

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, MARCH 5, 2007.

Mayor Benton called the meeting to order.

Reverend John Lee gave the invocation.

The Pledge of Allegiance was recited.

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

Mayor Benton said he would like to thank Reverend Lee, if he would like to let his boss know that they thank him very much for spending time with them in Washington last week. They knew he had a busy schedule, he guesses he had to meet in the White House with the Miami Heat, but he did take a few minutes to meet with them, so they appreciate that. Thank Congressman Hastings please.

The next item on the Agenda was Approve Minutes of the Regular Meeting on February 5, 2007, and the Minutes of the Special Meeting on February 6, 2007, and the Minutes of the Regular Postponed Meeting on February 20, 2007.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, and unanimously carried, to approve the Minutes of the Regular Meeting on February 5, 2007, and the Minutes of the Special Meeting on February 6, 2007, and the Minutes of the Regular Postponed Meeting on February 20, 2007.

Mayor Benton presented a Proclamation renaming Orange Avenue to GREEN AVENUE for St. Patrick's Day, March 17, 2007.

Mr. Flip Gates said they will start at 10:00 a.m. with a four man Jazz Trio in the morning on the stage on Avenue A, and then the next group to play will be at 1:00 p.m. will be SkeeziX on the south stage by the Sunrise Theatre; the next order would be Sha-Boom on the north stage again and they will go to approximately 5:00 p.m.; and then the Irish Rogues on the south stage will be playing until 7:00 p.m. They have entertainment for the children, vendors, adult beverages, beverages for the children, pony rides. And Mickey Thomas with StarShip will cap the evening off at the JC Penny Parking Lot on a huge stage there and they will play from 8:00 p.m. until 9:30 p.m. and then they will cap it all off with a fireworks show in downtown Fort Pierce set off from the island. They hope everybody will attend. It is free of charge except for food and beverage they may want to buy from any of the vendors and/or from the restaurants in downtown Fort Pierce. They welcome everybody to come, to have a good time, and as the Proclamation says, kiss the blarney stone.

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

Letter from members of the Black History Committee - R. Butch Alexander, Jack Cahill, Larry Lee Jr., and Delores Hogan Johnson - thanking City Manager Dennis Beach for his understanding and cooperation.

Letter from Jason Berger, Office of the State Attorney, commending the following members of the Fort Pierce Police Department for their outstanding dedication, commitment, and professionalism: Sgt. Timothy Gahn, Officer Perry Martin, Sgt. Anthony Hurtado, Officer Eric Eberhardt, Sgt. Daniel Flaherty, Det. Joseph Coleman, Det. Zoila Simons, Officer Robert Fehr, Officer Brian McNaught, Officer Benjamin Thayer, Officer Christopher Guadagno, Officer Christine Davies, Officer Daniel Gilroy, and CSI Tommy Garrason.

The next item on the Agenda was Public Hearing on Applications for **Conditional Use and Site Plan Review** submitted by St. Lucie County Board of County Commissioners to construct a **Special Needs Facility and Multi-Purpose Recreational Center** on the south

side of Lawnwood Regional Park; said property zoned OS-1, General & Recreational Open Space Zone.

Mr. David Carlin, Development Review Planner, said the applicant is proposing to construct a 62,600 square foot building that will serve as the primary special needs shelter for the community during a major storm event. The new facility will be located on the south side of Lawnwood Park. The subject area for development is near the intersection of Virginia Avenue and South 19th Street. The proposed area of development encompasses approximately 10 acres of the Lawnwood Park. The property is zoned OS-1, General & Recreational Open Space. The public use, such as the proposed special needs shelter, requires conditional use approval in the OS-1 zoning district. The surrounding property to the south is R-2, Single Family Intermediate Density. All other properties surrounding the proposed development are part of the OS-1 zoning district. Just to give them a little bit of history about how the special needs shelter has come to light. In 2004, Hurricanes Frances and Jeanne damaged the St. Lucie County Civic Center. Roof damage during the hurricanes caused massive leaking, forcing the relocation of approximately 400 people who were seeking shelter at the facility. People were transported to shelters outside the County, the South County shelter in Port St. Lucie, and the Dan McCarty Middle School. The Dan McCarty Middle School is the closest here in Fort Pierce, but the capacity is really not geared to serve a significant amount of people and it really is not part of the overall master plan for the future for accommodating during a storm. In the summer of 2006, the Civic Center was deemed irreparable. At that time St. Lucie County received approximately \$4.5 million in State grants for a total project value of \$16 million. The new shelter will be able to accommodate approximately 750 persons. Some of the highlights of the project, it is 62,600 square feet, designed to withstand 180 mph winds, and it is fully self-sustainable for 72 hours. When not used for emergency shelter purposes, the new facility will also be used and operated by the St. Lucie County Parks & Recreation Department as a multipurpose recreation center with up to three basketball courts with a daily office use by that Department. Access to the development will be from a single driveway entrance located along Virginia Avenue across from 19th Street. This intersection is not signalized, but traffic management will be coordinated with local law enforcement agencies during special event functions. Dedicated left-hand turn lanes are available for access to the site for vehicles heading east on Virginia Avenue along heading west. Parking for the facility will consist of 78 paved spaces in accordance with Section 22-60 of the City Code. Approximately 750 parking spaces for special events are located directly to the east of the development, which is currently utilized for events at Lawnwood football stadium and baseball complex. The building will actually be situated along Virginia Avenue. Sidewalks will be constructed on both sides of the entrance, throughout the parking lot, around the building, and connect to the existing sidewalk along Virginia Avenue. The building height will extend to 35 feet tall, which is the maximum allowed in the OS-1 zoning district. The retention pond is located outside the 300-foot radius from the municipal water wells located on Lawnwood property in accordance with the Wellfield Protection Regulations. A sculpture park or exhibition area for Art in Public Places will be located to the south of the retention area along Virginia Avenue. Landscaping will also consist of adding 67 new trees for the proposed development. All affected City and County departments that have reviewed the submittals and have approved the proposed site plan and conditional use based on it meeting the requirements of the city code. A total of 75 notifications of the proposed conditional use were mailed to the owners of the properties within 500 feet of the project. As of March 5, 2007, a total of seven responses had been received - five of which indicate approval and two which indicate disapproval. At their February 2007 meeting, the Planning Board voted unanimously to recommend approval of the site plan with the condition that improved sidewalk connectivity be incorporated in the area of Art in Public Places and that Bahia grass not be placed in areas around the building and parking lots. These plans were revised to address these concerns. As the proposed site plan and conditional use meet the requirements of the code, staff recommends approval of the site plan and conditional use.

Commissioner Becht said at the Planning Board level, someone asked if they can get an accurate count on the number of bathrooms in the facility. Has he been able to come up with a number on that since Planning Board?

Mr. Carlin said he is not aware of the total count. The applicant's representative is here this evening, he may be able to provide more data on that.

Commissioner Becht said hopefully, since it was asked at the Planning Board. And does this building fall within their design review guidelines?

Mr. Carlin said he does not believe this is subject to the design review guidelines because this plan was submitted prior to the ordinance going into effect.

Commissioner Becht asked with that being said, would it pass muster under the design review guidelines even though it is not applicable? Has anybody given it an eyeball for that?

Mr. Peter Buchwald, Zoning Administrator, said no, it was not reviewed with the design review guidelines in mind.

Commissioner Becht said some of the pictures he has seen of it cause him some concern that it was not aesthetically pleasing to look at. But maybe he didn't see enough of it. Have they seen any more than the one or two sketches that they were shown of the building?

Mr. Buchwald said no, what they see is what they got.

Commissioner Becht said he knows this is being done on an expedited basis, or he hopes that it has been from the City's perspective. But he would hate to lose an opportunity to have a better-looking building, particularly on Virginia Avenue. When the county came through with the expansion on the Administration Building office space, there were some architectural enhancements that were done there that actually dressed the building up. Are they going to be shown tonight anything on what this building is going to look like from Virginia Avenue, other than what they have already shown them?

Mr. Buchwald said he believes the applicant's representative, Culpepper and Terpening, is prepared to provide them a full explanation as to the architectural details along Virginia Avenue.

Commissioner Nelson said following up on question submitted by Commissioner Becht on bathrooms. Are all those bathrooms internal to the building, i.e. they do not have to go outside to get to the bathrooms?

Mr. Buchwald said the bathrooms are situated in two areas, both on the east and west sides of the facility. On the east side of the facility, those are the locker rooms. There is extensive fixtures to accommodate the restrooms. In terms of an actual count, he does not have that. And on the south side beneath the chiller yard, they will also see those are locker rooms, so those provide additional fixtures as well. So they have actually two sets of bathrooms. And in addition, those can be accessed from the inside. In fact, the primary access for all the bathrooms are from the inside of the facility, again designed for the special needs shelter.

Commissioner Nelson asked some are accessible from the outside?

Mr. Buchwald said this plan does not indicate access to those bathrooms from the outside and he does not believe the intent was for any of them to be accessible from the outside specifically without going through the main entrance of the facility.

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

Mr. Dennis Murphy, Project Manager with Culpepper and Terpening, Inc., said he is here tonight representing the Board of County Commissioners and their application for a gymnasium and special use facility at Lawnwood Regional Park. He will answer the specific questions that came up in a moment as best he can. First of all, he would like to compliment City staff. At the Planning Board meeting, the presentation they gave then was a very concise and very well put together show and they did it again tonight, and they pretty much explained the entire project. In addressing a couple of the questions that came up, he has not done personally the full fixture count; but he is looking at definitely potty parity, in that there are at least about 35 or 40 fixtures for females and probably about 25 fixtures for males. If they go through the Building Code requirements, they will see as their staff pointed out, those are in two distinct areas within the building.

Commissioner Becht asked that is called potty parity? He has learned something again tonight.

Mr. Murphy said yes, it is basically designed to... Well, the obvious. There are two primary restroom facilities in this building. There is one at the east end of the building which is basically just a regular restroom facility, there are no shower stalls in that one. That would be over by the main offices and so forth. There is a large locker room area at the west end of the building that has full locker facilities in terms of showers and larger numbers and so forth.

Commissioner Becht said his concern is, if they have an event there, are those locker rooms going to be taken with the two basketball teams? Will they burn all the bathroom facilities in the locker room side? And then there is the 2,000 or whatever people that are watching the event, because somewhere in his packet he saw that it could hold 2,000 people for an event. He has 2,000 people that are going to try and use the bathroom facilities at half-time.

Mr. Murphy said yes, that is the way it is set up. In an event situation, he does not know exactly how the whole thing may be programmed out. Obviously if they are having an athletic event, he does not think they will allow the general public in where the teams are during a half-time or something like that.

Commissioner Becht asked how many bathrooms are going to be available for his 2,000 constituents that are there to watch this event?

Mr. Murphy said without doing a full fixture count right now, he does not know. He would have to rely on the fact that the architects have taken that into consideration in design of the building and that the numbers...

Commissioner Becht asked 20?

Mr. Murphy said he does not know.

City Manager Beach asked are there standards that are applicable to this design? In other words, if they are designing a 2,000 seat auditorium, aren't they required to design a certain amount of facilities to accommodate that number?

Mr. Murphy said yes; and he would have to rely on the fact that the architects did do that in the design of the building. As to the other question about architectural embellishments or architectural standards. Remember, this building has two purposes, it has one purpose of being a community recreation and gymnasium center, and it also has the purpose of being a special needs shelter during times of weather emergency, a.k.a. hurricanes. As such, it

has received a considerable amount of its funding through the Department of Community Affairs; and with that, as they all know, it came with a lot of strings. Those strings include that this building must be designed and it is designed to withstand winds up to 180 mph and it must also have certain other things kept away from it so they do not damage the building.

It is a DCA criteria, not County criteria, not anything that the County has the ability to come in and waive. Quite frankly, not really anything the City has the ability to come in and waive because of the structure of the funding source for this particular project. They have attempted to include within the design of the building as much of the embellishment as they could. But once they reach a certain wind threshold, they wind up getting things that tend to get ripped off and go flying through the air. So they were not able to come in and do the level of treatment that was done for the Civic Center Administration Annex which was done about two or three years ago. He shares some of their frustration, because when they started to get into the design of this, they all kind of ran headlong into that and they could only go so far with what the restrictions were at the state level.

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

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the Conditional Use and Site Plan submitted by St. Lucie County Board of County Commissioners to construct a Special Needs Facility & Multi-Purpose Recreation Center on the south side of Lawnwood Regional Park.

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

The next item on the Agenda was Public Hearing on Application for **Waiver of Distance** submitted by Ioannis Fassilis to sell beer and wine for consumption on premises at **Yiannis Greek Café**, 224 Orange Avenue; said property zoned C-4, Central Business District.

Mr. Robert Lane, Development Review Planner, said the applicant is requesting a 2-COP license to serve beer and wine for consumption on premises in a restaurant. Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages for consumption on the premises in the C-4 zoning district where the establishment is located within 300 feet of other establishments, unless a Waiver of Distance is granted. There are three existing licensed establishments within the 300-foot distance of Yiannis Greek Café. No churches or schools are located within 300 feet of the proposed establishment; but Pizzoodles, Café LaRonde, and the Yellowtail Grille are within that 300 feet. The applicant has opened the restaurant, Yiannis Greek Café, in the space formerly occupied by Jiffy Printing. The total size of the establishment is approximately 2,400 square feet and the property is zoned C-4, Central Commercial Zone. The surrounding properties to the north, east, and south are also zoned C-4, Central Commercial, and the property immediately to the west is zoned R-1, Light Industrial, and contains the FEC Railway. The basic layout of the establishment is about 2,400 square feet and has seating for 71 patrons at 16 tables. Notification of a Waiver of Distance application was sent out to the owners of properties located within 500 feet of this establishment. A total of 75 notifications were mailed. And as of March 5th, a total of 37 responses were received in favor of the Waiver of Distance. At the February 13th meeting, the Planning Board voted unanimously to recommend approval of the Waiver of Distance. As the proposed establishment does not appear to adversely affect community health, safety, or general welfare, and meets the requirements of City Code, staff recommends approval of the Waiver of Distance for the 2-COP license.

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

Ms. Helen Fassilis said she and her husband own and operate Yiannis Greek Café and they are very pleased to be part of a downtown Fort Pierce area. The only thing that is holding them back from really running a very successful restaurant is approval for a beer and wine license.

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, to approve a Waiver of Distance requested by Ioannis Fassilis to sell beer and wine for consumption on premises at Yiannis Greek Café, 224 Orange Avenue.

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

Ordinance No. K-471 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 13-26©; RELATING TO **REINSTATEMENT OF PREVIOUSLY FORFEITED SERVICE CREDITS** UPON RETURN TO EMPLOYMENT; DELETING SECTION 13-26(c)(1); ELIMINATING REQUIREMENT THAT BREAK IN MEMBERSHIP NOT EXCEED FIVE YEARS, AS CONDITION FOR REINSTATEMENT; AMENDING SECTION 13-26(c)(2); REVISING INTEREST RATE ON ACCUMULATED MEMBER CONTRIBUTIONS WHICH RETURNED TO SYSTEM; PROVIDING THAT MEMBER WHO REQUESTS REINSTATEMENT TO PAY FEE OF ACTUARY FOR CALCULATING FULL ACTUARIAL COST AND PROVIDING THAT REINSTATEMENT NOT TO TAKE EFFECT UNTIL ALL COSTS ARE PAID; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

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

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Ordinance No. K-471 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-471 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-472 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTION 13-37(b) BY CHANGING THE **DUTY DISABILITY BENEFIT** FOR ALL COVERAGE GROUPS EXCEPT FIREFIGHTERS FROM SIXTY-TWO AND ONE HALF (62.5) PERCENT OF FINAL AVERAGE SALARY TO SEVENTY-FIVE (75) PERCENT OF FINAL AVERAGE SALARY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-472 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Ordinance No. K-472 be passed on second and final reading.

