3. But they are going a Conditional Use route to give them essentially industrial zoning. Why wouldn't it be cleaner for him just to go with industrial zoning? Is that out of the question here?

Ms. Ploetz said under the C-3 zoning, as a Conditional Use they can use the semi-permitted uses under Industrial. That is where this is coming from.

Commissioner Becht said the last time he reviewed this, they had to have some retail component if they were going to do that. He doesn't have any retail component.

Mr. Zucker said there is a possibility that there will be retail. They own a 1.2 acre parcel that is part of the 20 acre parcel that fronts part of the entire parcel.

Commissioner Becht asked is it part of what he is asking the Conditional Use for?

Mr. Zucker said yes.

Commissioner Becht said again, he doesn't want to come across as not welcoming him. He is just trying to put him where he might fit more neatly.

Mr. Zucker said they worked with Staff and they looked at that; but they can't run into a situation where there is a doctor who wants to be doing eye exams in there that they would have that problem where they can't do the eye exams, or somebody who wants to sell sunglasses and they wouldn't be able to do that.

Commissioner Becht said so this actually works better as C-3 than Industrial.

Mr. Zucker said exactly. They went through all the different zonings.

Commissioner Becht said he thought through this.

Commissioner Sessions said he just wanted to extend to Mr. Zucker an appreciation in light of his choosing the City of Fort Pierce. He hopes and anticipates and even prays that he is successful at doing so in light of potentially employing about 500 people. It certainly would be an economic boost for this community. He knows he probably had several places he could have chosen. But he is in the right place. Hopefully it will work out for him.

Commissioner Alexander said he does truly welcome him to Fort Pierce and any business associates he can bring along with him.

Mayor Benton said Mr. Zucker is a part-time resident here. He brought this to him over a year ago. He has been working with EDC and Mr. Pelton.

Mr. Zucker said this will be a great springboard for the City. They are working with the EDC in bringing companies to Fort Pierce. It seems those have been staying down in Port St. Lucie, maybe incentives have gotten them into Port St. Lucie; but it is something they could discuss later, how that works. But they worked with the EDC and also with Enterprise Florida, which is the Florida Department of Commerce, who very much wants to see things happen here and they are very much concerned about the unemployment rates in St. Lucie County. They are helping to get the financing to make this project happen, actually both of those two groups. He has pulled a lot of different strings here. It is great real estate. So hopefully they have a long successful project.

Commissioner Coke said again she would like to welcome him to the City. Just for their own information, Mr. Recor their City Manager, she is sure has taken over among his other responsibilities, they had passed a resolution allowing Mr. Beach (former City Manager) to work on economic development for their City. So if things slow down and he needs a little boost in that area, she would suggest he call Mr. Recor.

Mr. Zucker said that would be very helpful, that and processing the Brownfield application that has been pending for about six months.

Mr. William Roberts said he is from Eye Care Center Labs on Oleander Avenue here in Fort Pierce. They manufacture optical lenses for close to 40 accounts in the area - MD's, OD's, and free-standing opticians. They have three full-time employees, four part-time employees. His question arises, the press releases have indicated as Mr. Zucker said the eye wear industry, they are wanting to develop eye wear research/manufacturing company in the area. Has there been consideration as to how this will affect the established optical lens manufacturing and retail of Fort Pierce and St. Lucie County?

Mayor Benton said he thinks Mr. Zucker's comments were, they are going to maybe do very little retail. He thinks they are looking at putting a product together that may be shipped all over the world. Mr. Roberts would have to have that discussion with Mr. Zucker. Those details, he couldn't answer.

Mr. Roberts said he is just the small guy here.

Mayor Benton said they care about the small guy. He doesn't think this will affect him, other than maybe give him another product to sell. But he would have to ask Mr. Zucker.

Mr. Roberts said fair enough.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Conditional Use submitted by Crossroads Plaza FP I LLC to allow the Florida Nexus Park, a biotech research facility, to operate at 2705-2823 Peters Road with the conditions that the applicant make lighting improvements and landscaping improvements to the site, including landscaping around the retention areas of the development, in order to bring the property into compliance with City Codes.

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

Commissioner Alexander said as a point of reference, maybe they can have Code Enforcement to get what he asked about last year, clean up behind in the rear of this property and make it less of an eye sore, that old putt putt...

City Manager Recor said the go-cart track.

Commissioner Alexander said it is over a year now. Maybe this can help boost that too.

Ordinance No. L-75 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE A PARCEL OF LAND LOCATED ON THE **EAST SIDE OF SOUTH 37TH STREET, NORTH OF WHITEWAY DAIRY ROAD AND SOUTH OF DEBERRY 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. (Owned by: Mount Bethel Baptist Church)

Ms. Leslie Olson, Historic Preservation Officer, said this is the second reading of the annexation and then the next Agenda item will be the rezoning.

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

Mr. Daniel Retherford, Engineering Design & Construction, Inc., said he is here to answer any questions should any arise for the annexation or the rezoning.

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 Coke, that Ordinance No. L-75 be passed on second and final reading

Those voting in favor of the passage of Ordinance No. L-75 on second and final reading were: Commissioners Alexander, Becht,

Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-78 entitled, "AN ORDINANCE REZONING PROPERTY LOCATED ON THE **EAST SIDE OF SOUTH 37TH STREET, NORTH OF WHITEWAY DAIRY ROAD AND SOUTH OF DEBERRY ROAD**; FROM E-3, SINGLE FAMILY RESIDENTIAL ZONE, TO R-2, SINGLE FAMILY INTERMEDIATE DENSITY 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: Mount Bethel Baptist Church)

Ms. Leslie Olson, Historic Preservation Officer, said this item is a request for a zoning atlas amendment for a property that is currently being processed for annexation (Ordinance No. L-75). The applicant is concurrently requesting approval for the change in the zoning classification from E-3, Residential Single Family three dwelling units per acre, to R-2, Single Family Intermediate Density five dwelling units per acre, to construct a church and to retain the building coverage of 30% allowed in the County, as City E-3 allows for 25% building coverage. The 5.28 acre parcel is currently vacant and is located on 37th Street, north of Okeechobee Road, west of Hartman Road, and south of Peterson Road. The site is bounded to the north by City R-1, to the west by County RS-3, to the south by County RU/Utilities, and to the east by County CN/Commercial. The proposed zoning change is not inconsistent with the surrounding land uses in the vicinity. In addition, the property location is consistent with the R-2 zoning classification as it is located within the FPUA's urban service boundary. Part of the analysis regarding rezoning applications requires a comparison of the impacts of the capacity of the five public facilities for which concurrency is applicable. This change in zoning classification can result in an increase of 30 dwelling units. The change in zoning can increase demand on potable water/wastewater by 7,800 gallons per day. As the change in zoning is an increase in residential density, there can be an increased demand on park and recreation facilities. In accordance with Florida Statutes, the changes in zoning classification that result in an increase in residential dwelling units must be reviewed for school capacity. The change in zoning can demand an additional nine students in K-8 school and four students stations in high school. At this time the concurrency service area serving the City of Fort Pierce is anticipated to have adequate capacity. The change in zoning classification can result in an increased demand on transportation facilities by 15 PM peak hour trips per day. In addition, the increase in density will require three times what is needed to serve the existing zoning classification regarding solid waste disposal. At their December 9, 2008 meeting, the Planning Board voted 7 to 1 to recommend approval. 33 property owner notifications were sent out to those property owners within 500 feet of the subject property. To date, 10 responses have been received - 3 in support and 7 in opposition. All respective Departments have reviewed and approved the application. As the proposed rezoning is generally consistent with the Comp Plan and the existing Future Land Use designation retained by the property, and as the rezoning satisfies the amendment standards specified by Chapter 22 of the City Code,

Staff recommends approval of the change in zoning classification from E-3 to R-2.

Commissioner Alexander asked did he understand she said it was 7 opposing versus 3?

Ms. Olson said yes.

Commissioner Alexander asked staff still approves?

Ms. Olson said it meets the basic criteria of concurrency.

Mayor Benton declared a Public Hearing on Ordinance No. L-76 in session and asked if anyone in the audience wished to be heard.

Mr. Daniel Retherford, Engineering Design & Construction Inc., said he is here to try to address any questions that might come up.

Mr. C. A. "Pete" Borland, 901 South 33rd Street, said he is a fifth generation in St. Lucie County and presently raising the seventh. He is here to say they are not in agreement with this rezoning. This property is a piece that he believes his grandfather owned many years ago. He has been over it many times. In fact, he thinks his grandfather farmed it and he happened to ride on the brown mule he farmed it with, so he knows it well, especially when that mule decided to go to the barn at 4:30 every afternoon with or without him. Nonetheless, what these folks want to do is way out of what is in this area right now. There are a whole lot more people who obviously didn't send in their papers who are against this. It is kind of tough to argue against a church. A church has the heaviest hitter in the world behind it. He understands they want to build a church there. There are other churches in that area. Their concern is the units per acre that might go there. And what might happen, or maybe what people want to do with it and what will happen, are two different things. They don't have any parks or recreation in that area. He believes they only have one public school in that area, which is a magnet school. The roads have just had millings put on them within the last ten years and that road is grossly not taken care of, only on complaint. So their reservations with this is the heavy rezoning that is being asked for, it is unique to that area. He doesn't believe there is any other parcel in that area save one on 33rd Street; and that was built by a former St. Lucie County Commissioner, and how he did it, he doesn't know. Nonetheless, most of their properties in there are large lots, parcels of acreage. They like to have their animals, they like to have their orchards. They are not against progress; but going from two or three units per acre to what these folks want, he thinks is way too much. So they respectfully stand in opposition to this. He thinks the number of people who sent in notices against it - he believes it was 7 to 3 - signifies this, because there are a few more who are in deference to it.

Mr. Richard Borland, 3503 Peterson Road, said Pete Borland is his older brother. They have lived here for many generations. He has no problem with the church. It is the heavy density.

There are a lot of single family homes there, large lots. The change in density really alarms him. They have endured heavy traffic on Peterson Road, 37th Street, Deberry Road, and Whiteway Dairy Road from a development that didn't quite finish called Bent Creek. He constantly has to deal with City Police and other people coming to and from work who live in that development doing 60 miles an hour up a 35 mile an hour road. Increasing the density on this property makes no sense whatsoever. He is not crazy about the fact that they are trying to annex it into the City. This is kind of the hole in the doughnut there. They really don't want the City there, to be honest with them. He tells it like it is and the cards are on the table. But this density issue needs to be addressed. It is too much in too less of an area that is equipped to deal with it.

Mayor Benton said just for the record, the development he was talking about - Bent Creek - was approved by the County and then annexed in. The owner of this property has requested to be annexed into the City. It is not something like a hardship they have placed on them. But the density here is a lot less than was approved for Bent Creek and all that development there between Hartman Road and Jenkins Road. He agrees, that was way too much. He knows this is in the County; but this is one of the lowest density zonings the City has, R-1 and R-2 are the least residential they have.

Mr. Borland said he understands that. They have worked to replat some of that family property so their kids could build homes there. They have respected that density. They would like for everybody else to respect that density. They want to raise their families. Like his brother said, they are working on the seventh generation. Hopefully there will be an eighth or a ninth generation. This is something that is near and dear to their hearts. Not every property owner, not near the percentage, were notified. He spoke with people who had no notification of this. There was a sign put up. But there was really nothing mentioned about the annexation into the City. The only thing they got was the rezoning letter.

Mayor Benton said that is the only time they would be notified is for the rezoning request.

Commissioner Sessions asked where does he live at in proximity to this proposed parcel being rezoned?

Mr. Borland said take 37th Street to the north. His daughter lives on the corner and he lives on the next lot. His family owns from 37th Street to 33rd Street and from Peterson Road to Deberry Road, except for one parcel. It is owned by multiple family members. And not all of them were notified of this, or he assures them they would have received more negative votes.

Ms. Shirley Divoky said she lives at 1047 South 37th Street with her husband Jerry. They live straight across the street from where that is going to be rezoned for the church or whatever is going up there. She can look out her front window and can see it. They have been there 29 years. They have two acres of land

there. Her next door neighbor is Hilda Carlton. Ms. Carlton is very ill, so she gave her a proxy and she is speaking for her too. She has two acres right beside hers. They oppose this. They don't need this. There will be riff-raffers and everything in there. They don't need it on their street.

Commissioner Alexander asked what is riff-raff?

Ms. Divoky said people who will get them in trouble.

Mayor Benton said hopefully this is a very nice church.

Ms. Divoky said she is a Christian lady. She goes to church every Sunday. She likes churches. But they have two up the street and she has one right behind her on Hartman Road. They just oppose this very much.

Mr. Forest Grose said he lives at 904 South 37th Street, which is one parcel from the property that is proposed. It is a density issue to him too. He has lived there for many years, raised his kids there. The road isn't maintained unless there are complaints. Millings were put down some years ago; and unless somebody complains, nobody does anything about it. He is opposed to it too for traffic issues.

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

Commissioner Becht said the reason stated in their packet for the rezoning request that they want to cover 30% of the property instead of 25% of the property. Is that why they want the change in zoning, or is there another reason?

Mr. Retherford said that is the only reason, to retain the 30%.

Commissioner Becht said the problem he has with that is, by his calculations on 5.28 acres at 25% they could put up 57,500 square feet of building. In that neighborhood that is a lot of building. So he is asking the Commission to give him this extra density - that scares both the neighbors and himself - so he can have roughly another 11,000 square foot of allowable space on this property. There is no Site Plan before them. If he were going to build 57,000 square feet of building, he certainly would have a Site Plan here tonight.

Mr. Retherford said he assures them that is not the plan. They do have a Site Plan probably ready to submit within days. They are almost finished with everything.

Commissioner Becht asked what can't they do within 57,500 square feet?

Mr. Retherford said the purpose is just retaining the property value and the property rights, that is all.

Commissioner Becht said thank you for that clarification.

Commissioner Coke said she has a hard time without a Site Plan

and knowing specifically. Because in the last seven years she has been sitting up here, they have had one or two people who came in front of them and swore up and down - this is what they are doing if the Commission will just change this little bit for them. And then she drives down the street and she sees a 65-foot tall boat storage facility that was not at all what any of them up here voted for. Forgive her for being skeptical or apprehensive, but she has a very difficult time looking to change density without something in black and white in front of her without a true need or an illustration. As a matter of fact, they turned another church down a couple of years ago that wanted to rezone some property they owned to increase their land value; and they denied that because they didn't have a Site Plan. She has a hard time moving forward with increasing density when she doesn't know what she is actually getting here. Technically, if they gave him the increased density, he could walk out there and have somebody waiting in the hallway, sign the papers, sell the property, and they have that increased density. Without something tied to it with a Site Plan and a possible variance if there were a need for a variance, it is very difficult for her to move forward. It is kind of buying a pig in a poke, not knowing what she is getting.

Ms. Olson said Mr. Recor and she have consulted, and Mr. Recor has consulted with Mr. Schwerer. If the only issue is lot coverage, that can be handled under the E-3 zoning district with a variance.

Mayor Benton said that way the residents might feel more comfortable and he thinks the Commission might be, and they can still build their church.

City Attorney Schwerer said churches are Conditional Uses in both of those zoning districts. So no matter what happens, it comes before the Commission. But he does believe the issue of a variance or that route when and if the time comes when they want a variance from that 25%, that is when they need to raise that issue, not up front. And it should come before this Commission with a Site Plan so they are fully aware, because it is a Conditional Use in either zoning category.

Commissioner Becht said when they want to build more than 57,500 square feet of building, then they would need their variance.

City Attorney Schwerer said that is correct.

Mayor Benton asked are there any members of the church present tonight in the audience? (No one responded.) Normally when they see a church like this, they see usually a full house from all the church members wanting to move forward with this. So it is a little surprising tonight.

Commissioner Coke said the Pastor is from Fort Lauderdale.

Commissioner Alexander said he doesn't like to defend anyone, but because of the fact he does know this minister. He rents one of the most largest buildings, the Temple, on a weekly basis. He understands what the neighbors are saying. But if he says he is going to build a church here, that is what it is

going to be, a church. He is not defending him; but he lives in Fort Lauderdale, and if he was asked to be here, he would guarantee this place would be packed.

Mr. Retherford said the applicant, the guy running the show lives in Fort Lauderdale. He is not a professional by trade and he is helping the church out. That is the reason.

Mayor Benton said if he could build this church under the current zoning with a Conditional Use, it doesn't create a hardship.

Mr. Retherford said their plan is to submit the Site Plan with the Conditional Use probably within a week. Their square footage does not exceed what is allowable right now in the Code. When he purchased the property, he had certain property rights and value based on the allowable square footage for a building. The whole purpose for the rezone was simply to preserve that square footage. It helps the property maintain its value, that is all. If he builds the church, he has no issue because he is not going to exceed that. But he was just trying to maintain the value of the property based on the square footage allowable under its current zoning in the County.

Mayor Benton said whether this passes or not, he can still build that church. That was his main consideration, he would think.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to deny passage of Ordinance No. L-78.

Those voting in favor of the motion to deny passage of Ordinance No. L-78 were: Commissioners Becht, Coke, and Benton. Those opposed: Commissioners Alexander and Sessions.

ORDINANCE NO. L-78 FAILED TO PASS.

Mayor Benton said the rezoning has been denied. But they can come back under a Conditional Use and build that church. If he has plans to submit, please submit them. He thinks this way hopefully the residents will feel comfortable and so will the pastor.

Commissioner Sessions said he would encourage Mr. Retherford to perhaps get with the residents. Pastor Glover, at least his membership, are people who are very workable. He is working for them, so he knows them just as well as he does, the congregation. Perhaps they could all reach some type of amicable resolution to this. Because if in fact this church goes up, he can assure them that it will be a very positive integral part of their community in light of what they have done out on Juanita Avenue. But hopefully everybody can get together and try to reach some type of resolution.

Ordinance No. L-77 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 23, HISTORIC PRESERVATION, ARTICLE V, CERTIFICATE OF APPROPRIATENESS; CREATING SECTION 23-43(a), IDENTIFYING A MATRIX OF ADMINISTRATIVE REVIEW FOR CERTAIN TYPES OF APPLICATIONS;

AMENDING SECTION 23-43, DELEGATION OF REVIEW AUTHORITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Ms. Leslie Olson, Historic Preservation Officer, said as the Historic Preservation Officer, she is bringing forward this text amendment. Under the current Certificate of Appropriateness process, every change to the exterior of a property that is either designated historic or in a Historic District must undergo a Public Hearing process with the Historic Preservation Board. This process adds at least 1-1/2 months to each building permit for a historic property or a property in a Historic District. While the Public Hearing process is very useful for significant changes made to properties which will impact the character of the structure or the district, other changes are minor. These minor changes should be reviewed and approved by the Historic Preservation Officer without a Public Hearing. Adding an Administrative Review process for minor changes will speed up the permitting process, alleviate unnecessary items for the Historic Preservation Board to review, and will create more time for Staff to work on other important projects. Staff created the Administrative Review Matrix, which will be adopted by reference in the text amendment, with input from the Historic Preservation Board, Planning Staff, the State-certified local government, input from Historic Preservation Officers from across the State, and local stakeholders. The Matrix for Administrative Review has been created based on the following criteria. Staff Review will happen if the changes will not impact the appearance of a Historic District, when the changes to historic structures will remove non-historic materials and restore historically appropriate materials, and other select minor changes to the property. The Board will review at the Public Hearing all other changes to a Historic District or a historic structure. The proposed ordinance is consistent with the Comprehensive Plan and the purpose of Chapter 23 of the City Code. Staff recommends approval of the proposed ordinance which would amend the City Code to create a Delegation Matrix for administrative review and approval for certain types of Certificates of Appropriateness.

Mayor Benton asked does this mean if a business wanted to put up a sign in a Historic District, it wouldn't have to wait for 30 or 60 days? It could go right to her office for her approval?

Ms. Olson said actually, that would be a change in the appearance of the Historic District. Signage under that parameter actually goes to the Board.

Commissioner Coke asked can they change that here?

Ms. Olson said yes, they may.

Mayor Benton said add it to the matrix then.

Commissioner Coke said Historic Districts need business too.

Mayor Benton said even certain businesses wanting to have a landscaping plan had to wait. Is this something that could be approved by her also?

Ms. Olson said actually the Matrix on signs calls for historic structures, like the Sunrise Theatre, to be reviewed by the Board. And non-historic structures, like Commissioner Becht's office, would be reviewed by her.

Mayor Benton said he thinks they need to do something about the signs. The Renaissance building, what the Sunrise Bakery had to go through to get a sign over there was a little ridiculous.