Commissioner Becht asked the cost of this, if he totaled it up correctly, which is a pretty big assumption, is about \$125,000 a year?

Mr. George Bergalis, Director of Finance, said that is from the impact statement of the actuary, he believes. Yes, that is correct.

Commissioner Becht asked this money is going to come out of their General Operating Budget?

Mr. Bergalis said it will be part of the employer's contribution that is required to the Retirement System.

Commissioner Becht asked they do not have a choice but to pass this in light of having changed the rate structure for the retirement plan, is that correct?

Mr. Bergalis said that is correct.

Those voting in favor of the passage of Ordinance No. K-472 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-473 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REPEALING §11-43 ("CURFEW HOURS FOR MINORS"); CREATING ARTICLE IV, CHAPTER 11 (§§11-90 THROUGH 11-100); ESTABLISHING **YOUTH PROTECTION ORDINANCE**; PROVIDING CERTAIN PURPOSES INCIDENT TO REGULATION OF JUVENILES ON CERTAIN PROPERTY DURING CERTAIN HOURS OF THE DAY AND NIGHT; PROVIDING DEFINITIONS; ESTABLISHING DESIGNATED CONDUCT BY MINORS AS UNLAWFUL REGARDING PRESENCE ON PUBLIC PROPERTY OR SEMI-PUBLIC PROPERTY OR WITHIN CERTAIN DISTANCE OF SCHOOL, WITHIN CERTAIN HOURS; PROVIDING THAT UNLAWFUL FOR PARENTS TO KNOWINGLY PERMIT OR BY INSUFFICIENT CONTROL TO ALLOW MINORS TO REMAIN IN CERTAIN DESIGNATED AREAS WITHIN DESIGNATED HOURS; PROVIDING EXCEPTIONS SO AS TO ALLOW FOR MINORS IN CERTAIN AREAS FOR SPECIFIED REASONS WHEN PRESENCE OF MINORS OTHERWISE UNLAWFUL; SETTING OUT REQUIREMENTS OF PARENTAL RESPONSIBILITY; SETTING OUT REQUIREMENTS FOR BUSINESS OPERATORS REGARDING PRESENCE OF MINORS DURING RESTRICTED HOURS; ESTABLISHING PROCEDURES TO BE FOLLOWED BY LAW ENFORCEMENT OFFICERS REGARDING MINORS SUSPECTED OF VIOLATION; SETTING OUT SPECIAL NON-CRIMINAL PENALTIES FOR MINORS; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-473 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson with discussion, that Ordinance No. K-473 be passed on second and final reading.

Commissioner Nelson asked did they coordinate this with the jail folks or the judge folks? Any feedback from them at all?

Acting Chief of Police Sean Baldwin said he does not know that there has been any specific opinion rendered by the judges or so forth. He knows they did have some discussion with the State Attorney's Office and they had no objection. They have worked pretty closely with the Department of Juvenile Justice and the Juvenile Assessment Center; and they have received nothing but positive feedback from those two entities.

Commissioner Nelson said let him try to tell him where he is coming from. He is looking at the potential impact if there were a situation wherein they had 50 or 75 people at a party or something and he sends his officers out there to check them out to see whether they have violated the law and he has to take a pot full of them to the detention center or the jail. How does he handle that?

Acting Chief Baldwin said that is exactly the point of this ordinance, they are not under arrest. They are taken to the Juvenile Assessment Center or returned directly to their parent at home, so they are never going to interact with the Criminal Court Judge or the State Attorney's Office for violation of the curfew. There is a potential that they could interact with the courts through a protective order on the civil side of the court system. In other words, if they had repeated violations and they saw where a family was not meeting their obligations, a parent was not meeting their obligations to keep their child out of harms way, they may refer that to what is called the CINS/FINS program (Children or Family in Need of Services Program) under Florida Statute. That is sort of the purpose of this ordinance is to decriminalize what they had previously for curfew violations and make it more of a protective order. They will be detained, but they won't go through the court system.

Commissioner Nelson asked the Chief has adequate means to transport 25 or 30 people at a time in the event they are violating this ordinance if they are out at some party or something?

Acting Chief Baldwin said he is imagining his shift supervisors will find a way to handle that situation. Yes, they will do what they need to do in order to enforce the ordinance.

Commissioner Nelson said he just wanted to point out there is potential for mass disobedience and this kind of business and certainly he should be prepared.

Commissioner Alexander said the last time the Assistant Chief brought this before him, he requested that he educate the public. And the only thing he saw, it was in the newspaper. But he has asked five Deans at the schools, are they aware of anything concerning this ordinance of a child being suspended? And they had no idea about it. It would only take a memo, maybe something like he gave them tonight. His concern is that these kids that are suspended from school cannot be on any sidewalk in the City of Fort Pierce or any public places. They have not gotten that information out to the public yet, but yet they want to put this ordinance into effect when, immediately? He told Acting Chief Baldwin he supported it before, still supports some of it. But he wants to know, if they go out there and put 25 kids in custody, are they going to be in handcuffs?

Acting Chief Baldwin said he actually appreciates the question, because if they give him just a minute, he will share with them what they have done. At the last meeting he did make a commitment to go on a public awareness campaign. Let him answer the first question first. If they are transported in a police car, they will likely be in handcuffs. It does not mean they are under arrest because they are handcuffed. That is their procedure.

Commissioner Alexander said that is the humility, that is when they denigrate the kids, when they start treating like they are... Again, he will be out there watching, believe him. He better let each and every one know that he is going to be out there.

Acting Chief Baldwin said he has heard that before and he knows Commissioner Alexander is watching. He appreciates the oversight. Let him just share just for a minute, to relieve

some of his concerns. Specific to Commissioner Alexander's concern, on February 21st they e-mailed a copy of the ordinance to the school board so they could distribute that to all of their principals. He is sure school bureaucracy is just like government bureaucracy and the word has not gotten all the way down the chain of command. They also aired this information on three radio stations. WQCS and WFLM were both good enough to host them for a lengthy discussion about the curfew ordinance. They also had Mighty Mike James on WJFP, who made some announcements regarding the curfew ordinance. Mr. DeWitt from SLC TV is filming a special show on the curfew ordinance. It is called 10-8. It is a law enforcement show that appears on St. Lucie County TV. That is going to be taped here in April and will begin airing immediately. WQCS, WPSL, and WFLM have all agreed that once the ordinance is passed, that they will do public service advertising for them at no charge regarding the ordinance. Detective Dreizehnter will appear on Cop Talk in April, which is another media program. And they are going to do a slide show presentation on both the county public access television station and their city public access television station. This work is continuing. Detective Dreizehnter, who made the presentation at their last meeting, Captain Amandro, and their Public Information Officer Audria Moore, he thinks have done an incredible job in just two weeks trying to get this information out. They will see this will be on the news. The three major television networks were at the Police Station today doing interviews and they will be airing this tonight. He thinks they are waiting to hear whether or not it passes. Admittedly, they need to do more. He has talked to his staff this morning and most likely what they will do is they will take a very soft approach to enforcement in the first 30 or 60 days - issue warnings, return the children to their parents, and that type of thing - so that they can educate the public and they are not out tomorrow night collecting up every child they can find.

Mayor Benton asked will there be a trial period, say for the first 90 days or maybe six months where they will have warnings, where they address it with parents? And then after that, the second time, they mean business.

Acting Chief Baldwin said he does not know they want to do that for six months. They are passing the ordinance because there is a need to do this now. But as he said, he will work with his staff so the first month or two that this ordinance is in effect, they are using it as an educational tool rather than an enforcement tool.

Mayor Benton said please parents, get the word out. Because he knows what he has seen after midnight, he has seen eight and ten year old kids out on the streets. They shouldn't be out there, they are only there to get into trouble. They are just trying to do their part as a community to help with their young people.

Acting Chief Baldwin said they greatly appreciate that from all the Commissioners.

Commissioner Coke said she knows the School Board has a phone system where they can call all the parents. Maybe that is one way to get the message to every parent that has a child enrolled in their school system. If they can maybe have a prerecorded message similar to the reverse 911 call, where they will call the student's parents and let them know that this is the ordinance and they can get more information about it and let them know where they can get more information and the basic rules of it.

Acting Chief Baldwin said that is an outstanding idea. That is one of the tactics that they talked about when they were developing this plan. The only reason he did not report on it tonight is because he honestly does not know the outcome of that. He knows that there was a phone call made to the School Board to see if they could do that. He does not know what the answer was.

Commissioner Alexander said he knows the Sheriff's Department has that too.

Mayor Benton said right. He knows that County Commissioners have come on with the Superintendent of Schools and made those calls.

Acting Chief Baldwin said he does not want to give them the impression there was a problem with it, they may have fully agreed to do it. It just hasn't been done yet.

Mayor Benton said he would think they would be supportive.

Those voting in favor of the passage of Ordinance No. K-473 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ms. Wendy Wolff, Essential Strategies, to present report on **Gang Prevention and Abatement Initiative.**

Ms. Wendy Wolff said she is a consultant and she is working on this project for the Executive Roundtable of St. Lucie County and it is funded by Children's Services Project. (Ms. Wolff gave a slide presentation.) For several months in 2006, they conducted approximately 621 surveys and nearly 300 discussion groups, interviews with individuals in Port St. Lucie and Fort Pierce, to find out what do people think about gang issues in the County. They went to interviews with law enforcement, the school district, bus drivers, school security. They spoke with kids that are in gangs, they spoke with Juvenile Justice staff. They really tried to purposely reach out to as many people as they could. They did anonymous surveys, 621 in full. And she is going to give them a little bit more of the results of that in this presentation. They talked to 344 youth that were in gangs or at risk of gang membership. And they talked to 273 adults. They did not stand outside of Publix and talk to just anybody, they purposely chose locations where they might interact with folks who might have kids who might be in gangs. 38% of the youth were from Port St. Lucie, 33% from Fort Pierce, 54% of the adults were from Port St. Lucie and 43% were from Fort Pierce. Nearly 60% of the youth that reported having children in this survey were between the ages of 10 and 15. It was not a humongous number, she thinks the number was about 40, so that was something that jumped out at them. They asked people in this survey, the youth and the adults - but this graph pertains to the youth - the percent of the youth per each city that considers the gang problem to be either extremely dangerous, pretty bad, or bad but livable. And 70% in Fort Pierce reported that they believe that and 58% in Port St. Lucie. She did a lot of talking to folks as she went through. One of the young ladies that she spoke with told her that she was held down by some gang members in Port St. Lucie and tattooed against her will. They did a lot of quoting in this because they wanted to hear from people directly about what their personal situation was. They talked to 50 kids out of the 344 that identified that they were either currently or had been involved in gang life. They expressed that the reasons for joining gang life were to get respect, for fun, and for money; and that other reasons were protection or because a friend was in the gang. Fear of physical punishment and retaliation were the main motives that stopped individuals from leaving gang life. She was told in a big discussion group there were two ways to leave a gang is in a box, which is either in a cell or in a coffin. So whether or not that is true, it is definitely the sentiment that people think, it is the perception. Of those who participate in the survey, 62% had family members that either are currently active in gang life or have been. And they told them that they joined gangs because of lack of family support, no one to talk to, being raised by one parent, lack of supervision, family members involved in gangs, no positive role models, and that there is nothing to do. And if she can stress one thing, they heard over and over that the lack of something to do for young people was a big concern and the lack of ways to get money. So lack of jobs and lack of something to do was repeatedly said on behalf of young. Adults surprisingly enough did not say the government needs to do something, but they really stressed that this was an entire community problem and that they all needed to join together find a solution. 82% of the total youth in the survey, 80% of 344, told them they have an adult in their life they could

talk to, and that the most trusted person was either a grandparent or a friend. Mother was identified least of all categories, which was very interesting, and father was accounted for four times more than mother. And finally about the youth, they asked them what do they think kids need to help avoid joining gangs? The number one answer was safe, interesting, positive activities. Number two answer was a trusting person to confide in, be loved, and supported by. They asked what should be available to young people to help stay away from gang life? They told them after-school activities and jobs. And then they asked if DARE or GREAT works to keep kids out of gangs and over half said no. A young Latino 14 year old gang member told them that they need more places to spend time doing something good. And then last about the youth, 60% of the youth that they surveyed told them that programs to work with the young people should start between kindergarten and fourth grade. One young lady told them that she started learning dangerous things in fifth grade and all the other kids already knew it. These are some of the thoughts, they were kind of interesting. They put in a question that let them say whatever they thought would help them have a better life. She was pretty floored at how few said money and very material things, but they really took some time to think. These were some of the quotes. A job as a kid to get money in my pocket, to help my mom and help the family out. To have my dad. To end the black on black crime and killings. To have a family that cares about me. Adult surveys, 72% of the total adults felt that there was a gang problem in the County; and they said the primary problems caused by gangs were an increase of crime related to weapons, drugs, and violence. They also spoke with faith leaders, they had an opportunity to survey 25 of them. 18 out of 25 believed there was a gang problem. And when asked the degree to which their congregations were concerned about the gang problem, 17 out of the 25 reported not knowing the concerns. Additionally, 17 out of the 25 stated rarely or never, when asked how often the congregation discusses the gang issues. And then almost half though believe that the religious community does have a role in addressing the problem. Finally, there was a breath of fresh air in this entire project. And this was sort of across the board of all the schools she talked to. The schools are really a place where kids know what is expected of them. Sometimes kids don't abide by the rules; but for the most part, they want to be there, they want to stay in school, it's where their social life is, it's where they know what is expected of them, it's where they eat. So they felt like school was a respite place for a lot of kids. Their concern was that gang members are getting younger and that is very dangerous because they have a lack of respect for authority. There was a concern about the redistricting that brings opposing gangs closer together, that the girl gang members stir up a lot of trouble at schools specifically, and that there is a big problem with violence occurring at bus stops and on buses. In addition, she talked to about 60 bus drivers who are very concerned about not having enough training on what to do, whether it is gang fighting or not, that occurs on the bus and it is a very dangerous situation. So they told them that they are not exactly sure what to do, they feel like it has been dangerous. The transportation department tries to do what they can to send different buses to different locations, but it is not foolproof. And then finally, this was not about what to do, but they could not help themselves without giving ideas. And really most of the folks talked about it does take the whole community and that this is a family issue, this is an issue for the community, that what is needed is parental involvement, community activities, and jobs. And one mom said on her survey that they need some strong men to take them out to eat, to bowl, and listen to them, and encourage them to try a new life before they have no life. So where they are in this project, the Executive Roundtable has spent the last month researching best practices, what have other cities learned and done regarding the gang problem, and they are about to move forward with dissecting that more and figuring out what works best for the County.