Ms. Olson said she has been trying to balance the concerns of preservationists against expedition. She is a very conservative Historic Preservation Officer, she is not going to rubber stamp anything. But she is happy to make that change regarding signs, she is making it right now.

Mayor Benton said he thinks everybody up here would agree.

Commissioner Coke asked how great is this? Ms. Olson is making the change right now.

Commissioner Becht said he had concerns with the way the ordinance is drafted. It says, "The Board may delegate to the Historic Preservation Officer..." He is not understanding the flow chart. He thought they could tell the Board what they are going to do and she then would have the power. He doesn't want to have to wait for the Historic Preservation Board to make their minds up that she may have this power. He wants her to have the power.

Ms. Olson said that is a good point. This language was taken from the West Palm Beach ordinance that has the same language and she will simply change it to "shall".

Commissioner Becht said okay. So she is going to have that power and they are not going to have any quibbling with the Board on that. The Matrix is probably going to have to evolve as she bumps into different problems. It seems more appropriate for the Historic Preservation Officer to have the authority. The Mayor mentioned landscaping. He is looking at the parking. If he has a non-contributing structure and he wants to change his parking lot from concrete to pavers, he has to go through Board approval to get the pavers down?

Ms. Olson said under this Matrix, yes.

Commissioner Becht said he doesn't like that. He thinks she has enough sense to know those pavers look better than concrete. Why does he have to go through the Board? If he is wrong, tell him.

Ms. Olson said she thinks that is a good point.

Commissioner Becht said so at least for non-contributing, he thinks the Historic Preservation Officer should be making that

decision. That was the only one that jumped out at him. What he would like to convey to Ms. Olson is to thank her for doing this. It is going to make Fort Pierce a lot more business-friendly, development-friendly. If the Matrix turns out to not be working the way she wants it to work, please bring it back immediately, lets expedite it. Because he probably gets a phone call a month saying this is ridiculous, they want to spend money, they want to improve their house or their office building, and they can't do it because they have gotten caught up in this. So the Matrix is an excellent solution. It balances the historic preservation with expedience. He likes what she has done. Please bring it back if there is something else that doesn't work well.

Commissioner Sessions said he understands it the Historic Preservation Officer's position with regards to making decisions as it relates to exterior changes only. For the most part he guesses they are giving her discretion to do so. One of the things that comes to his mind is, when they talk about exterior, they ought to also keep in mind quality. Quality would certainly impact exterior. So is that not a concern of hers? Because at that point they have discretion to make a decision one way or the other regarding the quality of the materials that are used for exterior improvements.

Ms. Olson said correct. All Certificates of Appropriateness, whether they are reviewed by her under this administrative process, or they are reviewed by the Board after a review by her, goes through the Secretary of the Interior Standards for the Treatment of Historic Properties and they are very exacting. In order to get a recommendation of approval, it needs to be high quality.

Commissioner Coke asked have they done what they needed to do to educate people that this affects the entire Historic District and historic buildings? She happens to work in a historic building. The last time it was painted, she and her mom picked out the colors. And they didn't come over to City Hall and ask would the City like these colors if they painted it? Or when they had to replace part of the roof, they purposely did what they could to have it as close to the original as possible. But she doesn't think that 50% of the people who are owning, operating, or making improvements on these buildings are aware of the fact that they are supposed to come and tell her this is the color they would like to paint their building, and then ask is it all right with her?

Ms. Olson said they really don't want them to find out about that through Code Enforcement, but that is sometimes how it happens.

Commissioner Coke said she thinks they have not done what they need to do to educate people. She thinks if at some point in time they were passing ordinances that narrowed peoples right to choose and right to maintain and operate their own property to the degree of the color of paint, they would have had a room full of people in an uproar and quite frankly rightfully so. The Harbor Federal building, there was a big fight here about the blue roof. Someone on staff previously did not want that

building to be allowed to be built in Historic Downtown with a blue roof. And what a wonderful addition it is to downtown.

Ms. Olson said Commissioner Coke is quite right. Part of her job as the Historic Preservation Officer is to educate the public about Historic Preservation. One of her long range goals in this position is to create signage within the Historic Districts. She already reaches out to realtors who are selling these properties and who say, just tear it down and those kinds of things. She thinks signage would be one way to educate people that there is a Historic District and they live in it. But there are a number of other ways and she is always open to ideas about how they can do that more effectively.

Commissioner Coke said she is all for preservation and she appreciates the history behind the area and a lot of the buildings downtown, but she is also a big proponent of personal property rights; so she thinks they have to find a balance. Certainly if people have now found themselves in a Catch-22 that they are bound by rules and regulations that they don't even know exist, the number one thing they need to do before Code Enforcement knocking on the door saying they don't like that color they painted their building, repaint it... Some of these buildings could cost tens of thousands of dollars to paint and the City doesn't pay for the paint. So she thinks at bare minimum they have a responsibility and obligation to these people to inform them of what they are expecting from them. So if they could maybe look into how they can better educate the owners of these properties as well as what the rules and regulations are, she thinks that will end up causing them all a lot less problems in the long run.

Ms. Olson said one of the things she has done is created a binder that she has on the front desk of the Building Department. So before they hold them up for a COA (Certificate of Appropriateness) when they are in the middle of the permit process, they know ahead of time to come to talk to her before they submit for their building permits.

Commissioner Coke said but some things they don't need a permit for. They don't need a permit to paint their building or a lot of those other little things.

City Attorney Schwerer said while staff certainly would recommend that the Commission use this opportunity to make changes to the matrix, they would not recommend any text changes to the ordinance as it stands. He understands the concern was that whether or not this is going to be administratively referred to the Historic Preservation Officer. It is by this language. But they need to keep the language this way because there is an option for the applicant to not deal directly with the Historic Preservation Officer, but go directly to the Board. Some applicants may feel better going to the Board, and that is preserved to them, rather than to go to one bureaucrat or one staff member for approvals. It says in the ordinance here that the delegation of review shall be depicted in the matrix that is attached; but it also says in there that any applicant may request referral to the Board rather than an Administrator

Review. He thinks that is something they need to keep there. Please don't make any text changes at this point in time. It would be difficult to sustain it now and it would have to go back through the process of being reviewed because that would be a major revision.

Commissioner Alexander said when he hears Mr. Schwerer say things like that, it is troublesome to him. Because when he says make him go back and change anything, he does as they request him to do, right? His concern is, this is brought before them and he doesn't think he sat down with each Commissioner and reviewed this. The Commission is supposed to put this on the public's shoulder regardless of how they feel about it and he has a concern about that. They change the ordinance he thinks every year. People get thousands of changes, change their mind. He just doesn't think this is something he can put on his desk on a holiday weekend and expect for him to just go along with whatever, especially Mr. Schwerer when he says don't make him go back and change it.

City Attorney Schwerer said Commissioner Becht made a suggested change to the wording of the text.

Commissioner Alexander said that is Commissioner Becht's concern.

City Attorney Schwerer said he understands. He is advocating that the Commission not make any changes to that text for the reasons he explained.

Commissioner Alexander said but when it sits on his desk months at a time, not just this one in particular. But any kind of lack of communication, it is troubling to him when they put it in the public's hands and demand that they follow suit. If not, Code Enforcement is going to be there knocking on their door telling them whether they can put polka dots on their paint job or not. He just has a problem with that, when they start telling businesses that they can't come into this City with a blue roof. He has seen thousands of blue roofs and that was troubling. Just for this to be placed on his Agenda, for him to have to review this along with thousands of other sheets of paper and then give an okay tonight, he has a problem with that.

City Manager Recor said this is first reading.

Commissioner Becht said he wants to have a clear understanding how Mr. Schwerer sees this. His concern is that he wants this Commission to make a decision, which he thinks they may make tonight or they may make it later on, but the decision they are going to make is to take power away from the Historic Preservation Board and they are going to give it to the Historic Preservation Officer. And he doesn't want to put the Historic Preservation Board in a position where they can quibble over what the Commission has taken away from them and what they have granted to the Historic Preservation Officer. He appreciates the language in the ordinance which allows the applicant to say he would rather go with the Board or he would rather go with the Officer. But he doesn't want the Board to be able to make that

determination. He wants the applicant to decide he either wants to go with the Historic Preservation Officer or he wants to go with the board. So that ordinance as drafted tonight, is the power with the applicant to decide whether he wants to go with the Board or he wants to go with the Officer?

City Attorney Schwerer said absolutely. If the Commission adopts this Matrix and the applicant comes to Staff and Staff approves it, the Board has no power to override that approval. But if the applicant chooses to go to the Board, he has the ability to do so.

Commissioner Becht said okay. Then he is all right without the change, because the applicant has the power to go either with the Officer or with the Board.

City Attorney Schwerer said correct.

Commissioner Coke said the way she is understanding this, all of these rules and regulations are already in effect. What they are looking to do this evening is take some of the tediousness out of the process of having to go in front of the Board and enable the John Q. Citizen to just come and speak with the Historic Preservation Officer directly and move forward with what they want to do. That part of it she thinks is very helpful, because she had some concerns with some of these rules and regulations to begin with. She doesn't think this is actually taking power away from the Historic Preservation Board. She thinks what it is doing is streamlining the process and enabling citizens and property owners to move forward in a much faster and efficient manner. She thinks the big ticket items, things that the Historic Preservation Board still needs to review, they appreciate their time and effort and everything they do with that. But this is going to enable the wheels of the City to turn a little bit faster.

Ms. Olson said yes, that is one of the reasons she initiated this. The Board spends all of its time at this point reviewing and holding Public Hearings for Certificates of Appropriateness that are often quite small and minor. She could much better use their time and their expertise on larger issues, such as nominating properties to the National Register of Historic Places which brings tourism here, or creating additional Historic Districts that she would have the time to manage because they have an Administrative Review process. There are a lot of things that their expertise she really appreciates and she would like to see them spend more time on bigger issues.

Mayor Benton declared a Public Hearing on Ordinance No. L-77 in session and asked if anyone in the audience wished to be heard.

Mr. Marc Meyers, Building Official, said he wholeheartedly endorses this. Commissioner Becht mentioned he gets a call a month? He gets a whole lot more of those. The Historic Preservation Board doesn't need to be tied up in a minutia of these smaller projects and decisions. They have a professional staff member, that is what she is supposed to do, she is trained to make those types of decisions. It is extremely frustrating

for residents to try to get a building permit. Staff wants them to maintain and fix their properties. If they are in a Historic District, this takes away more hoops they have to jump through. This simplifies things and makes it much easier to get a permit and get an approval to maintain their properties.