Commissioner Alexander said one thing that stuck in his mind, she said an 11 year old kid, the only thing he wanted to do is help his mother pay bills. That is a sad thought, for a child not wanting to be a child and play and whatever, but he wants to help his mother pay bills. They as a community should pay attention to something like that. Because when they have an 11 year old kid, where do they think he is going to get money from? He is going to go

out and sell drugs like all the rest of the kids. But his next concern, is she going to be able to work in a collaborative effort with the Chief with the curfew?

Ms. Wolff said yes, they already work collaboratively.

Commissioner Alexander said he heard her not mention one time about the curfew.

Ms. Wolff said the Chief is actually on the Executive Roundtable and is directly involved in this project. One of the things that he has helped them figure out is that this isn't just a band-aid over it, this is a problem that has layers and layers of issues. And that 11 year old boy has more responsibility on him than he should have. They talked dialogue about this a lot. And yes, they are looking at this project to be very coordinated and to not just be something that gets thrown out there, but that gets to the layers.

Commissioner Alexander asked how are they going to address the issue of the bus stops? Because he sees the buses stop and he knows what is happening in that area. And it hasn't been addressed yet.

Ms. Wolff said that is a good point. She personally does not have the answer. But it is something that each of these issues, there is going to be a group of people that come together that are appointed from various agencies to actually look at all of these issues and they are looking at what other cities have done as well that has proven to be successful.

Commissioner Alexander asked can she follow up with a hard copy on that for him?

Ms. Wolff said yes, she will.

Commissioner Coke said she thanks Ms. Wolff for coming and giving them this report. If she is working with the Chief, she will know this Commission took a very proactive anti-gang stance about a year and a half ago when they brought Joseph Jennings, who is a former gang member, to town. Mr. Jennings gave speeches at 20 different auditoriums to different age children. But prior to them doing that, they had established seven or eight different after-school and evening programs to give these children alternative things to do after school. The program was very successful. Every alternative thing they set up for the kids to do was filled immediately by the time Mr. Jennings left. The kids are still going to these programs and it is almost a year later, which she thinks is wonderful. She is bringing this up to let her know that Mr. Jennings is coming to town next week; and if she would like to meet with him, give her a call at her office tomorrow and she will arrange it.

Ms. Wolff said she will. They do know about that.

Mayor Benton said he would like to thank them for allowing him to sit on the Executive Roundtable for the last four years, it has been a wake-up call. Commissioner Alexander and Commissioner Coke and he were in Washington last week. Of their top three issues, one of them was additional funding for HIV and AIDS prevention and especially education in the schools. Because something that was presented to him on that board just scared him and he mentioned it to their Congressman that. Parents, this might not be popular up here and not many Mayors would talk about this, but this scary that to be a member of a gang, for initiation they are making people have sex with known HIV and AID carriers. That is scary. These are kids in school and just out of school. When he asked the question, what were they thinking? These are they hope educated children. And they said they figure there will be a cure in a few years. That is scary. So parents and relatives, get that word out that is unacceptable. Hopefully they will get additional funding, he knows there is grants out there, but they need more than those grants to get a grip on this problem. And this is not just Fort Pierce; this is St. Lucie County, the State of Florida, and the United States.

Ms. Wolff said they are in a great place by the way, the energy on the Executive Roundtable is so proactive and very positive. She thinks there is open-mindedness to make a deep-rooted change, not just something that is superficial. So that is very exciting.

Mayor Benton said their children are number one on the list with them.

The next item on the Agenda was Dr. Dana Juillerat request extension of expiration date for Site Plan for Tri-County Animal Hospital, 1807 Okeechobee Road.

Mr. Dana Juillerat said he has property on Okeechobee Road, where they have Tri-County Animal Hospital. They are asking for an extension. How much time, he does not know. He is thinking three to six months to be able to get through permitting so they can break ground on the new facility. It will be right next door to the current facility. And following construction of the new facility, the old facility will be renovated as well.

Mayor Benton asked why don't they just go for six months, will that work?

Mr. Juillerat said he would appreciate that.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to grant a six month extension of the Site Plan for Tri-County Animal Hospital at 1807 Okeechobee Road.

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

The next item on the Agenda was Mr. Vadim Tkach, Ocean Drive West LLC & Ocean Drive East LLC, request extension of Site Plan for Diamond Dunes Villas to be located on South Ocean Drive between Porpoise and Frances Avenues.

Mr. Vadim Tkach said he is seeking additional Site Plan extension. They have had a very difficult time obtaining a Fish & Wildlife Permit from DEP, which they have not obtained until now. He does not know even how long it is going to take to obtain it, so they are looking to get extension for at least one year if it is possible.

Commissioner Coke asked did she not see that all of his property has For Sale by Auction?

Mr. Tkach said yes, that property had a sign on that last time too. By auction is just a tool to sell. The reason because they have not been able to obtain the permits, they are suffering tremendous financial stress, and on top of that there are some personal problems.

So he is trying to see if he can sell at least part of it, bring somebody in who will help him finish the project, because he has not been able to get the permits and he does not know how long it is going to take to get the permits. Last time when he came in here, the sign was there, they were trying to do. They all know the market changed, things changed. And delayed for two years, it is really hurting him. He is trying to recoup something, whatever he can at this point. Even if the property will get sold, whoever will purchase will have to build exactly what it has been approved, nothing can change. So whether he is going to finish it or somebody else. He put the sign out because he was not planning to play any games to come and ask for extension and then do the signs. He means, it is all open, this is what it is. He is having a tremendous financial stress. And if they can help him and give an extension, he will really appreciate it.

Commissioner Nelson asked how long has he owned the property?

Mr. Tkach said almost two years, for a year and a half.

Commissioner Nelson asked once he had bought the property, how soon was it before he decided to make modifications to the property?

Mr. Tkach said they started working on the site plan approval when they bought the property, it was done within 30 days. They went to DEP and they are still dealing with the DEP, they are still drawing lines on the sand where they can go and where they cannot go, that is their dilemma. Nothing changed from the day one, everything stays the same. He just needs the same extension, the same project they will be in. Whether it is him finishing or somebody else, nothing will change. He is just trying to see if he can recuperate some of his losses and bring somebody in who will take maybe part and he will take another part, because carrying this for almost two years, it is very difficult.

Commissioner Nelson asked can he be more specific with respect to the problems he is having getting permits?

Mr. Tkach said they are having a problem with the Fish and Wildlife and the DEP because they keep telling them they need to go further in towards the A-1-A and making their project very slim, so therefore they cannot build the amount of square footage that they are looking to do. So now they are going to have to go to Administrative Hearing, that will most likely take six months until they can get a judgement. It is like going to court because they have their people that are telling them that they have that line and they are okay with what they have approved by them because they got that approved and then came to them. DEP is telling them that they calculate that line differently. So that line cuts 12 feet into their project. And for them to cut the project 12 feet, that changes everything. So they in the process are going back and forth, drawing lines in the sand, to see where they can and cannot go.

Commissioner Nelson asked what is the latest correspondence that he received?

Mr. Tkach said the latest correspondence, there is a project north of them that is right now in public hearing, because of the same problem which is three blocks from them; and he is waiting to see the decision is going to be made on the hearing.

Commissioner Nelson said no, he is concerned about correspondence between him and DEP.

Mr. Tkach said he has to go to Administrative Hearing right now with them. He is hiring a law firm and they are going to go to Administrative Hearing because they can't solve that face to face.

Commissioner Nelson asked when was that correspondence from DEP sent to him?

Mr. Tkach said a couple of weeks ago. He was in Tallahassee about a few weeks ago met with the Mike Barnett (Chief of Bureau of Beaches & Coastal Systems) who is in charge of DEP. And bottom line, they said he has got to do what he has got to do, this is where they are at. And if he doesn't agree with what they are telling him, he has to do that legally. That is pretty much what he needs to do right now, find a law firm and see who they are going to use to represent them.

Mayor Benton said he has a concern. It appears that the properties that are up for auction are only the ones on the east side of A-1-A. He believes that is what it says on the sign.

Mr. Tkach said they have signs on both sides.

Mayor Benton asked for the auction?

Mr. Tkach said no, they have Hoyt Murphy on one side, he had his sign on another. Auction is just the tool by which they try to do, but it is just the same thing.

Mayor Benton said here is his concern. If he is auctioning off one side and not the other, they bargained for a project that went on both sides of the road.

Mr. Tkach said no, it has to be the same thing. It is just that he is trying to see maybe he can sell part of it. Whoever will come in will carry that course and he will carry his other course. Because for him to carry both of them and not being able to build, it is really hurting him, it is costing a fortune.

Mayor Benton said right, he understands that. His concern is if somebody buys that property on the east side of A-1-A at auction and not on the west side of the road, then they do not get the project that they...

Mr. Tkach said but it is contingent. The sell of the property is contingent that whoever buys it has to stay with what has been approved.

Mayor Benton said but only for that site plan. As long as they have zoning, they can come back and build something else, they can build those two or three story homes that they have seen to the north, and not the quality development that he wants to build.

Mr. Tkach said they can't. Because if they want to change the east side, then the site plan becomes null and void, because it is one site plan. So whether he sells the east or west, they have to build what is on the paper, it is irrelevant.

Mayor Benton said but if they wait six months, they can change that. As long as they have the zoning, once that site plan expires, they can come and build anything they want that fits that zoning.

Mr. Tkach said first of all, it is not going to expire. Second of all, he is not going to walk away from the property. He is hoping it will work for him. If not, he is ready and prepared to do what he has to do. He is not going to walk away from it, he will build what has been approved by them. If he gets lucky and be able to bring somebody to help him that will have money. If he does not, then it is all on him and he is going to have to build what has been approved.

Mayor Benton asked for the record, if somebody was to purchase that property and if the site plan does expire, they can come back and build anything that fits that zoning, they are not stuck to his site plan that they have approved, right?

City Attorney Schwerer said that would be correct. If the site plan expires, then they have a zoning designation. But they may still have to get approval for a site plan, depending upon whether or not it is required by the code for what they propose to build.

City Manager Beach said let him give an example. If they approve this site plan renewal tonight, that site plan stays active. If they disapprove it, for whatever reason, then that site plan is dead. Anybody that comes in will then build whatever they can get through the site planning process. So it appears that the better alternative, if they like this project, is to approve this extension.

Mr. Tkach said he is asking for one year because there is also turtle season, that if doesn't get into a turtle season, he cannot start until the end of November. And by the time they get to DEP, he does not know how long it is going to take. So he is asking for one year.

Motion was made by Commissioner Alexander, to grant a one year extension to the Site Plan for Diamond Dunes Villas.

MOTION DIED FOR LACK OF A SECOND.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to grant a six month extension to the Site Plan for Diamond Dunes Villas to be located on South Ocean Drive between Porpoise and Frances Avenues.

Commissioner Nelson said he is concerned about whether or not the applicant is in fact pursuing with necessary vigor those things to make sure he gets through the DEP process, gets the permitting done. He is concerned further that he is not trying to use this as a marketing tool to allow him to string out and possibly have more exposure for his property. Those are his concerns. He thinks in six months, he ought to be able to do something to really show that he is serious and that he wants this project to be done.

Commissioner Coke said her big concern on this is going past there and seeing the signs. It would appear to her that it is going to be auctioning off separate lots. That is the way the signs are.

Mr. Tkach said it is just a marketing tool. Because he would never sell one lot without the other four, because that defeats the whole purpose. It is just a marketing tool. They can't buy one without the other.

Commissioner Coke said her concern would be that someone is going to come and buy one lot.

Mr. Tkach said he can assure her that is not going to happen.

Mayor Benton said he thinks Mr. Tkach worked very hard with them and they approved a nice project on both sides on A-1-A. His concern is, they might not get that project, they might get something of a lesser quality if somebody else purchased it.

Mr. Tkach said that is why he is here, trying to get extension. Because whoever comes in, if they do, they will have to do what is approved, nothing else. If they don't come in and he has to do it, he would like to do the same project as he had originally approved by them. That is why he needs this extension. No other reasons.

Mayor Benton said if he sells the property, just let the new people know that they better build something as to the quality of his or better.

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

The next item on the Agenda was Mr. Donald Root, AGCR Group LLC, regarding status of fulfilling contractual obligations in the Professional Services Agreement for the creation of an Economic Development Program.

Mr. Don Root said his company is AGCR Group and they are currently under contract with the City to assist in various economic development projects and he is going to review those with them this evening. Contract was signed on December 13th and an effective date of December 4th. The contract is for an eight month duration. He recently submitted a report to the City Manager on the 21st of February. He submitted it to Mr. Beach in his role as the head of the Economic Development Agency which the Commission put into place last year by Resolution. The report was stamped confidential per Chapter 288.075 of the Florida Statutes because it had sensitive information and those types of things in it. What he is going to try to do this evening is go through that report as best he can without violating the confidentiality of the information and he is going to go through several different issues with them. One is the marine industrial park. The second one is the general industrial park that they have talked about in the past. The status of putting together the Economic Development Agency. And he is going to talk a little bit about some of the tools that Agency would have. He is going to try to give them a pretty good status on all those issues. He will start with the marine industrial park. What they were asked to do was look

at opening up the Taylor Creek area. (Mr. Root displayed a map.) Here is the Taylor Creek area, it comes in here, and there are two bridges across the Taylor Creek - the FEC Railway bridge, the bridge on Old Dixie Highway, and the U.S. #1 bridge. The creek comes into this area here and then it divides. There is a spillway. This is the C-25 canal that is controlled by South Florida Water Management. This canal that comes up here is controlled by the Fort Pierce Farms Water Control District with a spillway that comes into play up here around 21st Street. What he has done is try and look at this and decide if there is a project here that can be done. He had discussions with each Commissioner individually about this. They have considered a number of different areas to for a marine industrial park. They have looked at this area here, which is controlled by the County, on the C-25 canal. They also looked at this area up in here which is industrial property, it comes out on St. Lucie Boulevard by the airport. These areas are wonderful industrial areas that could be used, but it also throws into play spillways that have to be overcome and bridges on 25th Street. What they have done is to consider this area up in here as maybe a more appropriate area to utilize. It does not involve going across the spillway. It has brackish water in here, so the levels are fairly consistent depending on tide of course. They are looking at the project being up in this area on this particular canal controlled by the Fort Pierce Farms Water Control District. The key to any of this though is the railroad bridge. In their discussions with FEC, he has been working with Butch Terpening who was already talking with FEC about some issues with the railroad. Mr. Terpening is the owner of the HarborTown Marina and several pieces of property up here. There is a charrette being planned through the Regional Planning Council on this area. In their discussions with FEC, the real issue, what it really boils down to is they are introducing a reliability issue into their system in the sense if they have a vertical lift bridge there, as opposed to what they have here, the real question is who is going to take care of that bridge and make sure it always works. Right now there is no concern there in terms of maintenance or reliability - the bridge is there, it is a solid structure - so that really is the issue that it comes down to. Of course, to put in a vertical lift bridge, the City will have to pay for that. The mechanism for paying for that was discussed a bit in the report. There is sufficient room to do the work there. There used to be dual tracks that came across that area. So there is the current track and the bridge that it is on. There is another bridge that sits there with no track that could be used for a temporary, there is plenty of right-of-way. The real question will be, how do they convince FEC that the bridge will always be in working order? And he thinks there are ways to do that. But that is the gist of the discussion with the FEC right now. If they can get them to the point of an agreement as to how that will happen, then they will start looking at cost estimates and those sorts of things, mechanisms for paying for the work. He would suggest one mechanism would be to extend the current boundary of the FPRA up to that area, that may be one way to generate sufficient funds to do the work. It also makes sense in that how this should be paid for should probably fall somewhat on the people that are going to benefit from it. He is thinking of developers and folks like that who will want to develop in that area. But for now the project is, they are not go past the spillways, stay down in this area, and work with this bridge with the FEC. The bridge on Old Dixie Highway, he and Mr. Terpening had some lengthy discussion about that and they both feel that that bridge could probably be abandoned and just taken out, because they can reach the properties either coming off of U.S. #1 or coming off where the North Bridge is there. The U.S. #1 bridge, those supports are 30-feet on centers, so there is some room to go underneath there, about 18-feet of clearance. But he does not think it will be sufficient for what they eventually want to put up in this area, so there will have to be work on the U.S. #1 bridge. But he does not know that will be immediate, he thinks they can get a ways down in the project before they tackle that. That is what is going on here. The actions are to continue to work with FEC and to see if they can strike an agreement with them as to how they would deal with a different bridge there.

Commissioner Nelson said Mr. Root mentioned that the bridge was just there and he alluded to a possibility that there was question relative to maintenance and ownership of the bridge. Who owns that bridge there, is that the FEC?

Mr. Root said yes.

Commissioner Nelson asked they do not do any maintenance on that at all?

Mr. Root said there is negligible maintenance on that piece as compared to what would be on a vertical lift type drawbridge. What they are introducing is a reliability issue - who is going to pay for the maintenance and how are they sure the funds for paying for the maintenance will always be there? His suggestion is that the responsibility for doing the maintenance has to be FEC, he does not think anybody else wants to take that on. FEC wants to know that the money to do the maintenance will be there.

Commissioner Nelson asked has he gotten empirical data from FEC relative to the changes to that bridge, say from a present flat bridge to a drawbridge, or elimination of the bridge or elevating?

Mr. Root asked in terms of cost estimates? What does he mean in terms of empirical?

Commissioner Nelson said in terms of cost estimates and whether or not FEC is willing to do it.

Mr. Root said they do not have cost estimate. They are working their willingness to do it. And the key issue that has come out of the discussion is this maintenance issue and who is going to do the maintenance and how are they sure it is going to be done. That is where they are in those discussions. If they can solve that and get them bought into the concept, then they will move forward with the sort of data that he is talking about.

City Manager Beach said he believes the answer to that would be, FEC will deal with all of those issue; however, they are looking for somebody else to pay for it. It is not a question as to who will do the maintenance or who will do the actual work part of it, the question is who is going to pay for it.

Mr. Root said absolutely, and FEC wants to be absolutely sure the maintenance money is there. The City will have to pay for the bridge. They are introducing a concept to FEC that they do not really see the need for. That is the whole point, it is something that the City wants to have happen for benefit for this area into the City; and at this point the discussion settles around FEC can't have that bridge out of service, what would they do?

City Manager Beach asked in his discussions with them, did he get the impression that if the issue of how this is going to be paid for is resolved, are they are receptive to doing it?

Mr. Root said he does not have a good answer for that. He thinks they are; but this has not gone up to their board or to a place for formal approval. These discussions are with vice presidential level and chief engineer level people. They have to get to the point where they could take something forward and recommend it to their board.

City Manager Beach said he thinks there is sufficient examples throughout Florida where this is a mechanism they used to deal with marine traffic in a number of areas. He is fairly confident that if there is something put together to pay for it, that it is something they can get FEC to agree to do.

Commissioner Nelson asked have they reduced this to writing or something? Has FEC responded in any way?

Mr. Root said not yet. It will take probably the term of this contract to get this thing to that point of getting them to agree in writing to do it with cost estimates and agreements as to who is going to pay.

Commissioner Nelson said in principle, they come up and talk about something and then reduce it to writing and show it to the boss, this is what they are thinking; and they tell them to go fly a kite or pursue it further.

Mr. Root said this will proceed in stages. The first stage was to get FEC to even be willing to talk to them about it and consider the project. What they will do then is to make proposals to FEC as to how they get this done.

Commissioner Nelson said this is not new, they have had citizen groups to come before them and ask them to explore the possibility of making that a drawbridge or raised bridge or something. And they charged their staff to look at it, to be on top of it as need be. Now Mr. Root was hired as the man to really make it happen. He is looking forward to some type of positive proposal and counterproposal if appropriate.

Mr. Root said okay. He will be working with staff on putting that proposal together to FEC.

City Manager Beach said Mr. Root's purpose this evening was simply to bring them up to date as to what his work has been since the time he started. This really is a report, and he does not believe Mr. Root is asking for any action or even feedback. He thinks because of the nature of the work he is doing, he is having to work with them all one-on-one in order to convey this information and get their help.

Commissioner Nelson said publicly they have endorsed the idea of making that marine industrial development part of their long range plan, not so long if possible, because it will add another economic entity to their community and he would like to see that happen.

Mayor Benton said so would he. And he knows the obstacles Mr. Root is up against. How many years have they tried to contact FEC just to talk about the packinghouse property over here for a parking lot and with no response. If Mr. Root had some response from them in the short time he has worked on this, he is doing better than they have.

Mr. Root said he is working with Butch Terpening on this. Mr. Terpening has had some discussion with FEC. They are basically working through the same people that they know at FEC to try to get an acceptance of this idea and to give them the assurances they need, that this is not going to necessarily affect the reliability of their system.

Mayor Benton said there is a lot of opportunity there.

Mr. Root said for FEC, there is not a lot to be gained from their point of view. The train runs fine across that bridge. They have to convince FEC that this is something that they will want to participate in, just by allowing the City to do this if they are paying for it. The general industrial park they are working on, he has suggested in his report to Mr. Beach a couple of areas and specific properties that he thinks the City should look at. He has looked at the Oleander Boulevard and Selvitz Road area and also looked at an area out off of Orange Avenue. He thinks both areas deserve more work, but he has made specific recommendations on which properties. And he has also talked to staff about perhaps if there is a developer out there who is working on a large development, it may be to their advantage to work with him in that they City would perhaps not own the property, but support him in the sale of that property on a below market basis. Which is the whole objective of what they are trying to do here is to have property they can put into a deal, attract people here in exchange for tax base and jobs. So he has given some specific recommendations to Mr. Beach as to two areas and specific properties to look at. On the agency itself, he has e-mailed into Mr. Margotta this afternoon an outline of the agency, what its mission, goals, and functions would be. How the board would be set up, how the board would function. And he is going to work with staff to finalize sort of the framework of how the Economic Development Agency would look like in function. And once that is done, they will have to come visit with the City Attorney and make sure they get that thing set up

within the laws of the City and the State. Right now they are working back and forth on what that should look like, get everybody on the same page. That can be presented to them individually. He would be happy to do that, let them have a look at it. The fourth issue is there is some tools they are looking at for the agency. One of the things they have talked about is being able to evaluate whatever sort of incentives they might offer and how that would be evaluated on a return on investment model. If they offered property at sub-market values, how much can they offer and at what price versus the tax base, the benefits, the job benefits. And to put that on a financial setting in that their return on investment has to be this much. And once they have that level set, they can offer x-number of incentives to people because they know they will get their investment back. He is looking at some software tools that will do that evaluation based on the parameters of each particular prospect that comes before the agency. He is reviewing those software tools right now and should have a recommendation fairly soon he thinks on that. Those are the four areas - the marine industrial park, general industrial park, set up the Economic Development Agency itself, and the tools. All those things are in process right now.

Commissioner Nelson said they authorized the City Manager to deal fairly exclusively with this individual. Is he satisfied with the progress being made? And when do they expect that his services will be expiring?

City Manager Beach said he believes the direction they are going is the direction set by the Commission. He is satisfied with the information and the progress they have made to date. The time period for this contract was eight months. He believes they are four months into that contract, is that correct?

Mr. Root said three months in.

City Manager Beach said they are three months into it, so five months from now they should have the conclusions and recommendations and a plan of action in front of the Commission.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-11

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE DEFINITION OF **ADJUSTED REVENUES** SET FORTH IN CITY RESOLUTIONS NO. 98-18, AS AMENDED, NO. 01-165 AND NO. 04-20, BY PROVIDING THAT THE PERCENTAGE OF REVENUES RECEIVED BY THE CITY FROM THE FORT PIERCE UTILITIES AUTHORITY THAT IS ATTRIBUTABLE TO REVENUES RECEIVED BY THE FORT PIERCE UTILITIES AUTHORITY FROM THE SALE OF ELECTRICITY SHALL NOT BE A DEDUCTION IN COMPUTING ADJUSTED REVENUES; AND PROVIDING AN EFFECTIVE DATE.”

City Manager Beach said what this is, is a Resolution related to the next two Agenda items. The way the City's debt service capability is computed is based on revenues that come into the General Fund. Apparently in the past, as part of that computation they have not used the revenues that came from the Fort Pierce Utilities Authority. This Resolution provides that mechanism. The revenues from the Utilities Authority are now part of the overall formula that they use to determine their debt capacity within their General Fund non-ad valorem revenue stream. This is a technical issue, it wasn't until they started working on this Sunshine Loan Fund that they even learned that that was not part of their computation in their General Fund revenues, but that is what this Resolution accomplishes.

Commissioner Nelson asked when he says revenues coming from the UA, is he talking about the \$4 million or \$5 million only, or something in addition?

City Manager Beach said just the 6% transfer that the FPUA makes on an annual basis, which is between \$4 million and \$5 million.

Commissioner Alexander said he is computing those funds from the Fort Pierce Utilities Authority, the Fort Pierce Utilities Authority is talking about taking away those funds. Where are we going to be on that level?

City Manager Beach said the FPUA is not going to take away those funds, that is how uncomplicated that is.

Mayor Benton asked is Mr. Bergalis comfortable with this?

Mr. George Bergalis, Finance Director, said he doesn't have any problem with it.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 07-11 be adopted.

Commissioner Becht said as this process started out, the number of \$25 million is what he was told. It is now up to \$32 million. Do they want to deal with it piecemeal or deal with it all together?

City Manager Beach said the \$25 million was the disposable revenue that they needed in order to do the acquisition they are talking about. In order to get to the \$25 million, they were going to acquire both principal and interest debt service payments for a period of either two or three years. Are they going for two or three years on this interest and debt service?

Mr. Bergalis asked capitalized interest?

City Manager Beach said yes.

Mr. Bergalis said he is not sure what it is now. He has not seen the last amortization.

Mr. Wesley Bradish, RBC Capital Markets, said three years.

City Manager Beach said this bond issue, the document they are looking at says not to exceed \$32 million. They are still working on what that figure is going to be. The last figure he saw was \$30,500,000. The bulk of the overage, the bulk of that over the \$25 million, is the principal, interest, and debt service for that three year period of time while they are intending to turn the property. That is the reason for the difference.

Mr. Bradish said he is from RBC Capital Markets, the City's financial advisor. Mr. Beach is correct when he says that a majority of that amount over \$25 million is from this capitalized interest. What capitalized interest is, basically they are funding interest payments for three years out of the proceeds of the loan, so the City will not be responsible to make any interest payment for three years under this loan agreement. There are other costs of issuing this loan and that makes up the other amount. But again as Mr. Beach said, it is \$32 million, and that is not to exceed number, it will probably be somewhat under that when things are all said and done and they finally price the loan and finalize the loan agreement.

Commissioner Becht said just so the public is not confused, he did not just say this is interest free for three years.

Mr. Bradish said it is not interest free for three years. They are funding the interest payments out of the loan proceeds, so that fund will sit in escrow.

Commissioner Becht said he thinks he understands what they did. They borrowed the money to make the payments in the future. How is this going to be funded? Is the full amount going to be funded initially and the interest meter turns on initially, or is it more like a line of credit?

Mr. Bradish said it will be funded, the City will receive \$25 million at closing.

Commissioner Becht said so they immediately turn the interest meter on whatever they borrow.

Mr. Bradish said that is correct.

City Manager Beach said keep in mind, they will also invest those \$25 million when they are delivered.

Commissioner Becht asked what is the projected interest rate on the money borrowed?

Mr. Bradish said the projected interest rate in the current market is probably around 4%. They could easily invest those monies at a rate in excess of 4-1/2%.

Commissioner Becht asked he will guarantee that?

Mr. Bradish said there are no guarantees. But comparable programs done by other cities for the term of what they are looking at spending these proceeds.

City Manager Beach said let him clarify something. They are working on this as they speak. They have two things going on, they have a taxable issue and a non-taxable issue. Part of these funds are going to be taxable, which that interest rate is going to be higher. This non-taxable will be lower. They do not know what the interest rate they are going to paying is until they issue this debt. That will occur, is it this week or next week?

Mr. Bradish said it will probably occur by the 15th of March. The pricing and the closing occur on about the same day. Mr. Beach is correct, the final project breakdown will determine whether the loan is fully tax exempt or a portion of it is taxable. And where a portion of it is taxable, that rate will be higher. But he knows that project list is still being determined and that final project list will be an appendix to the loan agreement that the City Manager or the Mayor will sign to finalize the loan.

City Manager Beach said understand that their intentions are to pay this note off when they bring a developer into that Fisherman's Wharf property to develop it. That is the scheme and that is the plan they are working on. If they are successful at that, everything will go smoothly and they will all be very happy. If they are not successful, they will have a lot more discussions about this in about three years.

Those voting in favor of the adoption of Resolution No. 07-11 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-12

"THE RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA WITH ATTACHMENTS AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED **\$32,000,000 FROM THE SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION** FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND ERECTING CERTAIN CAPITAL IMPROVEMENTS; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; PROVIDING FOR THE

REPAYMENT OF SUCH LOAN FROM CERTAIN LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE.”

Commissioner Nelson said this Sunshine Fund is new to him. What he is very much concerned with is their ability to repay, the 20 years that they are expected to pay it back, and the source for other than the \$4 million or \$5 million they get from the U.A. Where would they get the monies to repay this?

City Manager Beach their repayment plan is to use the proceeds of the sale of the land that they are acquiring with the resources. Once that is sold, to repay it that way. If that does not work, if that fails, if they are unsuccessful at getting a development project around that Fisherman's Wharf that does that, then their only option, what they are looking at right now is going to the Fort Pierce Redevelopment Agency to service the debt on this issue until it does happen. Keep in mind, they have three years to turn this property around and put that project together and not have to deal with this. But at the end of that, if they are unsuccessful, their backup plan is the Fort Pierce Redevelopment Agency; and they do have sufficient resources at this point in time to deal with that.

Commissioner Nelson asked they are dealing with a set interest rate, the money they are borrowing?

City Manager Beach said as he understands it, it is a flexible interest rate. He does not know how much it will fluctuate, simply because it is. The source of the funding they are getting from the state is from a bond issue.

Mr. Wesley Bradish, RBC Capital Markets, said that is correct. By way of background, the Sunshine State Financing Commission is a very successful and a very frequently used conduit financing system in the State of Florida. There is approximately 16 or 17 member cities and counties in the state and over \$1 billion in loan proceeds outstanding currently. It is very successful. The program that the City has been approved to participate in - and they actually were to approve to participate back in November by the Sunshine State Commission - is a commercial paper program, so it is a variable rate program. Without getting into the details of what actually commercial paper is, it is a variable rate program and the rate does fluctuate. That being said, the attractive thing to the City, versus a long term fixed rate financing, is that they can pay this off at any time without any penalty. This is one of the only programs that they would be extended that ability.