Commissioner Becht said as he understands the way this is drafted, if the applicant comes in and chooses the Historic Preservation Officer to make the determination, and she makes a determination he doesn't like, he can immediately then go to the Board. He doesn't have to resubmit and everything else, so there is an appeal process in place.

Ms. Olson said yes. Then if the applicant doesn't like the Board's decision, he can appeal to the City Commission.

Commissioner Sessions said his question was going to be, if an applicant had a problem with her decision, what was the appellate process and whether or not there was ample opportunity to appeal.

City Attorney Schwerer said there is.

Mr. Meyers said for the larger buildings such as the Renaissance, if there was a prior approval for a standard, all signs had to meet this standard, the Sunrise Bakery wouldn't have waited this long. If there is a standard, this is what it has to be, then it could have been done very quickly.

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

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, to approve the Certificate of Appropriateness Approval Matrix as modified; and that Ordinance No. L-77 be passed on first reading.

City Attorney Schwerer asked could Ms. Olsen announce the modifications to the Certificate of Appropriateness Approval Matrix so the Commissioners understand what they are voting on?

Ms. Olsen said they modified the Matrix - which is adopted by reference - for parking standards for both contributing and non-contributing structures, and for signage for contributing structures.

Those voting in favor of the motion and the passage of Ordinance No. L-77 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Request by Peter Harrison, Adams Ranch Inc., for 12-month extension to the **Site Plan for Bridgewater II Office Building** project at **511 South 2nd Street**.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, to approve a 12-month extension to the Site Plan for Bridgewater II Office Building project at 511 South 2nd Street.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; RECOGNIZING THE "**BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS**" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC.; AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 09-07 be adopted.

Those voting in favor of the adoption of Resolution No. 09-07 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE DIRECTOR OF FINANCE ON BEHALF OF THE CITY COMMISSION TO MAKE CONTRIBUTIONS TO THE **CITY RETIREMENT SYSTEM** FOR COMPENSATION PAID TO MEMBER **COMMISSIONER EDWARD BECHT** FOR SERVICE AS A CITY COMMISSIONER; AND TO CONTINUE THE CITY'S CONTRIBUTION AT THE PERCENTAGE RATE SPECIFIED BY THE ACTUARY FOR GENERAL MEMBERS FOR AS LONG AS COMMISSIONER BECHT CONTINUES TO BE A MEMBER.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, that Resolution No. 09-08 be adopted.

City Clerk Steele said Commissioner Becht is abstaining, but he needs to state the nature of his abstention publicly before the vote.

Commissioner Becht said this inures to his own personal financial benefit, being enrolled in the Retirement System.

Those voting in favor of the adoption of Resolution No. 09-08 were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: None. Those abstaining: Commissioner Becht.

The next item on the Agenda was Mayor Benton discussion on request for a memorial in **Indian River Memorial Park** honoring former Mayor Wallace Sample.

Mayor Benton said he thinks everybody up here has received the same letters he has. He just felt it was time to bring it to the Commission's attention. He knows there has been discussion with the City Manager on this item. So he wanted to get their thoughts, if there is interest in a plaque or something.

Commissioner Alexander asked are they planning to erect any new buildings on that site itself?

Mayor Benton said he will put it this way - in this economy, he doesn't think so. He knows they have plans for the park over there, but he thinks the plans start with the Veterans Memorial. He thinks what they are looking for is maybe just a plaque along the walkway, recognizing the fact of how that park was created.

City Manager Recor said that is correct, similar to the CeeCee Ross Lyles Memorial. Along the walkway there is a little cutout and similarly they could do something in honor of the former Mayor and Judge Sample. There are a host of alternatives, but that seemed logically like a good place to start the discussion.

Commissioner Sessions said to whom much is given, much is expected; so they might have a big contribution toward a great big building after they give them this.

Commissioner Coke said she thinks it is a great thing. It is not only a good opportunity to say thank you to someone, but it also is the opportunity to leave something there that will educate people a little bit more of their history, how that park was created.

City Manager Recor said in his discussions with Dr. Dannahower, his thought was that it would be something more than just a name on it, but maybe a bronze plaque that tells the story in a very brief narrative, this is how the park came to be. Sharing the history and his contribution to the park.

Mayor Benton said maybe the Sample family and the City Clerk, any information they can get to educate all of them a little bit more, they can see what they have in the archives and take something from there and bring it back in front of them.

City Manager Recor said the Historic Preservation Officer has already started that process.

Commissioner Becht said he would like to move forward with what Dr. Dannahower has initiated, who is a former Mayor himself.

Mayor Benton said they can have something brought back in front of them, he thinks everybody agrees.

Commissioner Alexander said yes, absolutely.

The next item on the Agenda was Mayor Benton discussion regarding billing alternatives for **Solid Waste Fees** charged to City residents.

Mayor Benton said he wasn't looking for decisions to be made tonight. He just put this information out here. The request came to him and he thought maybe they could take a look at it and see if there was enough interest to send it to Staff to put a little time in it and come back, or leave it as is.

Commissioner Becht said someone had mentioned that the County

has a different way of collecting these fees through real estate taxes. He would like some feedback from Staff on that. He for one would like to not make a decision on it, but he would like to have information on it, as to what would be involved in doing it and is it a better program? Getting 95% of their monies in December and January versus the billing, he doesn't know which is better. And he doesn't know how they would convert it from monthly to this billing process.

City Manager Recor asked do they want to have that discussion tonight, or are they looking for a response in writing?

Commissioner Becht said he didn't expect them to be prepared to have that discussion tonight, no.

Mayor Benton said if there is enough interest for Staff to... After talking to Mr. Hopkins, it is a little bit more complicated. There is a difference between residential versus commercial. There was discussion about when they would get the money, whether it would be the following year. It is up front. He knows that is the way it is done in Port St. Lucie and in St. Lucie County. Before Staff wasted any time, he wanted to make sure the Commission felt it was worth looking into.

Commissioner Coke said she has some concerns about the difference between annual and monthly. The other concern she had when she was reading some information she got from the Utilities Authority. She is a firm believer that developers need to pay their own fair share when they come into the City, rather than burdening the rest of the taxpayers. Mr. Thiess in his memo made a very valid point that the reason they have instituted inactive fees is because otherwise the people who are here year around are picking up the slack and paying for things that other people have access to. If people go away, it does not lower their cost, they don't lay people off from Solid Waste. The same as the FPUA has to keep their services, the utilities and the water there ready to serve, Solid Waste has to have trucks ready at a moment's notice when these people come back to these vacant properties. She is wondering if they don't need to consider a charge, maybe it should be a greatly reduced charge, but maybe there should be a charge for that. They still have to keep people, they still have to keep the trucks running, they still have to buy insurance, they still have to maintain those same vehicles. And she doesn't really think there is a cost savings to the Solid Waste Department to not provide those services. They probably still have to go to six houses on the street, just not the seventh. So she is wondering if they shouldn't be analyzing what the actual cost is; and if there is no savings, if they should consider instituting an inactive fee charge the same as the Utilities Authority does.

Mayor Benton said that is what he is looking for, to see if they could have this information. If there is enough interest, bring it back so they could have a lengthy discussion. He is sure the public will be very interested in this.

Commissioner Becht said at the last meeting when Ms. Johnson went through her Quarterly Report, his recollection is she

mentioned that they were not being paid timely for the electricity sales tax and the Solid Waste fees. Have they been paid for the fees that FPUA collected in January for electricity and Solid Waste?

Mayor Benton said he believes so. Every Commissioner should have gotten a copy of the pay schedule for the last year. The Utilities Authority is looking to electronically deposit that now. It is supposed to be done within 20 days. That is what they are looking at doing.

Ms. Gloria Johnson, Finance Director, said yes, Ms. Hurtubise did send a form over for them to institute the electronic payment. She assured her that they should be getting that on time. They filled the forms out and have sent them back. This will be the first month that they actually get it, so they will see what happens.

Commissioner Becht said actually what he thinks they were looking for was, where is it written as to when they are supposed to be paid?

Ms. Johnson said it is due on the 20th of each month.

Mayor Benton asked is there interest enough for Staff to take a look into it and bring it back? (The Commissioners agreed.)

The next item on the Agenda was Commissioner Coke discussion regarding a Local Preference Ordinance.

Commissioner Coke said she didn't get into a lot of detail on this because she wanted to get feedback from all of the Commissioners first. She has spoken for years about what she calls neighbors building neighborhoods. She thinks they all agree, especially in these economic times, if they are going to spend taxpayers money that they collect here, that if they can exercise due diligence to spend it locally, then that gives their residents and the residents of the County and the very immediate surrounding areas the money to pay rent locally, pay utility bills locally, buy gas locally, and buy groceries. She was fortunate enough to get several different local ordinances regarding this, not knowing what everyone's preference would be. In Gainesville the Commission declared that funds generated in the community should to the best extent possible be placed back into the community. They defined a local business as a vendor having a valid business tax receipt issued by the city at least six months prior to the bid or proposal. They talked about cost differential for local purchasing, they talked about some exceptions to the policy. Mr. Schwerer provided her with ordinances that are in place in the City of Marathon, Gainesville, Port Orange. She is thinking if they are ever going to consider it... She knows they always say to Mr. Barnes, these people aren't local or have they considered local. Maybe what they need to do is ask staff to review and pick out the best parts of these ordinances and give them a proposal on a preferred local vendor ordinance.

Commissioner Becht said he is in favor of that.

Commissioner Sessions said he understands where she is coming from. He is a proponent of doing so as well. But his only concern is, being the City of Fort Pierce they have such a very high labor force and along with that they have high unemployment unfortunately. But if other surrounding cities start taking the same position as they do, are they somewhat limiting their citizens from going in other municipalities and doing work?

Commissioner Coke said they can define local as not necessarily the City. They could give a preference to City. But certainly the Treasure Coast, which is regional. They talked about this at the last TPO meeting that FDOT comes down and hires people from Tallahassee and Gainesville who come down here, work Monday through Friday, and they get in their trucks and go home, and they pay their rent bills, their utility bills, and buy their groceries up there. But if they look at something that would give their City residents employment or contract preference, but not to the exclusion of not being inclusive for St. Lucie County, Indian River County, Martin County, and Okeechobee County. The Treasure Coast area she thinks should be their real push for that.

Mayor Benton said he agrees with Commissioner Sessions. He thinks it is a good idea. It is always a philosophy he has had that they want to hire local people. But if they put it in writing, his concern is that they are going to penalize their local contractors trying to get a job outside of this area, especially in this economy. There could be an area where there might be a lot of work. And if everybody in Florida jumps on this wagon - which it appears there is a lot of interest in different cities and counties - it could penalize these folks. In the past when they looked at something like this, they would want the input from the Chamber of Commerce and the Treasure Coast Builders Association. He mentioned it to some members this morning at the meeting with Senator Martinez. It is something they are weighing also. So he thinks it is something they should really take a close look at, because he doesn't want to penalize people from working outside of Fort Pierce and outside St. Lucie County.

Commissioner Coke said that is why she was inclusive of the entire Treasure Coast region. She doesn't think there are too many of their people who are going to get in a car and drive down to Miami/Dade to work.

Commissioner Sessions said she would be surprised. The labor force, they have to go where the work is.

Mayor Benton said half of Port St. Lucie used to work in Dade County, Broward County, and Palm Beach County. He likes the philosophy; but he is just afraid if they put something in writing, it would penalize their folks.

Commissioner Alexander said they have contracts that insist on a portion of that contract be utilized in their local work force. They don't do that. They don't consider it. Like Commissioner Coke said, they bring them to this City and take their paychecks

back home. They are not spending any money in this City, but they are taking all the dollars out of the City. That is where he has a concern for them to look at it. It wouldn't do them no harm because it definitely is not doing them any good now. They are not benefitting one way or the other, but they are spending the people's money. Millions of dollars going out of this community, coming from this community. He doesn't think that is right.

Mayor Benton said when it comes to the Federal Courthouse, the contractor there as much as he is supposed to use a percentage of local help and minority help... He doesn't know what that percentage will be. But they should have seen the looks on the businesses downtown when he walked around and explained that by June he expected to have 500 people renting places here and eating lunch in their businesses downtown. That really put a smile on a lot of faces, because these people aren't going home every night, they are going to be here for several months if not a year and up to four years. But they are helping out their economy at a time when it really needs help.

Commissioner Alexander said he will guarantee they won't see too many 30 minute lunch breaks downtown eating lunch. It takes that much time to get their food. They are talking about Federal jobs. That is where he got the notion from was because of Federal jobs because he knows they insist on minority and local and all that. There is nothing that they had the decision, that was done 20 or 30 years ago.

Commissioner Coke said the County was speaking about this a few weeks ago and she has noticed the change in the climate of how they are doing business. Recently the County had some big beautiful government buildings built in this area where the people who were in charge of purchasing the flooring, the computers, the electrical, the furniture, and everything else, never even spoke to local vendors. They got in their little vehicles and went down to Palm Beach County and purchased all of those things and came back here. So she thinks it is important that whenever possible they give consideration. The bottom line is, they especially as a government entity need business here that pays taxes. If they are not supporting their local businesses who employ local people, then what is going to happen is they may have to go elsewhere for jobs or they may go out of business and it diminishes their tax base. They can't afford to have that happen any more than it already has.

Mr. Tony Barnes, Director of Purchasing, said they put a matrix together of local preferences and things of that nature that are in place. He has a short version of it he would like to give to the Commissioners and City Manager and City Attorney for them to look at this and make determinations as to how they want them to go about doing that, because there is a myriad of ways they can get this accomplished. He wants to make sure that he has the consensus of this body to do this a certain type of way.

Commissioner Coke said she appreciates that he did that. Part of the reason she brought it up is, because in the not too distant past they have something where they were awarding a bid

and the gentleman said he was local, that he had a business license.

Commissioner Becht said he didn't have.

City Clerk Steele said it was applied for.

Commissioner Coke said therein lies the problem. That is why she really thinks they need to reduce something in writing and get a system set up. They had approved this gentleman, they gave him the points for being a local vendor. And he did not have a local address, he did not have a local business tax. The theory was, if he was awarded the job, he was going to rent a little office up here and get a business license. She thinks that just absolutely is the wrong reason for him to have gotten points for being a local vendor, just because he was saying he will open an office up here. They get some companies like Burkhardt which has moved an office up here and has staff that moved up here, they have been living here for years, and they basically really have a local office.

Mr. Barnes said there are three things they need to consider when they look at this. What is going to be this Commission's definition of local? At what level will that decision be made? Some make it at a Staff level. Some present everything to the Commission and the Commission has the choice to make. And finally, what submissions - bids, RFP's, RFQ's - where do they want to initiate this process? Those are the three things he thinks they need to consider when looking at this and talk amongst each other.

Commissioner Coke said she is glad that is what Mr. Barnes thinks they need to consider. But she is telling him, greater minds than both he and she, but several attorneys have already written the ordinances and defined the things that should be considered - the finding of facts, the definition of a local business, how to give preferences in purchasing and contracts.

Mr. Barnes said he understands that; but each ordinance they look at is completely different. They have to weigh which one would be better for them, that is all that he is saying. He is not saying what Miami did was better than what another city did. But he wanted to give them some factual information to review and maybe it can shed a better light on it. Staff is prepared to do whatever the Commissioners want them to do.

Mayor Benton said get them that information tomorrow. What they can do is take a look at it and they can have this item back on the Agenda for further discussion.

Commissioner Sessions said he can appreciate what Commissioner Coke is saying, they should support their local businesses. But he just has some concerns about Purchasing Directors who may start talking in Palm Beach County and Brevard County - he knows how they all talk amongst each other - and they start culling their labor force out and calling them to be black sheep so to speak and discriminate against their labor force. He sees that happening. He is just concerned about that.

Commissioner Coke said she can get everybody copies of these ordinances. But a large part of that is addressed in these different ordinances. Because it is not necessarily directed to labor forces, it is directed more toward contracts and bidding procedures. The guys in the labor force don't go out and bid jobs.

Commissioner Sessions said but these are the individuals who do the jobs though.

Commissioner Coke said yes, they are. But wouldn't it be nicer if their local businesses... How many times has she heard Commissioner Alexander say they are bringing people in and meanwhile local guys are standing on the street corners with no work? That is because they are hiring companies out of Palm Beach who bring their little mini-van of guys up for the day to do the work, rather than going over to their local labor force and hiring somebody local.

Commissioner Sessions asked she doesn't think with a matrix in place with enforcement of the matrix, that will address that without putting it in stone? Perhaps that same stone could be used to be thrown at them. He just doesn't want to subject their people, their citizens out there trying to get employment...

Mr. Barnes said that information is included in this matrix, so they can look at it and weigh it.

Commissioner Coke said the other side of the coin is, there is provision in each of these ordinances for a variance in price. They certainly are not going to pay a local vendor \$100,000 for a job somebody from Tallahassee could do for \$50,000. There is a certain variance involved in it. It has to be a competitive type of thing, but there should be a local preference in it .

Mayor Benton asked does everyone agree that Mr. Barnes get that information to them and this can be scheduled maybe at the next meeting for discussion?

Commissioner Coke said she would request if they are all going to review information, that they review the information she got from the City Attorney's office, which is existing ordinances.

Mr. Barnes said he has those too, plus about eight or nine more. He will include everything in the packet.

Mayor Benton said if it is an Agenda item, have everything included in that.

The next item on the Agenda was Commissioner Alexander discussion regarding bringing motivational speaker **Victor Woods** to Fort Pierce.

Commissioner Alexander said he is talking about their teenagers, they will be cutting up and being foolish young people. He doesn't say that in any derogatory way. He just wants their

kids to have the courage to live. As Victor Woods said, never give up. He was at a conference and this young man... He knows there was some material in the packages that they read about him, but if they weren't there in his presence, they can read books and books about him and never understand or grasp it. But he had the opportunity. Some of their Police Officers was there, citizens, children, and Commissioner Sessions. He saw the kids and how their children were well-behaved. For instance, being in the conference with these kinds of individuals who motivated their children to be even better and outstanding. Because they were recognized at several different occasions as being brought up forward, saying see how these young people are acting? If they were to bring those same kids back here to Fort Pierce, they live here, and they wouldn't give them that accolade from the City of Fort Pierce because they don't, they don't get these things. He says this because this individual did a whole lot for thousands of children that he knew not one. The thing that intrigued him most of all was he was introduced by a Chief of Police from his hometown that he gave such a hellacious time in trying to put handcuffs on him. He walked into the Chief's office, turned himself in, and from that moment on the Chief had the utmost respect for him. The Chief goes all over the country and introduces this young man to the citizens. When he speaks of citizens, now he is speaking of children. The schools don't get the opportunity to do these things. Their prisons surely don't, because those teach them to be bigger and better lawbreakers when they get out. He just thought that was something that was discussed amongst the Police Department and what they can do. With crime going down and the reason why, they don't have any excuse for it, they just figure they are getting lucky. He doesn't think so. If this Commission had not done some different things in the past few years, he thinks they would still be in a world of trouble. He thinks because they did take these bold steps... The Chief can tell them - he knows, he lives it first hand - that they have turned this City around. If they don't keep motivating their kids, if they have nothing to do, if they have no jobs... They can't even get the people that they spend millions of dollars to hire them because first thing they can't even pass the simplest of things to get a job. It is sad. Their children went to different homes and pulled their parents out and took them to the polls and voted. Victor Woods being a child of parents that were professional people, they didn't give up on him. If they don't give up on their kids... It is not because he read it somewhere, he was in his presence. For that young man to have everyone under his control from the time he opened his mouth to the time he said he is going to sit down, this young man was amazing to the adults as well as the children. He just thought maybe that was something they could work with the Police Department. He understands he is supposed to come here to do some type of interview with the Chief or sit down with them all in a skull session. He just wants to give him an opportunity or chance, give their kids a chance and the courage to live. Because there are worse days ahead than what they are exhibiting now. Just for discussion. He doesn't know if he can answer any of their questions, but surely the Chief can step right in and assist whenever he feels like it. He just thinks this is an opportunity they have.

Chief of Police Sean Baldwin said he believes Captain Sandifer is already working toward the goal of bringing this young man here to do some education in their community and it will probably take him a couple more weeks to get that information together. He will be happy to sort of chaperone that and see if they can make this happen.

Mayor Benton said share that with the rest of them, because a motivational speakers that are good can really make a big impression, especially on young people. If it is something they can do through the schools, that is what the high school students need to hear at this time. They need to hear from some of the kids that maybe started out with a rough life, but turn their lives around, and know that they can do it and it can be done. One thing about America, there is the opportunity to change their ways and be very successful.