Commissioner Nelson said they have to budget this amount and they have to budget it at 120% level. And somebody has to certify as to the availability of funds and how they are going to pay it back, etc. Can he explain that a little bit?

Mr. Bradish said sure, and that relates to the previous item (Resolution No. 07-11) they just adopted. The City has a covenant called an additional bonds test for all of its bond issues that are secured by this financing source, the legally available non-ad valorem revenues of the City's General Fund. And in order to issue additional bonds from that covenant, these adjusted revenues they just approved (under Resolution No. 07-11) have to cover debt service two times. And that is existing debt service and also proposed debt service on the new loan, and that is a maximum annual service. This covenant was established by a bond insurer back in 1994 and they are amending it to include the FPUA electric revenues to increase the City's bonding capacity. But also, at the closing of this loan, their auditor will actually will provide a calculation. So before they even considered proceeding with this, the auditor performed the calculation based on their 2006 unaudited results to make sure they would be in compliance and they are more than in compliance with this covenant. It would not be something that they would ever recommend that the City proceed with unless of course they were in compliance with this covenant because it is required by bond insurers and existing bond holders of other bond issues that carry this covenant. And so the auditor

has performed this calculation and is comfortable with making that certification at closing, that the revenues are at least two times. Actually, based on the current estimate debt service, their coverage is more like 2.9 or 3 times, so they do have some flexibility.

Commissioner Coke said previously when they have raised their debt limit here to the City, they did it conditionally upon lowering it after it was no longer necessary. And she would certainly hope that they are going to condition raising this for an additional \$32 million conditioned upon when they pay this money back that they will put another Resolution in to lower it.

City Manager Beach said if they place that condition on it, that is what they will do.

Commissioner Coke said that would be her preference, because she would always like to know what they are doing. Do they have a dollar figure total from Mr. Ward on the properties they are looking to acquire in this area?

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said yes, \$25 million.

Commissioner Coke said which brings her to her next level of concern. When they first discussed this, it was her understanding that initially they were not looking to necessarily go out and assemble all these parcels and purchase them and hold on to them for any length of time. They were looking to assemble them, and she is still not sure when he says \$25 million, which pieces of property they are talking about? She would really appreciate knowing specially which ones they are. But it was her understanding that they were looking to try and assemble them for someone who is already interested in coming in and had a whole development plan.

Mr. Ward said yes, and that is still the case.

Commissioner Coke said so they are going to borrow \$32 million and assemble this property and they are talking about a three year closing time frame. Her concern becomes number one, a three year closing time frame that they are going to be paying interest on monies; and number two, because they have committed to this \$32 million, they cannot bond any FPRA funding or City funding for other projects. So this is going to be their only project then for the next three years or until they turn this.

City Manager Beach said he understands what she is saying, but that is not... There is still some flexibility, assuming at the end of three years that they had to come up with the debt service on this issue. Within the Fort Pierce Redevelopment Agency at this point in time, on top of the debt they have issued, they have a capacity for another \$45 million. This issue is \$25 million. So they still have \$20 million of capacity within the Redevelopment Agency. Assuming this didn't work out and they had to use FPRA resources for this purpose, they still have additional bonding capacity.

Commissioner Coke said she does not know how comfortable she would feel with too much more, but go ahead.

City Manager Beach said he has just about hit his comfort level, he can tell them that.

Commissioner Coke asked does Mr. Ward envision them being able to move forward and turn this property? Does he have time frame where he is anticipating this to happen?

Mr. Ward said at this moment, he is having conversations with developers about going ahead and taking them out of this property. It certainly is not their intention to wait until the two or three year period starts approaching before they start negotiating. They are negotiating it right now. And in fact, he is suggesting that there may be other properties

that are surrounding this area that perhaps the developers that they are discussing this with might want to do this on their own.

Commissioner Coke said she sees he has the map there. Is he able to show them which properties?

Mr. Ward said in this particular instance, they are talking about \$25 million. And of the uses for this \$25 million, \$15 million is for the property at Fisherman's Wharf east of Indian River Drive. The City of course already owns the boat ramp. The balance of it is right at \$15 million. And the balance of \$10 million will be used for the parking garage.

Commissioner Coke said before when they were talking that this was all going to be for property here, that is not actually the case. \$15 million of it is for property here and \$10 million of it is for another project.

Mr. Ward said for the parking garage, yes.

Mayor Benton asked for the record, can Mr. Beach name a couple projects or at least one that has been successful Sunshine Loan?

City Manager Beach said the only one he is familiar with is City Place in West Palm. That property was actually assembled through a loan from the Sunshine State Loan Fund.

Mayor Benton said so they have a very good track record.

City Manager Beach said it worked. West Palm did precisely what Fort Pierce is proposing to do here. That city acquired the land, assembled the land, went through that very difficult and expensive and time-consuming process; and then a developer came along and assumed the debt on that property to actually develop it.

Mayor Benton asked they have several developers interested in these properties, true?

Mr. Ward said that is true. He has had two in particular that seem to be prime candidates, but there are others as well.

Commissioner Becht said he is afraid he is going to be Chicken Little tonight. This has swollen from \$25 million to \$32 million. He still does not have his mind wrapped around the property on Fisherman's Wharf that he is talking about. The total cost of that property to acquire is what dollar figure?

Mr. Ward said the total to acquire the Fisherman's Wharf property (pointing to a map on the screen) which includes this parcel, this parcel, this parcel, this L-shaped parcel, these two parcels. It also includes the County parking lot and this parcel. And as he said, the City owns the boat ramp. They have an appraised estimate of at \$14,479,000, so \$15 million more or less.

Commissioner Becht said the last time they spoke, the southeast corner of Fisherman's Wharf and Indian River Drive, he thought they were a million dollars apart there.

Mr. Ward said they are. He has no further discussion with the seller of that property. But he has an appraised price, and they are limited of course statutorily.

Commissioner Becht said the County, he has had conversations with them and he has not received any commitment from them that they are or are not willing to either donate or even sell the current parking lot for the ramp operation. Has Mr. Ward had any different conversation with them on that?

Mr. Ward said part of that will depend on the future of the boat ramp, whether or not another boat ramp is acquired, and whether or not they cancel their lease with them on that boat ramp.

Commissioner Becht asked the old Ramp Restaurant, is he at contract with the owners of that property?

Mr. Ward said no.

Commissioner Becht said the M&M folks, he thinks they are as about close with them as they are with anybody at this site, and they are close to appraised value. Correct?

Mr. Ward said they have a contract with them.

Commissioner Becht asked the piece on the end, what he would call the peninsula, are they asking appraised value or a little more than appraised value?

Mr. Ward said they are slightly over appraised value for their talking price right now.

Commissioner Becht asked their talking price is how many millions over the appraised value?

Mr. Ward said the owners are asking \$7 million is his understanding, and they are at \$6.25 million on their estimate, so they are not too far off.

Commissioner Becht said they are at least \$2 million off if the County donates the property. Because they have \$1 million more for the corner and a little more than \$1 million for the peninsula, right?

City Manager Beach said as Mr. Ward indicated earlier, they are statutorily prohibited from going far beyond the appraised value. If they have a seller unwilling to sell it, they simply won't acquire it.

Commissioner Becht said he understands that. But they will have already borrowed the money, which is where he is headed. This morning's paper had a headlines where foreclosures have jumped up. They had two developers in here tonight requesting extensions on site plans. They can all go over to South Beach and see condos that did get built in the boom and are sitting there vacant. He is sorry, but he is going to be Chicken Little tonight because this thing scares him to go out on a limb for \$25 to \$32 million. They are going to take this valuable property off of the real estate rolls; and in taking it off the real estate rolls, they reduce the incentive for some of the folks that did own it to develop it or sell it, because now they have taken it out of circulation. His crystal ball is that they are going to own it in three years. Catalfumo pulled out of the downtown project for reasons that they can all guess at. Marina One, the developer is not breaking ground on that. The piece that was assembled from Citrus Avenue on the river south down to an old lawyers office, it is for sale; and the developers are not popping out of the woodwork to pick it up. So he appreciate that Mr. Ward had conversations with developers that are interested in this if they assemble it. But he has not had the privilege or the pleasure of having the same conversation. So right now he has to tell them that he is scared to death of borrowing \$25 million in this economic climate for that project.

City Manager Beach said he thinks it is important for everybody to recognize that there is a risk associated with this. That risk is that it does not work out the way they anticipated. And anyone who is not willing to accept that risk needs to back away from this and let it go.

It is that uncomplicated. This is a venture that they expect, based on their discussions and what they know, they expect it to work out. They can't guarantee that it is going to work out. But he can tell them this, he would recommend that they take this risk. He thinks the opportunity is there to make that an incredibly important element of this community. And

he does not believe that the private sector is going to step up and do it without participation from the Redevelopment Agency to make it happen. He thinks if they do not pursue this, that they are going to be sitting here looking at that ragtag piece of property for a good period of time.

Commissioner Nelson said he has sat on this Commission some years past and he saw the port property come up for sale and they thought \$5 million was a whole heap to pay for that. He sort of wants to kick himself for not having the guts to move forward. He knows they were in a different financial position at that time as compared to now. But since that time he has seen it evolve into a very valuable piece of property. Maybe at this juncture it is worth taking a risk to try and ensure the development of that area immediately in that vicinity adjacent to that port property. He does not like the idea of \$25 million in debt. He is concerned about where they are going to get it from and how they are going to pay it back, whether or not it is going to jeopardize their future projects. But his gut tells him, along with a little bit of insight and intellect, that they should move forward on this; and he is going to stick out there and go for it this time. Mr. Beach tells them that City Place was built by this concept. They need that growth and they need that development. So he is going to be supporting it because he has confidence in their staff, as well as they make the certification that the funding is going to be available. So he is going to support this issue this time.

Mayor Benton said if he wasn't a gentleman, he would have kicked Commissioner Nelson, because he made that motion at that time to buy that port property, but couldn't get a third vote. There is a bit of a chance. But they have seen that blighted area look worse and worse in the last ten years. Somebody has to step up to the plate. But there is a difference between this property and some of the property on the beach that has been stagnant. There is one development across from him on Faber Cove that is moving forward for one reason, it has dock slips. This has dock slips and marina space, that is what is needed in South Florida; and he thinks that is one thing that makes it a little different than waterfront property on the ocean. It is part of a chance they have to take. But look at what their future will be and that is what their Redevelopment Agency is for. And if they did not have a vision, they wouldn't be there.

Commissioner Coke said there could have been a couple of things done a little differently that would have increased her comfort level with this. She was hoping by the time they got to this point that they would of had contracts to purchase all the properties that they were looking to purchase with the closing date conditioned upon them receiving funds. She does not like putting them in that kind of position, where they are not quite sure that they are even going to be able to acquire the property. But she is a firm believer that waterfront property is not going to go down in value. If they do not jump on this now, the Commission sitting up here ten years from now are going to be saying, \$65 million, are these people crazy? She thinks they just need to bite the bullet and move forward. That being said, she will tell them this, if they ever thought they heard Commissioner Alexander, the Mayor, and Commissioner Nelson asking about the parking garage, they haven't heard nothing yet. Because she is going to be asking every single month for an update on where they are with these properties, where they are with the purchase of them, when it is going out for RFQ, the update on the development. And she can be just as pesky as those three guys can. Her other concern with this fund is, when she is looking at their FPRA budget, she was under the assumption that a large part of that \$11 million that she is now being told is going to be spent for the parking garage was already budgeted last year.

Mr. Ward said yes, that is true. Part of this has to do with setting the interest rate on this loan. If they take \$10 million of the proceeds of this \$25 million loan, that gives them a lower interest rate. That means they can reassign some of the dollars that they already have in their bonded budget right now for other projects. And it helps them get their interest rate down on this. So in fact, it is actually a move on the part of staff to try to and be fiscally responsible.

Mayor Benton said free up that \$2 million needed for redoing the beach parks. They have made a lot of commitments that there is not funding for right now.

Commissioner Alexander said just one last thing input on this. Concerning the smart grown over there, he looks at this as a gateway to their downtown. Whatever is going to be there is going to be accessible to their downtown. His question to Mr. Ward, they had the capability of expanding the CRA district beyond to the marina portion of it. How would that look as them expanding to that area of Taylor Creek? Would that be like shooting themselves in the foot? Or does he think that would be more of an input to impress this portion of the City? Does he think this capability of them doing...?

Mr. Ward said they certainly have the option to expand the boundaries of the FPRA and they have done so on two other occasions. And it certainly looks like that Taylor Creek, if they are successful in negotiations with the FEC and they can do something about the bridges and the constriction along that channel, he would say that Taylor Creek has a wonderful opportunity for growth. And what they are trying to do there is certainly what a Redevelopment Agency does. They are taking areas that underutilized and maximizing their opportunities. Certainly there is an opportunity to expand to that area and he would support that. Certainly it is not going to contribute to their TIF funding in the immediate future. But he can certainly see looking down the road, as he knows this Commission is doing now, that there are wonderful opportunities there.

Commissioner Alexander said he just wanted to remind him that they did expand westward with their FPRA and he expects some blossom coming from that area too. Because like they plant the seed, they wait on the product. He is expecting that also. So he is in support of this tonight.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that Resolution No. 07-12 be adopted.

Commissioner Coke asked including a condition that upon payment of this loan that staff bring back a Resolution decreasing the debt limit by the \$32 million they are now increasing it to?

Commissioner Nelson said that is up to \$32 million, not to exceed. So stipulated.

Those voting in favor of the adoption of Resolution No. 07-12 were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: Commissioner Becht.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to authorize the Mayor, the City Clerk, and the City Attorney to execute final Loan Agreement and other documents required to close the loan from the Sunshine State Governmental Financing Commission.

Commissioner Becht asked is there any pressure to get this done now? Let him tell them what his concern is. His concern is they are in the process of negotiation to buy two or three properties and he would just rather not have the money in the bank while they are negotiating it. He would prefer not to have the interest meter burning while they are negotiating to buy properties. So can they set it up such that if they do get the three contracts on the three properties, they close the loan?

City Manager Beach said he thinks they have the option of drawing the resources down as they use them. Is that correct or not?

Commissioner Becht said it is not correct, because that is not what they were told earlier. Mr. Bradish told them the full interest meter starts immediately.

Mr. Bradish said right. This is not like a line of credit where they can draw down the amount as they needed it.

Commissioner Becht said he would rather not start the interest meter even knowing that they are going to get a half a percent more in reinvesting the money. He would rather not start the interest meter on the money they are borrowing until Mr. Ward has come back to the FPRA on Wednesday and says he has contracts on all the properties up there.

City Manager Beach said they have one contract. They are actually very close to being ready to execute the parking garage contract. And without these resources, they would have to go for another bond issue to go forward with the parking garage. And that is imminent.

Commissioner Nelson asked are they still holding to their date of October to have that parking garage turn-key?

Mayor Benton said they are looking at November. They are looking at now a date of right around Thanksgiving because of some of the tie-ups they have had.

Commissioner Nelson asked he is talking about 2007 though?

Mayor Benton said he is talking 2007. It is also what they told their Congressmen and Senators last week, that they have a supporting garage for the Federal Courthouse. They need it built. The garage will be finished by the end of the year.