Commissioner Sessions said he had an opportunity, like Commissioner Alexander, to participate and observe the young man speak from a motivational standpoint. One of the things that stood out in his mind was that this was an individual he could relate to so many young people in the City of Fort Pierce when they look at how high their juvenile delinquency rate is. Here is a person who grew up on the streets of Chicago and he was a bad boy so to speak, very bad. He made a tremendous change and he is now a positive citizen. Something he would hope they could do and change the lives of some of their own young people. Mr. Woods went off to prison. He came back and is now motivating young people and has grabbed a lot of young people's attention. That is what caught his attention was the fact that he was able to get their attention. If they have anything to do with young people, they understand that if they grasp their attention, they can influence them. This is a person who grasped their attention. Mr. Wood used some measures that he would never think of, but he accomplished the job and he did influence those people. He doesn't know the cost involved, but if it only saves the lives of one or two people, which he is sure it will save the lives of several people, it would be well worth the investment. And it would be something different from this dias, doing something like this for the first time. He thinks it would be money well spent. He is sure each of them will be proud of the outcome of this.

Commissioner Coke said she thinks they need to make sure they maximize this opportunity if they can, depending upon when they are planning it. If they are planning it during a spring break or at the beginning of summer when kids are about to get themselves into trouble. If they can have the opportunity to have this gentleman come and speak to the PAL organization and the different summer camps right at the beginning, it might be the perfect timing to start planning that now. Just for Commissioner Session's information, this would not be this Commission's first venture into this field. Three or four years ago they brought Joseph Jennings here, who was a reformed gang member. This Commission supported him. She took him around to the School Board and he spoke eleven times in the week he was here to different school organizations and out on the street.

Now Mr. Jennings has since relocated and he started the RAW DAWGS Youth Corps here. All of that came about because this Commission went out on a limb and said yes, they are going to spend the money and bring him here and pay for him to go to the schools to try to curtail some of the gang activities that was happening there. She has seen him speak many times, always going with the intent of watching the children's reaction to him. He is such a powerful speaker, she ends up watching him herself, rather than watching the kids. This does make a positive impact. She is just hoping they can do it in a time frame where they can maximize the impact. When the kids have that structure of school, they are at risk, but not nearly as at risk as that first day of summer vacation.

Mayor Benton asked can Chief Baldwin bring this back to them as soon as possible?

Chief Baldwin said yes, he will do that.

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

City Clerk Steele said they have the applications in front of them for consideration. There will be resolutions on their next Agenda.

Commissioner Alexander asked before when they had board members come before them, they had it broken down into districts where it was showing that the City was represented by all districts. It is in which one? All of these applications he received? He doesn't think so. Maybe it is an oversight by him. He is speaking on all the recommendations. Some of these Boards they had applications but they had to pick and choose which one is going to be serving on the boards, right? One reappointment and one alternate. They have three applications. What are they going to do with that?

City Clerk Steele said that will be dealt with at the next meeting. These are just for their consideration. The resolution and that picking and choosing he was referring to will take place at their next meeting.

The next item on the Agenda was City Attorney request City Commission direction regarding the Appeal filed by Curtis Boyd to reverse the action of the City Commission that reversed the Historic Preservation Board's Decision for demolition of the Governor's House at 111 Boston Avenue.

City Attorney Schwerer said the matter of the Governor's House appeal is back before the Commission as a result of the Court decision. He issued a memorandum explaining their options. They can discuss anything in greater detail that they would like concerning that memorandum. The matter is back for a final vote. They must convene at some point in time to take a final vote with Commissioner Sessions being allowed to participate. So it will be the full Commission voting. They have options on how they want to handle that. In his memorandum he pointed out that it has been over a year and several months since this was

last before them. Should they choose the option, which is allowable because this is a quasi-judicial process and they are the judges and they are the jurors and they make findings of fact and conclusions of law, so they are also able to set their procedure. As far as procedure is concerned, if they choose to simply reconvene for a vote, then he is recommending that the City Clerk at least provide the Commission with a package of material she still has on file, the minutes, some photographs, and there is other documentation that may have been submitted by the parties. They would not necessarily need to reopen any public hearings. They would not necessarily need to have any additional evidence presented before them unless of course they so chose to do that. Of course, they also have the option of going to the other end of the spectrum; and that is, to require a complete rehearing before them. But that is not an option they are recommending. They are certainly mindful of the lengthy process that has already been before them, the two nights of evidence and testimony. That can be produced to them in a record form for their review. Should they choose that, then they can simply direct that the City Clerk include on their next Agenda or whatever Agenda they want to, to convene for the vote. They would simply convene on the Agenda item for the final vote, have a discussion concerning the evidence and testimony amongst themselves, and a motion and vote on those motions.

Mayor Benton said so in other words one of their options would be, if the City Clerk provided them the material, they could have staff and the other side give a very brief summary.

City Attorney Schwerer said they could do that. That is an option. If they think they could not glean from the materials a sufficient grasp of what was presented to them...

Mayor Benton said he could. He was just looking to everyone else. He has been through this over and over again.

Commissioner Coke said she can get it from reading it.

Commissioner Becht said he thinks they all ought to have a special meeting on that.

Mayor Benton said he is going to vote then.

Commissioner Becht said no, he has to abstain.

Commissioner Alexander said his concern is number one, the citizens of the City of Fort Pierce and the families of the Governor's House. For them not to respect their wishes... Maybe he is wrong, maybe he received it wrong coming from that family, that they chose not to be on the side of the City of Fort Pierce as far as argument sake. He wants to know what it cost the citizens. What was the cost of this? For them to go into court and the court to tell them they were wrong, what was the cost associated? Or is that something he needs to talk to him about?

City Attorney Schwerer said he can certainly talk to him about

that. He doesn't think the Court said they were wrong. He thinks the Court had to make an interpretation of the law that was never interpreted. They have set the law and the law is going to be...

Commissioner Alexander said it is some more legal jargon.

City Attorney Schwerer said he would be happy to talk to him about that.

Commissioner Alexander said again, he just has concerns when they speak of other properties in this City of Fort Pierce. People come in and talk until they are blue in the face and it still doesn't do them any good because they just go right there and tear it down. That is just his concern because he thinks he was the only one that was asking the family's wishes to be heard. He knows everybody heard of these wishes, but he grants the family's wishes because it means a lot to him for them to rebuild. But why send Mr. Boyd through what he had to go through? If they wanted the money, he is sure he would have sold the property to the citizens of the City of Fort Pierce. He won't elaborate on it. He will wait until it comes back to them.

Commissioner Sessions said being he was the one that was excluded, he can tell them what he would like to see happen in terms of being able to make a just decision and being included this time. Just reconvene the vote and give him the documentation that was submitted the last time and maybe a brief synopsis from all the parties involved, and they can go from there.

Commissioner Coke asked can they define brief synopsis of all the parties? She asks for that because the last time after she doesn't know how many times they continued it, there was supposed to be 15 minutes, 15 minutes, and it went on for another 4-1/2 hours.

Commissioner Sessions said 10 to 15 minutes.

Commissioner Coke asked at that time the City Clerk will open the trap door; and if people are still talking, they will go away?

Mayor Benton said he thinks it is just allowing Commissioner Sessions to understand and also vote on it. That is basically what the judge ruled was that he should have allowed Commissioner Sessions to vote on it. So he will be voting on it. He would think from the information... There is a DVD of it, because he knows when he was gone, he was so nicely sent a copy of it. He is sure he can also sit down for his entertainment and watch that. He thinks he could get through it within a time frame of 10 to 15 minutes.

Commissioner Coke said not the DVD he won't get through it.

Mayor Benton said no, he can watch that at home. Staff and Mr. Boyd can make a very brief presentation.

City Attorney Schwerer said just for clarity here, so they understand. There are two parties to the appeal technically. The City's Historic Preservation Officer was the one who presented the Director's appeal. It was an appeal of their Development Director. Of course, the Court sustained that saying that was appropriate to have that appeal. But the other party is Mr. Boyd. He would suggest that the Commission make sure they are directing that they confine their presentations to what they consider in the legal field a closing argument. This is not to re-open the case, unless the Commission wants to.

Mayor Benton said no.

City Attorney Schwerer said not to present new evidence or try to argue new evidence. Then that is something the Mayor needs to maintain tight control. Because otherwise they may have a circumstance where, should they go to that point, there could be an issue of the public now being able to participate because it was a Public Hearing. Although it was an appeal, it was a Public Hearing. So they have to be very careful in setting the ground rules there about those types of presentations.

Mayor Benton said he will make it clear that no new evidence is brought in. This is a summary and each party has 10 minutes. They need to schedule it. Do they want to schedule it for the next Commission meeting?

Commissioner Sessions said as soon as possible.

City Clerk Steele said remember they have three meetings next week and Staff has to be involved in those meetings. It is going to be a little tight.

Commissioner Coke asked the second meeting in March, the 16th?

City Clerk Steele said if Mr. Schwerer is okay with that.

City Attorney Schwerer said that is fine. He thinks it is reasonable, because they are going to need some time to look at the record anyway that is submitted to them. He is going to encourage all of the Commissioners to look at the record. It is going to be presented to them, a big stack of materials. Was it six inches thick? There is a lot of material for them to go through and they do have meetings coming up that is going to take a lot of their time. So that would not be unreasonable.

Mayor Benton said let's aim for March 16th. Mr. Boyd?

Mr. Curtis Boyd said his house is at 111 Boston Avenue. So there is nobody speaking? It is purely a closing argument? They will review the record. And somebody from the Historic Preservation Office makes a closing and then he will speak and that is it. Nobody else is being drawn in?

Mayor Benton said he got it just like that.

City Attorney Schwerer said as long as they don't try to comment on new evidence.

Mayor Benton said Ms. Olson will make their case.

Mr. Boyd said he can appreciate that.

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

Mr. Jack Andrews, City Engineer, said they have in their package a status report he prepared for them. He would like to go through and hit some of the highlights in the different phases. Phase I (Bayshore Drive to Gulfstream Avenue) is the last phase that will be constructed. They are still under design and are still waiting for permits for that. They have some of their permits acquired. They have two permits outstanding right now - one with the Florida Department of Environmental Protection and the other with Florida Department of Transportation. Those are the two remaining permits they have to obtain so far. They are also working on that section for the property acquisition of four parcels for the roundabout at Seaway Drive and South Ocean Drive. They have acquired one parcel so far. Two parcels are under negotiation. The final parcel, the appraisal is at FDOT, which has to approve it before they present it to the property owner. Phase IIB is from the east side of the South Bridge to roughly the Pelican Yacht Club. It has started construction. They are taking care of the utility relocations. They have the conduit going in for the underground electric. That is ongoing right now. Drainage work should start in the beginning of March and completion of that project will be May 2010, which will include the roundabout in Harbour Isle.

Commissioner Coke said understanding that their population is cyclical, is there any way that roundabout by Harbour Isle and Chuck's...? It would be so much easier if that were done in the May, June, July, August, September time frame, even if it is a little bit out of sync, because they have less residents at Harbour Isle and less people frequenting the restaurant right there. She is putting her plea in, if they could time that so it is done... They usually like to tear up roads in the middle of Christmas time downtown. If they could try to do that when it wasn't the busiest time, it would really help everybody over there.

Mr. Andrews said it is going to be an inconvenience, but traffic will be maintained. The roundabout has to be constructed in two parts. They have to construct the one half and then switch the traffic over to that one. It is going to be an ongoing process. A lot of it will be done during the summer period.

Commissioner Coke said she is naive, she knows nothing about engineering. When they put that temporary little swerve there like years ago when they were building that Harbour Isle, she thought that was part of the roundabout, that they were done and were going right through there. They could have left it and they would have been halfway done already.

Mayor Benton said while they are discussing the roundabout, there has been some interest by a certain business owner and

there is a petition out there with a lot of people that would prefer that not be built. They are a long way from that. That is going to be built. Is there any way to stop the roundabout? That is basically a done deal, right?

Mr. Andrews said they have permits and they are proceeding with construction.

Mayor Benton said when the survey was done, there was some concerns how close it is going to be to Chuck's. He thinks a lot of people had knowledge of that since day one. He knows many years ago they had a very lengthy discussions on whether to build that roundabout or not. The powers to be at the time and FDOT said it is going to be done. It is beyond changing minds.

Commissioner Coke said years ago before the City even started thinking about taking over the Causeway Park, it had to be five or six years ago when the County was originally talking about what they were going to do over there and they had a very elaborate plan, she knows the current owner of Chuck's was very involved at that meeting and was fully aware of that roundabout and exactly where it was going to be as far as the location of his business. So she can't imagine that it would be him complaining about it now, because he was very aware of it for years and years now.

Mayor Benton said he agrees. It is not really going to be a roundabout, it is more or less an egg shape. This has been in design and in the process for five years. So it is way too late in the process. He knows there was a request and he wanted to make it clear. He knows Mr. Angelos was here earlier this evening. But he is sure it is way too far along to try to stop anything now. He just wanted to make it clear for people signing petitions that it is out of their hands, this is a done deal.

Mr. Andrews said they have a weekly contractors meeting that they hold every week. They have extended the invitation for Mr. Angelos to attend the meeting if he would like to, to see the progress and when actually they will be disrupting him. They have extended that invitation to him.

Commissioner Coke asked has he attended?

Mr. Andrews said no, they just did that in fact today. The final phase of construction, Phase III, which is the portion from Gulfstream Avenue to Blue Heron Boulevard, they are nearing completion of that. They plan on being completed with construction at the end of April, so that section will be finished.

Mayor Benton asked when it comes down to the phase between Gulfstream Avenue to the Pelican Yacht Club, is there the ability if they have to, if that area especially on Seaway Drive and right-of-ways is very time-consuming, for them to cut that in two phases? He thinks the area from the Jetty Lounge area south to Gulfstream Avenue would be all ready to go. Maybe they could have Phase A and Phase B of that so they are not held up.

Mr. Andrews said he thinks they are far enough along with the whole phase that would actually delay things if they were to split it now.

Mayor Benton said he didn't want to delay it. He just didn't see that things were progressing. He knows they are still talking to the Pelican Yacht Club. Now that they have the money, he is getting anxious.

Mr. Andrews said they have redesigned things at the Pelican Yacht Club and they no longer need their easement. So they are proceeding.

The next item was the **Consent Agenda**. Mayor Benton asked does any Commissioner have an item to pull for further discussion?

Mayor Benton said Item 26d (Approve travel and attendance by Mayor Benton to the Treasure Coast Legislative Conference in Tallahassee on March 10-12, 2009) has been removed. He would like to talk about Item 26h (Virginia Avenue Canal Stabilization).

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

- a. Application for **Public Funds** in the amount of \$1,000 submitted by Bret McCain, Spot On LLC, to advertise free **Music Festival** in downtown Fort Pierce on April 11, 2009.
- b. Application for **Public Funds** in the amount of \$1,500 submitted by Rev. Jonathan Ingram, St. Mark Missionary Baptist Church, St. Mark Educational Center, in partnership with the Lincoln Park Main Street, to host a **Community Health Fair** on March 28, 2009.
- c. Application for **Public Funds** in the amount of \$1,000 submitted by Debra Hall, **Bratz in Harmony**, for advertising for the youth group Bratz in Harmony under Sunrise City Community Housing Development Organization, Inc.
- e. Approve Professional Services Proposal submitted by EDC (Engineering Design & Construction, Inc.) for surveying and engineering services for drainage improvements along **Hispana Avenue** in the amount of \$17,320.00. Ref. RFQ No. 5833
- f. Approve Construction Proposal submitted by Burkhardt Construction Inc. for construction of **9th Street Bridge and Dundas Court Bridge** in the amount of \$1,956,480.93.
(Reimbursement by FEMA Grants and FPRA)
- g. Award bid for **Traffic Signal Maintenance** to The Signal Group in the annual amount of \$80,880 for maintenance plus replacement material on as-needed basis. Bid No. 5888
- i. Approve Operation Agreement between the City and the St. Lucie County School Board for provision of **School Resource**

Officers by the Fort Pierce Police Department.

- j. Authorize submission by the Police Department to the U.S. Department of Justice of an Application for **Gang Resistance & Education Training** (GREAT) Program Grant.
- k. Authorize submission to the Florida Department of Environmental Protection, Division of Recreation & Parks, of an Application for 2008-2009 Land and Water Conservation Fund Grant for **Jetty Park** Development Project.
- l. Approve Blanket Purchase Order increase for Total Production Services of Pinellas LLC from NTE \$10,000 to \$60,000 for backline equipment for the **Sunrise Theatre**.
- m. Approve Blanket Purchase Order increase for WGYL/WOSN from NTE \$10,000 to \$25,000 for radio advertising for the **Sunrise Theatre**.
- n. Approve Blanket Purchase Order increase for Comcast Spotlight from NTE \$25,000 to \$35,000 for advertising for the **Sunrise Theatre**.
- o. Approve Blanket Purchase Order increase for Hometown News from NTE \$20,000 to \$50,000 for advertising for the **Sunrise Theatre**.
- p. Award bid for **CDBG Disaster Recovery Initiative Housing Replacement Project** for 1201 Gardenia Avenue to Hartnett Building Group LLC in the amount of \$108,900. Bid No. 5877
- q. Reduce code enforcement lien of \$147,600 against **705 North 22nd Street**, owned by Charles Walcott & Jeff Montgomery, to \$14,760 contingent upon payment within 12 months.

The next item considered was Item 26h, which had previously been removed from the Consent Agenda: Approve Piggyback West Palm Beach Bid (No. 07/08-07 - Waterfront, Lake Shore & Canal Right-of-Way Improvements) with Lucas Marine Construction LLC with subsequent Construction Contract award for Emergency Canal Stabilization along **Virginia Avenue Outfall Canal** (Savannah Road to Hialeah Road) in the amount of \$1,689,001.37. (SMU Bond No. 2 and reimbursement by USDA Natural Resources Conservation Service - NRCS)

Mayor Benton asked the area along Virginia Avenue and 19th Street to the west, do they have any plans to stabilize the canal there?

Mr. Jack Andrews, City Engineer, said yes, that is a portion that has been added to this project. They will be bringing that back as a Change Order to the original NRCS scope of services and that will be included. They were able to secure grant funding for it.

Mayor Benton said he knows there is some serious erosion problems in some back yards there where swimming pools are in jeopardy. He just wanted to make sure they didn't overlook that

while they were there doing the work.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve Piggyback West Palm Beach Bid (No. 07/08-07 - Waterfront, Lake Shore & Canal Right-of-Way Improvements) with Lucas Marine Construction LLC with subsequent Construction Contract award for Emergency Canal Stabilization along Virginia Avenue Outfall Canal (Savannah Road to Hialeah Road) in the amount of \$1,689,001.37.

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

Commissioner Alexander said yesterday since he had nothing to do but look at TV, he noticed that **Channel 27** was in a fizzle or a hissy fit, but it was blank. He doesn't think Channel 27 should ever be blank. He doesn't know the cause or reason for that. It was a holiday. He thinks the public looks forward to looking at Channel 27 versus some other channels. He thought in the beginning that they were going to train City Staff. Are they going to continue to do a contract with St. Lucie County?

City Manager Recor said his recollection is correct, although he doesn't believe it was ever any intent that they would provide the same level of service the County does. They will need to continue to contract with the County. But they want City IT Staff to be familiar with being able to do some of the routine maintenance and updating, and they are, they have a dedicated Staff member assigned for that purpose.

Commissioner Alexander asked when he says continue to do business with the County with their TV, don't they pay the rights to Comcast or whomever?

City Manager Recor said no, they contract with St. Lucie County to provide the service to the City. The City doesn't have the ability to provide that service.

Commissioner Becht said he thinks he misunderstood the question. He thinks Comcast, incident to the telecommunications privileges given to them within the City of Fort Pierce, gives them that channel.

City Manager Recor said he believes that is correct.

Commissioner Becht said then the service of getting the material up-linked to Channel 27, the City has contracted with the County to do.

Commissioner Alexander asked the City doesn't have that capability?

Commissioner Coke said the last time they brought that up for discussion, they decided it was going to be more cost-effective to maintain paying part-time County staff.

Commissioner Alexander said he is just trying to clear his mind.

Did they not have a contract particularly with the young man, Shane with St. Lucie County?

City Manager Recor said they have a contract with St. Lucie County and Shane DeWitt is their operations person.

Commissioner Alexander said maybe he is missing the point. He doesn't see Shane DeWitt.