Commissioner Nelson said all right, he will agree with that.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-13

"A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND PROVIDE ADMINISTRATION OF A PROJECT AGREEMENT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR A NATURAL RESOURCES CONSERVATION SERVICE **EMERGENCY WATERSHED PROGRAM GRANT FOR THE GEORGIA AVENUE OUTFALL**, ON BEHALF OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, THE GOVERNING BODY; PROVIDING AN EFFECTIVE DATE."

Motion made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 07-13 be adopted.

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

The next item on the Agenda was Appointments and Reappointments to various Boards.

City Clerk Steele said the next set of Resolutions, Resolution No. 07-14 through Resolution No. 07-19, she has received the worksheets from the Commissioners and tallied the votes for the people that they want to be placed on these boards. So she will read each Resolution and tell them the names that received the majority vote; and then they can make a motion to adopt the Resolution.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-14

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **JOANNE ALBARELLI** AS AN ALTERNATE MEMBER AND REAPPOINTING **DYLAN MURRAY** TO THE **BOARD OF ADJUSTMENT** FOR A TERM COMMENCING MARCH 5, 2007, AND EXPIRE AS SET OUT HEREIN.”

Motion made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 07-14 be adopted.

Those voting in favor of the adoption of Resolution No. 07-14 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-15

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **JOHN LANGEL, REED SUDDERTH, PAUL FRISCHKORN, AND MARVIN GRIMSLEY** TO THE **CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS** FOR A TERM COMMENCING MARCH 5, 2007, AND TO EXPIRE AS SET OUT HEREIN.”

Motion made by Commissioner Alexander, seconded by Commissioner Coke, that Resolution No. 07-15 be adopted.

Those voting in favor of the adoption of Resolution No. 07-15 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-16

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **REED SUDDERTH, CHUCK ENNS, JOHN LANGEL AND EDWARD CONLON** TO THE **BOARD OF EXAMINERS OF CONTRACTORS** FOR A TERM COMMENCING MARCH 5, 2007, AND TO EXPIRE AS SET OUT HEREIN.”

Motion made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 07-16 be adopted.

Those voting in favor of the adoption of Resolution No. 07-16 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-17

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **CHARLES HAYEK AND IRENE LEVETTE DIXON** AND REAPPOINTING **COLIN V. LLOYD, THOMAS KNOTT, CHARLIE HARRIS AND ROBERT PORTIER, JR.** TO THE **CITY PLANNING BOARD** FOR A TERM COMMENCING MARCH 5, 2007, AND TO EXPIRE AS SET OUT HEREIN.”

Motion made by Commissioner Nelson, seconded by Commissioner Alexander, that Resolution No. 07-17 be adopted.

Those voting in favor of the adoption of Resolution No. 07-17 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-18

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **JOANNE ALBARELLI** AND REAPPOINTING **THOMAS KNOTT AND MARY PADRICK MINTON** TO THE **CODE ENFORCEMENT BOARD** FOR A TERM COMMENCING MARCH 5, 2007, AND TO EXPIRE AS SET OUT HEREIN.”

Motion made by Commissioner Nelson, seconded by Commissioner Becht, that Resolution No. 07-18 be adopted.

Those voting in favor of the adoption of Resolution No. 07-18 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-19

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **ROBERT BROWN** (AS ALTERNATE #1) AND REAPPOINTING **RODERICK WALLER** (AS A REGULAR MEMBER) TO THE **CIVIL SERVICE APPEALS BOARD** FOR A TERM COMMENCING MARCH 5, 2007, AND TO EXPIRE AS SET OUT HEREIN.”

Motion made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 07-19 be adopted.

Those voting in favor of the adoption of Resolution No. 07-19 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Submittal of Applications for appointment to the **Police Officers Retirement Fund Board** of Trustees and Submittal of Applications for appointment to the **Sunrise Theatre Advisory Board.**

City Clerk Steele said these are for their consideration over the next couple of weeks and there will be Resolutions on the next Agenda for appointments.

Commissioner Alexander said they spoke of a 28 member on this Sunrise Theatre Advisory Board. They changed it to 14?

Commissioner Coke said when they adopted it, she believes so.

City Manager Beach said that is his understanding, yes.

Commissioner Alexander said they received more than 14. But his question was, he thought Mr. Jenkins asked the input of these Commissioners as far as on these boards, but he does not see any recommendation from Commissioners. He is thinking he made some recommendations and they were not even considered.

City Manager Beach said these appointments are Commission appointments. What they have from the Sunrise Theatre Director are his recommendations. That is fully subject to their review; and if they want to appoint it differently, that is their decision.

Commissioner Alexander said the referral by Commissioners, he only saw one Commissioner name referral by on these, and the rest of them are done by Mr. Jenkins. So again, if he wanted their input on it, why was not their input considered?

Mayor Benton said it will be at the next meeting and he hopes they vote on these folks, just like the did tonight on the various boards.

Commissioner Coke said she is looking at the last four or five applications in her package and they have Commissioner Alexander's name at the bottom of it.

Commissioner Alexander said but if she looks on the edge of it, it is dictated, Sunrise recommends.

Mayor Benton said but the Commissioners make that decision though.

Commissioner Alexander said he is just letting them know he is paying attention to this.

City Manager Beach said if they let Mr. Jenkins decide, this is what he would like them to do. But it isn't his decision, it is the Commission's decision.

Commissioner Alexander said he can see his name, but it is not confirmed. The rest of them are confirmed with indication on the edge of the paper for each one of them.

Mayor Benton said that is Mr. Jenkins recommendations.

Commissioner Coke said she believes as the original Sunrise Theatre Board disbanded, the City Manager requested that Mr. Jenkins earmark and make recommendations to this Commission. She does not think he was intending to supercede anyone or step on anyone's toes, she thinks he was basically doing what he was requested to.

Commissioner Alexander said he did not take it like that. But he just did not see the other recommendations being highlighted as the rest of them were. Now they have seven or eight that, in other words, are not in favor by Mr. Jenkins. He just wanted to let them know he is going to be looking at this closely.

Commissioner Becht said he saw on the side of the page there was some ink up there. But this is going to be their decision and they are going to appoint a board that will be doing some fund-raising eventually or indirectly for the theatre which they need and also promoting some acts. They have an act coming to town this Sunday night, March 11th, Fleetwood Mac's lead guitarist, Lindsey Buckingham, and he understands tickets are still available for it. They need people out there that are going to promote this and let the community know they are getting some nice acts in the community. That is why they need a strong board and they will choose the board.

The next item on the Agenda was Commissioner Nelson concerning **Traffic Light** at the intersection of Orange Avenue and Indian River Drive.

Commissioner Nelson said they have seen his memo on the 28th of February regarding that issue. Basically what he is concerned about is the fact that they have two roundabouts and a traffic light within two blocks of each other. Trying to find an alternative to slowing the traffic down, calming the traffic, and making sure that the traffic flows as continuously as possible. He proposed several proposals there - removing the light, four-way stop signs, and others. He is open to addressing this from any angle that is not listed there and possibly they can go to some type of timing device. And he certainly hopes that they don't overlook the fact that is a state road or a county road that controls that light as far as ownership. He hopes they can look at this from staff perspective and come up with some solution to resolve that problem down there.

Mayor Benton said his only concern is, he knows how many years they fight to get a traffic light. This is the first time he ever heard anybody want to get rid of one. He thinks the

timing is way off. He thinks if they had the timing changed, everyone would be happy. He just thinks there is too long of a wait on the north/south. That is his opinion.

Commissioner Becht said he would suggest that they not spend a whole lot of time and money on redesigning it until the RFP on the JC Penny Parking Garage comes back in.

Commissioner Nelson said he is not talking about redesign. There are some things they can do right now.

Commissioner Becht said all he said was that they not spend a great deal of time or money on it. He is all in favor of having a report back from staff on what they can do at minimal expense. But he travels that way a great deal, as does his family, and he has not been inconvenienced by the light either going south or north. Anyway, he would rather not spend a whole lot of time on it or a whole lot of money on it until the RFP comes back.

Mr. Jack Andrews, City Engineer, said staff has been looking at that as far as the timing, kind of evaluating. Right now the intersection is running on a fixed time basis. He went ahead and approved, and in fact ordered a fairly inexpensive fix for that, microwave detectors that will actually detect when a vehicle is there and cycle the light more rapidly. That is on order and they are anticipating three weeks to have that in. Hopefully that will solve their problem.

The next item on the Agenda was Director of Planning to advise of his approval of a **Minor Amendment** to the Site Plan for **Live Oaks Villas, Phase II**, on South 27th Street and Georgia Avenue.

Mr. Matt Margotta, Director of Planning, said staff was approached by the developer of Live Oaks Villas explaining difficulty that may arise based upon a condition that was placed on the original approval back in April 2006. About an 0.7 acre piece of land on the northwest corner of the property was to be dedicated to the City. If that actually happened, then it would make that particular site become non-conforming for density. Staff looked at the issue and they were able to determine that an easement will certainly suffice for all of their purposes. But this is a change from the original approval. It is a Minor Amendment, it meets all the requirements of Section 22-58, and he approved it as such.

Commissioner Alexander asked the northwest corner of that property, did they address that canal, that little ditch or culvert, dangerous?

Mr. Margotta said that is why the City wanted the property in the first place, to be able to conduct a project in there. And that is why staff is recommending that the easement is placed, so they are still able to conduct that project.

Commissioner Nelson asked he is saying that this requires simply a minor amendment?

Mr. Margotta said he has already approved it. Based upon Section 22-58, he advised the City Commission that he has conducted this minor amendment subject to their final approval.

Commissioner Nelson said so the developer is going to be able to move forward on the development of that project. So everybody is happy.

Mr. Margotta said absolutely.

The next item on the Agenda was Chief of Police request to consider final action concerning Club Omega, Inc. - **Omega Lounge** at 1603 South U.S. #1.

Mayor Benton said he was not here for the initial hearing. But it was his understanding there was supposed to be some conditions and

some information submitted, a proposal. He did not receive one in his packet. Does the Commission feel they should be moving forward tonight with this without any information provided? And he guesses there is a question whether he can preside on this. Maybe Mr. Schwerer can answer that question. If it moves forward, does he preside?

City Attorney Schwerer said the Mayor is the Chairman of this Commission for purposes of Roberts Rules of Order and he can serve as such. Commissioner Alexander served in his stead when he was absent as Mayor Pro Tem. But Mayor Benton is allowed to serve. The matter is back before them because of the Order that was entered by this Commission at hearings in the Mayor's absence. But it was ordered that the Occupational License issued by the City of Fort Pierce in the name of the licensee was suspended until the March 5, 2007 meeting of the Commission, which became effective immediately. The same order did discuss in Paragraph D that the licensee was encouraged to work with the Police Department in arriving at a list of solutions for abating such activities to present for the Commission's consideration. At tonight's meeting they essentially have three options. Their first option would be to remove the suspension if they felt that the conditions that have been proposed by the applicant are sufficient to abate the public nuisance. They can also impose additional conditions. Their second option is to continue the suspension for a defined period of time until they are satisfied they have before them a plan to abate the nuisance. And their third option is to revoke the license or declare it invalid, as the Chief had requested in his initial report. Those are essentially their options. This is a technical continuation of the previous hearing that was before them. But at this point in time, there is no further evidence necessary to document whether or not this constitutes a public nuisance, that has already been found to exist. The only issue tonight is whether the suspension is lifted, continued, or a revocation occurs.

Commissioner Becht said perhaps the Mayor got the clarity he needed. The Mayor is going to lead the meeting. Is he going to be able to vote or is he not going to be able to vote?

City Attorney Schwerer said he thinks the Mayor at this point in time can vote. And the reason he can vote is because he now has before him a complete record of the prior proceedings, at which time the Commission made a factual finding that there is a public nuisance. Does he understand there is a distinction? Now the remedy is at issue.

Commissioner Becht said he understands what Mr. Schwerer is saying tonight. But his recollection and his understanding at the prior meeting was Mr. Schwerer had made a statement that the Mayor could not vote at this meeting.

City Attorney Schwerer said no, that was based upon a question of whether or not they delayed the vote to the next meeting, could the Mayor vote. This is what his understanding of the question was. So he said no, they really can't do that. That was a motion to delay a vote, period. They however did vote at the previous meeting to temporarily suspend, so that action has been taken. So the Mayor can vote now on the continuing remedy; but he couldn't necessarily vote on the initial one because he was not here for those two fact-finding proceedings when they had the quasi-judicial hearings.

Commissioner Becht said that was not his understanding; but he may have been laboring under a misunderstanding.

Commissioner Coke said she believes what happened was, is they had a motion to bring this back and Commissioner Nelson, she believes, misinterpreted the motion to the extent that he thought they were looking to not vote on the initial situation that evening, but to delay the vote until the Mayor was back. And they said no, that wasn't what they were looking to do, they were looking to issue...

Commissioner Becht said he is happy for all to vote. It is just that was not his understanding.

Commissioner Alexander said he thinks he has the wrong understanding too. Because he was thinking because of the fact the Mayor was not here for the proceedings that he would not be able to address this. But he is fine with that. He wants to know did the Chief sit down with these individuals? Did they get an okay off this?

Mayor Benton said when they received their packet, after reading the Minutes, it said they would have a proposal and that there would be a list. He has not seen anything in his packet, any response from the Omega Lounge.

Commissioner Becht said he would like to disclose that he had a conversation with Mr. Yates. He hopes Mr. Yates understood him to say that unless there was a joint resolution with the Chief and the Police Department endorsing a resolution, that he was not going to negotiate from the dias a resolution. He wanted the Police Department to be happy, he wanted Mr. Yates client to be happy. And he does not see that resolution before them. Is there anything they can jointly present to the Commission tonight?

Mr. Clay Yates said yes, he believes they have got a resolution.

Commissioner Becht asked is that correct, they have something they are going to jointly present tonight the Chief is going to endorse?

Acting Chief of Police Sean Baldwin said he does not know that endorse is the correct word. They have met and Mr. Suarez has presented a list of actions that he has taken or is in the process of taking to address the nuisance and public safety issues. He believes those actions they are here to present to the Commission tonight are a positive step towards resolving some of the issues. He does not want to commit himself to saying this is absolutely going to resolve the problems because he does not know if that is going to happen. He thinks in addition to the conditions that are going to be presented, which are some mechanical things they are going to do at the establishment, it is incumbent upon Mr. Suarez to manage his property the way it needs to be managed so it is not allowed to create a public nuisance or a threat to public safety. He thinks that should be part of the order the Commission issues. Three things. Number one is the conditions Mr. Suarez is going to propose tonight. He thinks these conditions, coupled with the conditions that were previously ordered in the Agreement to Defer and for Probation, along with an order from the Commission to Mr. Suarez to make sure that he takes whatever additional actions may become necessary to keep the place from becoming a public nuisance or a threat to public safety, and he thinks they can move forward

from there. His understanding at the last meeting it was the intent of the Commission to give Mr. Suarez an opportunity to put some things in place and see if he can operate his business within the laws and the ordinances of the City of Fort Pierce.

Commissioner Becht said what he was hoping for is that Chief Baldwin and his Department, and Mr. Suarez and his Attorney, would come back to the Commission happy on both sides and say here is the deal, and the Commission could endorse it or tweak it. But he didn't have that in his packet Thursday night. And as he arrived tonight, there was something on the dias up here that has some conditions in it, but it is not even signed by Mr. Suarez.