City Manager Recor said there is a young man behind that glass window there that they pay for.

Commissioner Alexander asked Shane DeWitt?

City Manager Recor said no.

Commissioner Alexander said then they don't have a contract with Shane DeWitt then.

City Manager Recor said no, they don't.

City Clerk Steele said the contract is with the County, with SLCTV.

Commissioner Alexander said against his doctor's wishes, today he was at the dedication to the **Post Office**. He just thought he would put this on the Commission's minds, the ones not there, they missed a great honor to be bestowed upon one of their residents. But two things come to his attention. That is a death trap there on 17th Street and Orange Avenue, seriously speaking, for them to have an event such as that. He doesn't know what they can do. He thinks the Mayor requested maybe two or three years ago to look into that Post Office and ask the Post Office to do something about those properties there. They dedicated that building to a fallen hero, which he was appalled by the condition. But that is something he will look forward to having a painted building. He understands they did just one portion of that.

Mayor Benton said be nice. There will be a time to talk.

Commissioner Alexander said he is going to be nice. But he has a problem with that in their community and the safety and health and welfare of their citizens who have to travel those roads right there in the vicinity of that Post Office. Maybe they can get Jon Ward to look into some of the surrounding properties there, the FPRA might can assist the citizens of this community. He thinks it is something to look into. It is just his observation.

Mayor Benton said it was interesting when they were discussing where the people were going to sit and where they were going to park. Thank God they painted the front of the building. But the USPS has a very difficult budget. Compared to many years ago - and Eddie Enns would back them up and so would a couple of the residents who were very vocal about the condition of that facility - at least the front of the building, the appearance looks better than it has in some time. He thinks now with this dedication and naming it after CeeCee Ross Lyles, it might give

them the ability in the future to request that a little bit more effort go into the building. It is not due to the manager here, it is due to the U.S. Postal Service in general.

Commissioner Alexander said he was thinking of it as a partnership that they could do the Post Office and FPRA. It was his observation, in trying to get in and out of that property, he thought it was ridiculous for the health and safety of the people.

Commissioner Becht said he would echo Commissioner Alexander's concerns about getting in and out of that Post Office. He has tried to get in there, it is a nightmare.

Commissioner Becht said earlier tonight they received a check for \$46,483 in regard to the **Card Room at Jai Alai** on Kings Highway. They touched around this money at various meetings like the Capital Improvements Workshop. Although Mr. Collett intimated that he had something to do with the money coming into the City, it is Mr. Collett's generosity and the generosity of the Jai Alai Fonton that brings this money into the City of Fort Pierce as found money. He would hate to see this money disappear into the General Fund. He doesn't have a real clear idea, and it is not up to him to decide where the money goes, but he would hate to see it dumped into the general budget every year. This is larger than he thought they were going to get this year. He was very surprised and pleased it was a \$46,000. He thought it was going to be around \$30,000 or \$34,000 is what he had been told. There has been discussion about creating a Parks & Recreation Department. He thinks Mr. Recor and he talked about it going into that department, not for salaries, but for capital improvements. \$46,000 isn't going to buy a complete playground, but it will buy a lot of playground equipment, or it could probably resurface a basketball court. With people's propensities to gamble, he thinks this money is fairly reliable.

Commissioner Coke said from adult entertainment to children's entertainment.

Commissioner Becht said wonderful.

City Manager Recor said they heard there were a number of capital needs for the new Fort Pierce Community Center to really make it a viable rental facility to the public.

Commissioner Becht said what he is looking for from the Commission is, what is their vision for this money and can they tie it so it does go into capital improvements. He is not looking for a specific capital improvement tonight, but he is looking for some direction so it doesn't get lost in the general budget.

Commissioner Coke said she likes his parks and recreation capital improvement theory.

Mayor Benton asked does everybody agree? (The Commissioners agreed.)

Commissioner Coke said they have five people voting the same way on something to do with parks and recreation.

Commissioner Becht asked does Ms. Johnson need anything else for that?

Ms. Gloria Johnson said no. It will be put in the fund for Parks & Recreation Capital Improvements.

Commissioner Sessions said he rode by 13th Street today and he looked at **The Oaks at Moore's Creek**. It is looking real good. It has come along real fast and the houses are looking excellent. He has seen out of town contractors burning the midnight oil with flood lights in order to get work done. He has been monitoring that. That is an excellent project. He sees Dorina Jenkins and Jon Ward out there in the audience. He calls this their baby. It is looking real good.

Commissioner Sessions said he saw some young people out there this evening, the **Bratz in Harmony**. He thought they were going to perform. He had also received a flyer that they were going to. He doesn't know what happened.

City Clerk Steele said they did perform.

Commissioner Coke said they were wonderful.

Mayor Benton said it was out in the courtyard.

Commissioner Sessions asked why didn't they perform before the Commission and put them on television?

Commissioner Coke said there isn't enough room in here. Did he see how many of those young ladies there were? They couldn't fit in here.

Commissioner Sessions said he missed out on that one. Did they get the money they were looking for?

Commissioner Coke said yes, it was on the Consent Agenda.

Commissioner Sessions asked did each one of them write them a check?

Commissioner Alexander said he did.

Commissioner Coke said she wants thank the young ladies who performed. They were trying to set up in the lobby, but the lobby wasn't big enough for all these young ladies. Then when they got moving, be glad they weren't inside, because they would have killed themselves and broken legs trying to dance in here. But they were wonderful, they were enthusiastic. It amazed her that a group of that many young ladies could be quiet for that long as they were preparing. Then they had so much energy. It was great.

Commissioner Sessions said **Avenue D** is corridor that they are

trying to change. They are making some major investments in the properties and local land owners are starting to invest their monies in the properties. Maybe they could consider changing the name of that corridor. He knows there had been some suggestions about renaming the street after some flowers, but he doesn't agree with that. But if there were something the individuals in that area could identify with from a historical standpoint, maybe something like the Highwaymen Highway or something along those lines, perhaps they would consider doing that.

Commissioner Coke asked what would they do then with the Avenue D Boys Choir?

Commissioner Sessions said they would have to change their name.

Commissioner Coke said then they wouldn't have a home if there was no more Avenue D.

Mayor Benton said he knows there has been discussion for many years about that. He knows there is a lot of history with Avenue D. Just seeing how these young men with the Avenue D Boy's Choir have changed the image of Avenue D, he would hate for them to lose their identity. The Commission's job is to do what the community wants, but he knows there is a lot of history there.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said in 1917 when Lincoln Park was platted, the name of the street was Selene. That is the historic name of Avenue D. It was a long time before it was Avenue D, they changed it sometime in 1930's, just from the historic perspective.

Commissioner Coke said they would have to get those boys all new shirts, Selene Avenue Boy's Choir. It doesn't have the same ring to it.

Commissioner Alexander asked where did he get that name from?

Mr. Ward said he has the plat of Lincoln Park in his office. He will be happy to show it to him.

Mayor Benton said he wanted to thank everyone and he wanted to thank Senator Martinez and his office for moving so promptly on the City's request to name the **Post Office** at Orange Avenue & 17th Street after CeeCee Ross Lyles. He thinks it will remind everybody in this community about September 11th. They had somebody there on that plane that basically stopped that plane from getting to its destination and saved a lot of lives.

Commissioner Alexander asked are they going to put her name on the building? Are they thinking that little plaque is going to work?

Mayor Benton said that is the way the Post Office wanted it, that is the plaque. He was kind of expecting a bigger plaque.

Commissioner Alexander said he was talking about her name itself

on the building.

Mayor Benton said eventually they might do something. The plaque is the start, that is what they did today. There was discussion about possibly moving her statute over there. There was a lot of talk about it. But he thinks her statute over in their Memorial Park reminds everybody of September 11th and he thinks that is a great memorial the City did. The Post Office, they were concerned about liability. The City like to keep it clean. Over there, maintenance could be an issue. So he thinks it is safer in the park.

Commissioner Alexander said somebody could slow up and get slammed looking at a statute.

Mayor Benton said Senator Martinez earlier in the day met with the folks at the **Economic Development Council**. The City Manager and himself were down there. They met with a lot of business people discussing the concerns with the economy. The only assurance they got was that Washington does understand what they are going through, but they didn't hear a whole lot of offers of helping them with this stimulus money. He hopes there is another shot of it one day that is going to get to the cities and the counties. But it appears it is going to the states. That is not the way they wanted it.

Commissioner Coke said they will be at the TPO tomorrow fighting for their share of it.

Mayor Benton said County Commissioner Lewis mentioned she had a concern about the number of items on their Joint Meeting Agenda. He thinks there were 20-some items and they have a meeting scheduled for three or four hours. So either they hold everything to two minutes or they consider taking a couple of items off that agenda.

Commissioner Becht said there were a lot of things that were on that list that they tasked David Carlin with talking with County Staff on. He is trying to see if that can be eliminated through a greater adherence to the philosophy behind the Joint Planning Agreement. He doesn't think the County Commission understood that a lot of those things are not being abided by by their staff. Any of those things that Mr. Carlin can address with County Staff before the meeting would enable them to take them off.

City Manager Recor said Ms. Outlaw called today as well to talk about ways they could either consolidate or reorganize or eliminate agenda items. For those who don't know, David Carlin and his wife have had their first child, so Mr. Carlin is out for awhile. But Leslie Olson and Paul Williams have stepped up. So they will look at that list and put their heads together and see what they can do about that.

Commissioner Becht asked can they call Matt Margotta back? Tell him they really need him.

City Manager Recor said he will be in the U.S. pretty soon. He will go through a period of debriefing in the states before he

returns. So May is still an accurate time frame.

Commissioner Becht said if Mr. Recor hadn't gotten healthy, he thought they were going to have to reactivate Mr. Beach's contract.

City Manager Recor said Mr. Beach would probably like to come back to work.

Mayor Benton said welcome back to Mr. Recor. He knows he had a tough three weeks there, but they are glad he is in rehab and he is looking good.

Commissioner Coke said change rehab to physical therapy, please.

There will be a Joint Meeting of the Fort Pierce City Commission and the St. Lucie County Commission, and a Joint Meeting of the Fort Pierce Redevelopment Agency and the St. Lucie County Commission, on Tuesday, February 24, 2009, beginning at 2:00 p.m. in the St. Lucie County Commission Chambers, 2300 Virginia Avenue, Fort Pierce, Florida.

There being no further business, Mayor Benton declared the meeting adjourned at 9:40 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