Mr. Yates said actually the original has been filed with the City Clerk and has been signed by Mr. Suarez.

City Clerk Steele said he gave it to her (Abatement Plan of Club Omega, Inc. dated March 5, 2007) just before the meeting started.

Commissioner Becht asked is the original signed?

City Clerk Steele said yes.

Commissioner Alexander asked are they going to allow for off duty officers to be on that premises as security?

Acting Chief Baldwin said no, he does not believe he is going to allow that. He is studying that very subject right now and he has sincere reservations in allowing their officers to work for establishments that sell alcohol. He knows there are some benefits to doing that, as well as the potential liabilities in doing that. To be honest, he is struggling with that issue right now.

Commissioner Alexander asked why has it in the past been done if it is a problem to him?

Acting Chief Baldwin said Florida Statutes prohibits it from happening; but it allows the Chief of Police, with written authorization, to authorize security work from police officers at these establishments. To be honest, that is what he is struggling with. There is a reason why Florida Statutes prohibits it; but then there is a condition in there that will allow it with the Chief of Police authorization. He has to tell them, if they ask him to answer the question right now, it will be no, he is not going to authorize it.

Commissioner Alexander said when his police officers are working off duty when they have a Friday Fest or any other event where alcohol is available or being sold, they have Bike Night and all these events going on, he wants to be assured that the parents of these children are going to know that their children are going to be in a safe place. If they are going to do it right, they have to put behind them what happened in the past if they are going forward. And he does have concerns if the Chief is telling him that his police officers are not going to be there, but they can be down here at Bike Night or Friday Fest, then they should be able to...

Acting Chief Baldwin said that is part of what he is struggling with. He thinks there is a distinction between a public event that is occurring on public property and on the public streets and on

public lands, he thinks there is a difference between that and working on private property for an establishment that its source of revenue is the sale of alcohol. He thinks there is a difference between the two, at least he does not have a problem seeing the difference between the two. He does not think it is the Police Department's responsibility to protect the patrons of at that particular establishment. They have an obligation to serve all of their residents. What he is saying is, it is management's responsibility to make sure the patrons there are safe. And if that requires security, Mr. Suarez can employ security staff to do that. He just does not know that the Police Department are the people they want employed by Mr. Suarez. He had a very frank conversation with Mr. Suarez right before this Commission meeting started about how they start over and about how they start from scratch and work from here to see if he can operate his business in their community without creating a threat to public safety. But he has to be honest, he does have an issue with the officers. That is something he has not come to a final determination on. He has been working with his staff on that and taking a look at what other agencies are doing in their area. He wants to be fair in that decision and it does have to be across the board, he understands that, because they are actually providing security at the Guadalajara, and that decision would stand for that establishment too and any others that may approach them.

Commissioner Nelson said he saw in the newspaper information relative to what they have done concerning this issue. He thinks that more or less parallels some of the data which was submitted across the dias and in the letter which was handed to the City Clerk and signed. Could the Chief tell them what level of comfort he has relative to his meeting with these people, what he feels they have in fact accomplished, and whether or not he feels what they have accomplished is going to be adequate to in fact abate this problem or at least have some facsimile thereof?

Acting Chief Baldwin said he cannot tell them he is 100% comfortable that there are going to be no more problems, nobody is going to get hurt, there will be no more drug sales at the Omega Lounge. He does not think he can make that commitment. There could be ten more things in this plan and he does not know that he can make that commitment. He is concerned with the public safety and nuisance activity that has occurred in the past at the Omega Lounge. All of those problems are occurring because the place is not being managed appropriately. He thinks they are looking at the means and not the end. The end they are trying to achieve is a business that is operating safely and within the regulations and rules and law of this State and this City, he thinks that is what they are looking for. And to be honest, they ought to simply order Mr. Suarez to do that, to comply with the laws and the ordinances that are in effect; and if he doesn't, his business will be closed down. And not worry about how Mr. Suarez is managing his business, how many cameras he has put up, how many signs he has put up, and so forth. The things Mr. Suarez has done has shown an effort and a commitment to try to do things right there, no doubt about that. But he can't sit here tonight and tell the Commission that he thinks that this is going to solve all the problems.

Commissioner Nelson said the Chief has the responsibility and charge to utilize his forces consistent with their abilities, consistent with their expertise, and availability, etc. If they are needed at certain events, the Chief can in fact deploy them

there or not, because his business is that of public safety so to speak. Is the Chief suggesting that he will not have the availability in these areas? Or is he willing to make some type of initial effort to continue to support this Omega Lounge in this requirement for security people, depending upon availability?

Acting Chief Baldwin said if something happens - a disturbance or a fight or something - at the Omega Lounge, will they be able to respond to that? Absolutely. Just like they would be able to respond to any place else in the City. He does not know if Commissioner Nelson's question is, can he respond to those and provide services as needed; or if he is willing to take on the responsibility of providing private off-duty detail security for the Omega Lounge.

Commissioner Nelson said he does not propose that the Chief should be saddled with providing private security for anybody. Except that he sees routinely that they do have security by officers at Publix, Winn Dixie, the Elks Lodge, or whatever the case may be. And he is trusting that all that is subject to availability. Is that right?

Acting Chief Baldwin said that is actually subject to whether or not the officers want to work there and make the extra money.

Commissioner Nelson said and the fact they want to do it, a key factor.

Acting Chief Baldwin said the Police Department is not paying them, Mr. Suarez is paying them directly. They are still police officers, they are still expected to abide by all policies and regulations, to do their sworn duty. But they are employed by Mr. Suarez. If the Commissioners will recall, during the case that was one of the defenses Mr. Yates proffered, was that the police were there, that Mr. Suarez hired the police and all this stuff was still occurring, so therefore they can't hold him accountable for what is going on. And that is the dilemma he is in, is can he police this place while his officers are employed directly by Mr. Suarez, because there is a conflict of interest there. There can be a conflict of interest, not just at the Omega, but at any of these establishments that have the tendency to become a public nuisance. It is an ethical dilemma and it is one that he is trying to be extremely cautious of. Like he told them during the hearing, his instinct is absolutely just stop doing it.

Commissioner Nelson said but if he were to stop doing it for the Omega Lounge, could he be charged with discrimination of a sort? If he does it for Winn Dixie or Publix, why can't he do it for Omega Lounge?

Acting Chief Baldwin said he is comfortable with this - it is two completely different kinds of businesses, absolutely completely different. He would have to stop doing it for any bar in the City of Fort Pierce, no question about that.

Commissioner Nelson asked do they do it for any other bar?

Acting Chief Baldwin said currently they do have an officer that is assigned at the Guadalajara Lounge. That is the only other one he is familiar with.

Commissioner Nelson said it would be the Chief's call.

Acting Chief Baldwin said they have actually worked that out with Mr. Suarez. Mr. Suarez is going to provide security. Whether it is police officers or security staff that he is going to hire to work in the parking lot, he is going to provide security in one form or another.

Commissioner Coke said she would like to disclose that she spoke to Mr. Yates on Friday, she believes it was. They talked about some of the concerns she has. It was her understanding that they had more input from the Police Department in reaching a resolution and that there was going to be some kind of contract or agreement written and signed by Mr. Suarez and the Police Department. What she is hearing from the Chief now is that this resolves some issues, which leads her to believe that there are some other major issues out there that it doesn't resolve. So that gives her some concerns. She does not have any recommendation from the Police Department on what they would suggest they add, subtract, or multiply to this agreement Mr. Yates has provided. She is not quite sure if this agreement is intended to supplement the original agreement they had or if it is intended to replace it. They spoke briefly Friday on her concerns that they had an Agreement. His client stood here and said yes, he will do all these things, he promises, or go ahead and close him down. And he didn't do all those things by his own admission and his own testimony here. And yet they spent two evenings in an effort not to close him down but to find a resolution to this. So if they have this agreement and recommendations from the Police Department, and this is in addition to the original agreement. She would first of all stipulate that his client needs to call an outside security agency - not bouncers, not people he hires off the street. There are bonded security agencies Mr. Suarez can call here in St. Lucie County and he can hire people there. Her question to Mr. Yates is, if they are willing to find some sort of compromise here with all these agreements and an outside security agency, what guarantee do they have that if the Sheriff's Department goes in there next week and finds there is a problem, where are they at?

Mr. Yates said that is a lot of questions.

Mayor Benton asked can he get one answered first? Number one, he has not seen a copy of this proposed agreement. Number two, normally when they see an agreement, they like to get an opinion from their City Attorney. He hasn't seen that. Number three, he saw a proposed agreement in the newspaper. That really gets him when the newspaper gets something before he does. He wonders if this is being played out in the press before he has an opportunity... As of now, he still does not have a copy. Normally they do not move forward on items until their City Attorney signs off and they have a chance to digest it. So are they going to move forward with this tonight and make a decision? Or do they get the information, take it home, digest it, and make a decision in two weeks? That is up to this Commission.

Commissioner Alexander said their Police Chief, their City Manager, everybody who was present here at that first meeting, they knew this was coming back. So if the Mayor didn't see anything from the Chief, then there was a reason why.

Mayor Benton asked when was that meeting, was it this afternoon?

Commissioner Alexander said no, let him finish his train of thought. At the last City Commission meeting, they decided to put it off to this date. Why Mr. Schwerer, the Chief, or no one else chose to meet, he does not know.

Commissioner Coke said she does not think it was their responsibility. It was the applicant's responsibility to get a proposal to the Police Department.

Commissioner Alexander said they sent that gentleman out to do one thing; and that is, to assure the Commission that he is going to do right. If he read it in the newspaper, he thought he was going crazy, because he knew he had read something, he didn't know where he read it at, but it was the newspaper. But they had some concerns and they brought some issues before them. If they have already spent money for the surveillance and he is looking at several different... They have digital and making it available for at least 30 days in a row. Again, he does not like procrastination on behalf of nobody. It says the owner is not even going to be on the premises it is open. So at least that is taking away a whole lot of the responsibility of other individuals.

Commissioner Becht said no, that is the son. Felipe Suarez is Mario Suarez's son.

Mayor Benton asked does this Commission want to move forward? Normally they don't without the information and the opinion of the City Attorney.

Commissioner Nelson said they are sort of at a discretionary status here, whatever they decide legally or logically they should do. They are not in the business of trying to stifle businesses or put people out of business. They want to do things that make people do right. If there is an overt effort by someone to do right for the betterment of the people that are being served, he thinks they can do that. So he is in favor of accepting the proposals submitted, and of course subject that to further scrutiny by the Police Chief and his people, and of course massaged as appropriate by the City Attorney as far as legal status is concerned. And give maximum leeway to allow for the Chief to use his forces consistent with his professional knowledge and experience. He wants to hear from the applicant and/or his attorney as to whether or not they can do this. And possibly set an extended time frame for these new actions to jell, if they are in fact approved, in order to make sure they have in fact abated this problem.

Mayor Benton said so what they want to do is move forward. He will let Mr. Yates answer Commissioner Coke's questions.

Mr. Yates said may he compliment the Police Department. Chief Baldwin, Captain Amandro, and Captain Sandifer have been very proactive in this. He thinks they do in their packet have a memo from Chief Baldwin dated February 28th to the Commissioners. Attached to that is a memorandum from Captain Amandro which sets out six points that they came up with at their meetings. What they basically received today signed by Mario Suarez is just him setting out what was agreed to at the meeting and is set forth in that memo from Captain Amandro. He suggests that Chief Baldwin is right, all of these steps, these six series of actions are a means to an end, that being to make sure that Club Omega patrons do not violate the law, that underage persons are not allowed in there. He gathered

from his conversation with Chief Baldwin what they were anticipating is that this Abatement Plan be made as an addendum to the original Agreement (Agreement to Defer and for Probation) and that the suspension be lifted and it goes forward with these positive actions being taken. In fact, practically all of them are already in place. He thinks Jim Mosley has to present one or two FDLE criminal histories. But that can all take place in the next few days. They would ask the Commission to just lift the suspension, tell Mario Suarez to go forth and do what he needs to do in good faith.

Mayor Benton said the only thing he does not see here and he does not recall seeing it in the Minutes and he was also furnished a DVD of the meeting while he was on his vacation, so the next day he did get to watch it, the City Clerk likes to be very efficient. But his question is, do they have an accurate way of counting the patrons?

Mr. Yates said yes. There is a counter system. In fact, there is a big digital readout that the police or anybody else can see when they come in. People are counted in and counted out.

Commissioner Coke said she understood when she spoke with Mr. Yates on Friday that he would going to get with Captain Amandro between Friday and this evening's meeting to review some of these.

Captain Frank Amandro, Fort Pierce Police Department, said yes. Captain Sandifer has done an inspection of the business, he thinks the last part of last week.

Commissioner Coke asked can he tell her, in his professional opinion, is there anything specifically they could add to shore up the safety and well-being of their citizens in this agreement?

Captain Amandro said he thinks everything they have before them is a step in the right direction as far as making it a safer environment.

Commissioner Coke said she will go back to Mr. Yates. Her two questions, now that they understand they are looking at the original Agreement and this Abatement Plan is an addendum to that. Number one, would his client be willing to go through a security agency to hire security?

Mr. Yates said he thinks that is contemplated for the parking lot, security officers.

Commissioner Coke said her last and most important question, because they are working on a compromise and trying to make everybody happy. They have the two agreements in place and they are hiring outside security, she is certainly willing to give it a go again. But her question is, where are they going to be at if they have the same situation they had the last time? Not that these young people violated the rules and regulations, but Mr. Yates client broke his Agreement with this City. So she needs to know, because she does not want all these people to think the City Commissioners are the bad guys. The City Commissioners didn't break the rules and the agreement made with his client, his client broke them. She does not mind being a bad guy when she has to be.

But she wants to know from Mr. Yates now, before she votes to approve to lift this suspension, what commitment is his client

making should he decide - and it is a conscious decision - to disregard these agreements and break the rules in the future? She wants to know what commitment Mr. Suarez is making to the Commission? So they are not spending twenty hours of their time sitting here, and all these young people contemplating not having a place to go this weekend.

Mr. Yates said Mr. Suarez has made a financial commitment in spending over \$10,000 on the video security system. The commitment Mr. Suarez has made hiring Jim Mosley to work with...

Commissioner Coke said she guesses what she wants from Mr. Yates is a clause in this agreement that says should illegal activity be found, should the Fire Department go in and there are too many people in there, should there be a drug bust in there, should there be a huge fight, that Mr. Suarez would forfeit all rights to come back in front of this Commission again and he would just close.

Mr. Yates said he thinks that would be unfair.

Commissioner Coke said she thought it was unfair that she spent...

Mr. Yates asked Commissioner Coke worked at Frankie & Johnny's for how long?

Commissioner Coke said 17 years.

Mr. Yates asked could she assure that nobody that came through that door had drugs on them? And if they somehow got arrested...

Commissioner Coke said absolutely not. But what she is saying is, lets be a little more reasonable. They are talking August, September, October, November, December, January - a six month time frame. If Mr. Suarez is not going to be extra careful to insure that it is not happening after they have these two agreements in place, then she has a problem saying go ahead and do it.

Mr. Yates said he is providing a video of everything that occurs in the Omega Lounge and the police can look at that at any time, there is full coverage. That is more than any establishment that he knows of. He is really taking the extra steps to try and make sure that nothing happens. But it becomes a Catch-22 if they say if somebody gets in a fight in the Omega Lounge. He may not have any control over that. That happens at every bar.

Commissioner Coke said she does not mean if somebody throws a punch or whatever. If there is a serious problem there, it is her understanding that they talked previously on a couple of occasions that the entire Sheriff's Department and the Police Department had to be called to the parking lot. That would not have been the case if there hadn't been overcrowding in the bar or people permitted to loiter in the parking lot. If they only have room for so many people in the bar and that is all that is there, if they are only allowed 300 people in the bar, then they can't have a fight with 700 people involved in it, if they are following the rules.

Mr. Yates said sure. And he thinks now, and in fact for some period of time, there has not been a problem because the counter system is in place. If she is asking what Mr. Suarez can do to prevent anybody from ever walking in that establishment with a

joint in their pocket or some kind of illicit drug, he does not think that is possible.

Commissioner Coke said not a joint in their pocket, but smoking a joint in-house, Mr. Suarez can prevent that.

Mr. Yates said absolutely. And there is a video surveillance system that will show everything in there and it will be available to the Police Department. He would say that is more than most any bar that he knows of can do.

Commissioner Coke said she is just one vote here and she will tell him this. She will agree to put these two agreements in place with outside security. And she is glad that their young people have a place to go. They are not children, they are all over 21. She is agreeing to this at this time. She really does not in her heart believe that the Police Department comes to the Commission frivolously and says there is a problem, or there would not be a bar open in the City of Fort Pierce. If it comes to the point where the Police Department comes to the Commission again, she will not vote in favor of his client.

Mr. Yates said he thinks that probably goes unsaid for everybody.

Commissioner Nelson asked what about inside security?

Mr. Yates said in this Abatement Plan, Mr. Suarez has to have at least four security people, all of them who have been vetted to the extent that they are provided an FDLE criminal history, whether it shows nothing or whatever. And if the Police Department doesn't want them to work there, then their agreement is, they won't.

Commissioner Becht said he would prefer - but he is not going to get his way - to delay this until the City Attorney can review it.

But he is going to go through it and give his comments. Mr. Yates has already said tonight that the Fort Pierce Police Department will be able to review the video at any time. Those are Mr. Yates' words. That is not what this document says, but it will be modified to say, at any time. The third item (in the Abatement Plan), tell him why Felipe Suarez needs to be on the property at any time, whether it is open or it is closed?

Mr. Yates said because he is Mario's number one son, who has been doing a lot of work there. There is a lot of work involved with owning a bar that is not happening while it is open. He has to order, he has to clean up.

Commissioner Becht said he understands that. But they are going to get into a position where he is going to say: We weren't open for business or I was just leaving or I had just gotten here. So it would be a lot cleaner to say Felipe Suarez cannot be there at any time, that would be his preference. The fifth item is at least four interior security staff. In addition to bartenders and wait staff? Is that what they had in mind?

Mr. Yates said yes.

Commissioner Becht said so the Abatement Plan will say, four interior security staff in addition to bartenders and wait staff. And Mr. Suarez is going to give the FPPD a criminal history readout of every employee and prospective employee.

Mr. Yates said if they are going to work there, they have to be...

Commissioner Becht asked is there a way they can tie in on line, so when they get some young person showing a fake ID, can they go on line and check that number? Does the face come up on line now - is that available or not available to private businesses?

Captain Amandro said he does not know that would be available to a private entity. It is certainly available to the Police Department.

Commissioner Becht said he appreciates the Police Department working with them. The final comment he has is, several of them have made the comment that this is Mr. Suarez problem. He thinks he said at the last meeting that he thought Mr. Suarez was too nice a guy, too gentle of a father, too gentle of a business owner. But if this is going to work, he thinks the public is going to have to take some responsibility for self-policing themselves. If those who are the bad apples start messing up their party - and they have - they are going to have to root them out, get them out as fast as they can so that Mr. Suarez doesn't have to and certainly the police don't have to. So it will be a joint effort to make this happen.

Mayor Benton asked to bring this to a conclusion, this issue that Commissioner Becht brought up about Felipe Suarez not being present at Club Omega at any time on the premises, would he agree to that?

Mr. Yates asked can he talk to his client?

Commissioner Alexander said make it a stipulation, at no time.

Commissioner Nelson asked what hours and days are they open?

Captain Amandro said he believes there is a Ladies Night on Thursday and they are open on Friday and Saturday. He believes they have had some functions on Sundays as well.

Commissioner Nelson said they are not open on Mondays or Tuesdays.

Captain Amandro said unless there is a special occasion.

Mr. Yates said he was going to make a proffer. He is wondering if Felipe could be there on days that the business is not open. But then they run into from one night to the next. But how about if he were not there within three hours of the time it is open or something like that?

Commissioner Becht said he just thinks that is another way of doing it. Based on the testimony they got from some of the independent officers, if their testimony is to be believed - and Mr. Yates would not let Felipe Suarez testify, probably wisely - he thinks Felipe Suarez may be part of the problem. If they believe the testimony, he is part of the problem. So it would be his preference, he does not want him there at all. Mr. Suarez needs to be a tough father in this instance. He does not want his police officers there with a stopwatch at three hours to opening time saying he has to go. He just does not need to be there.

Mayor Benton said he would imagine the Omega Lounge is a moneymaker. So he is sure bringing in somebody to stock the shelves after hours would not cost them that much. Then the Commission would feel comfortable that this person, which his history, is not on the premises.

Commissioner Alexander said other than having zero tolerance, he is willing to go along with what they presented to the Commission. Just to add some teeth to it, when he says zero tolerance, if there is an on-going problem, then they don't have to worry about it going on, because it will not. If it comes back before him again, just like Commissioner Coke, he does not have a problem.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that they allow Club Omega to reopen conditioned upon a signed Agreement between the City's responsible Staff person and Mario Suarez is reached by their next meeting, to incorporate but not be limited to the Agreement to Defer and for Probation, and include the Abatement Plan of Club Omega, Inc. dated March 5, 2007, that the security in the parking lot be private security, that Felipe Suarez will not be present at the Club at any time, that the video tapes will be available for review by the Police Department at any time, and at least four interior security staff in addition to bartenders and wait staff shall be there.

Commissioner Coke said her theory is, if they can get an agreement to that, they can open the bar this weekend. But if they don't have a signed agreement approved by the City Attorney and signed by all parties involved by their next meeting, then just close the doors and don't come back to see her again.

Commissioner Nelson said he wonders if they can put a 90 day probation on that, have a review after 90 days on how he is coming along.

Commissioner Alexander said zero tolerance.

Commissioner Becht said 90 days is fine by him.

City Attorney Schwerer said one suggestion. Since it looks like the Police Department and his office will have to be involved in drafting the agreement and its amendments, one thing he would suggest they do is add a waiver - the same as before but much clearer - where the business owner waives any applicable time limits for a hearing, that they have this back within the time that the Public Hearing needs to be noticed by the City Clerk, and that be the time for a hearing if there is another violation.

Commissioner Coke said as motion maker, she concurs.

Commissioner Becht said as second, he concurs.

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

The next item on the Agenda was City Engineer to discuss request by St. Lucie County for a Utility Easement for the installation for a 16-inch force main through Indian River Veteran's Memorial Park.

Mayor Benton said this one really makes him mad and he will tell them why. When he got this information some time ago, that was about the time just after the sod finally filled in and started turning green from the burying of the utilities. And just so everyone knows, he has

been on the phone with Mr. Thiess on this one, and the U.A. was recommending that the County move forward with this a year ago. He guesses this project has caused the County some problems. One issue is, the County did not even speak to the Backus Art Gallery which would be right underneath their proposed expansion. Number two, who is going to catch it when they did up the same bit of right-of-way six months later? The City Commission is. Why the County did not combine their planning and scheduling to save the taxpayers money, whether it is a different company doing the work. He is being kind, he has some choice words he would like to say, but he can't say it on television. But that is what is wrong with government, a lot of times they do not have their act together when it comes to this.

Commissioner Coke said she is sure Mr. Andrews has an alternative solution for them.

Mr. Jack Andrews, City Engineer, said this was brought to them by the County, it is a request for this easement. They have had different meetings on this. The recommendation from the City Engineer's Department is to put it into the Indian River Drive right-of-way. He knows it is tight in the right-of-way. The only possible place it looks like they can go is down the center of the road, because they have utilities on both sides now. So it looks like it is a little more of a problem. But that is a County road from Avenue A to Seaway Drive.

Mayor Benton said he would agree. The other thing is, he knows they would like to get it done soon. But last weekend on Saturday, he bets there was 10,000 people downtown that were inconvenienced in the Fall. And he does not want to inconvenience them again until summertime anyway, when the Art Gallery is closed and they don't have the number of functions in the park or in downtown. But any approval should be scheduled with the County working with the Art Gallery, Main Street, and the City, so they are not inconveniencing their citizens anymore than they will be, because this is so very frustrating.

City Manager Beach said what the Commission would like is, if they can make it work, to postpone this construction until May or June?

Commissioner Coke said it was her understanding, didn't Mr. Andrews say not to approve this proposed easement (in Indian River Veterans Memorial Park), but to put it into Indian River Drive.

City Manager Beach said correct. But what the Mayor was saying is not do it now, but get their season out of the way and then do it, if that is at all possible.

Mayor Benton said just so they know, the surveyors were out there today. The County went from Lakewood Park all the way to the north side of the bridge. They are ready to move tomorrow, he will bet, because this is important to them, this main needs to be put in it, it is very late. And they also want to go through the middle of the parking lot, which the boat ramp opens up about that time. And then they want to do it very briefly because they don't want that boat ramp closed in the summer, they need all the boat ramps they can get. They really need to work on the schedule on this and have it done in a very timely fashion.

Commissioner Becht said he agrees with the Mayor, that the County couldn't do it when it was convenient for the City when everything was ripped up. So let us dictate to the County when it will be done and when it will be convenient to their citizens. They have a 16-inch force main pipe going down at County expense that will eventually be transferred to FPUA. But the County is requesting a 20-foot wide easement for a 16-inch force main. That is the narrowest point. It goes from 20-feet, then it expands out to 40-feet. So Mr. Andrews should just shove it out in the middle of the street if he can. If they do it in the middle of the street, they are going to have to pave North Indian River Drive and maybe take out some of the bumps. It is going to be a nightmare any way they look at it. But the City is planning multi-million dollars worth of improvements, landscaping, and facilities in Indian River Veteran's Park. This underground easement is going to be a problem. He would be very

reluctant to put a building over it or any major improvement over it. So lets just make the County do it at a time that is convenient for the City. He has a problem with its location, he has a problem with its size, and he has a problem with the timing of it.

City Manager Beach said staff has their direction.

Mayor Benton said please make sure that the folks at the Art Gallery are involved in this, because he knows their lease is with the County and they did not know about it until today.

The next item was the **Consent Agenda**. Mayor Benton asked does any Commissioner wish to remove an item?

City Manager Beach said he has been asked to advise the Commission that Item 30(b) is a budgeted item. The agenda item commentary did not indicate whether or not it was budgeted. But it is budgeted.

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

a. Approve Change Order No. 1 to contract with Burkhardt Construction for the Sunrise Boulevard and Ohio Avenue Roundabout for **FPUA water and sewer relocation** in the amount of \$144,142.00.

b. Approve purchase of one **Tymco 600 Street Sweeper** for the Public Works Streets & Drainage Division from Southern Sewer Equipment Sales in the amount of \$140,312.99. Florida Sheriff's Bid #06-14-0821.

c. Approve Change Order No. 2 to contract with Johnson-Davis, Inc. for **Culvert Crossing for Mayflower Canal** at Wisteria Avenue in the amount of \$83,230.00. SMU Bond No. 2

d. Approve Specific Authorization No. 4 to Agreement for Professional Services with CAPTEC Engineering, Inc. for services related to emergency repairs to the **Georgia Avenue Outfall Ditch** at Indian Hills Golf Course in the amount of \$25,000.00. (Natural Resources Conservation Services NRCS Watershed Protection)

e. Approve Change Order No. 2 to contract with Lucas Marine Construction LLC for emergency repairs of **Georgia Avenue Outfall Ditch** at Indian Hills Golf Course in the amount of \$235,418.40. (Natural Resource Conservation Services NCRS Watershed Protection) Bid No. 5628

f. Accept revised proposal from Dickerson Florida, Inc. for construction of **State Road A1A Roadway Improvements, Phase III** (Blue Heron Boulevard to south of Gulfstream Avenue) in the amount of \$7,261,756.54 (reimbursed by FDOT Joint Project Agreement). Reference Bid No. 5606

g. Award bid for **Telephone Maintenance** for City Hall, City Compound, and Indian Hills Golf Course to Brevard Business Telephone Systems in the amount of \$41,784.00. Bid No. 5696

h. Authorize execution of the **Recreational Trails Program** allowing submittal of a grant application by the City to apply for a grant in the amount of \$200,000 from the Florida Department of Environmental Protection to develop and restore trails and bridges at the **Savannahs Recreation Area**.

Ms. Elaine C. Reed said she considers herself as a community person and her concern tonight is something they have already addressed (**Youth Protection Ordinance**). Is she still allowed to speak upon it? More or less her concerns were the laws that she guesses

the Police Department wants to put in place for the children to be home at a certain time. She feels like it is needed, but at the same time, she does not feel like this is the answer. She just wants to briefly give them her perception on it and who she is. She has worked with the School Board Transportation Department with special needs, she worked there eight years out of high school. She worked with ALPHI, with protective care, resource and referral. She worked with the churches, different denominations. It is not black or white, she works with both of them. She would just like to say to bring issue out in three to four to six months to a general public and expect a response, they are not going to do it, it does not work that way. She knows that the Sheriff Department or Police Department feels that this is what is needed and they want to move on it. But her opinion is, they want to encourage the parents to be the acting force in charge. And when they start initiating their law enforcement to go in and be the primary child care giver, she thinks what they are doing they are going to cause more problems for their system. They are already backed up as far as their court system, they do not have public defenders. The people mentally in their community, if they move upon this right now, they are going to look for a lot of civil suits out because those children are not there and the parents know they are not there. All she is just saying is if they are going to pass it tonight, to please reconsider non-profit organizations like the churches or youth organizations, Main Street, whoever will step to the plate to reach their parents that they will once again become productive, accountable, and responsible for their young people. She is just asking them just to please before they just go out and do this to reconsider. Because a lot of people in the community do not even have legal knowledge or defense, they do not have the money. Again, they do not have public defenders that are in place to do this right now.

Mayor Benton said just to address her concerns, the City of Fort Pierce, like Palm Beach and a lot of other cities, had put an ordinance similar to this in effect some years ago and it was challenged by many organizations. What they have done is modify it where it was acceptable to kids that are working and try to not be as harsh. This one has been accepted in other cities, so they are trying to get it to work here. They are just trying to get some of those kids off the street. As they have heard, it takes a community to bring up a child. They are trying to their part. They are not trying to create any undue hardships, but they are just trying to get that crime problem down. It is going to take the churches and the public and the parents to step up to the plate.

Commissioner Nelson said he is wondering if they some sort of report from Washington on the **Federal Courthouse**. It was just recently brought to his attention that one of the points they have not been pushing forward is the fact that they took that land over there and demolished various structures, took it off the tax rolls, etc. And of course, that has some fiscal impact on the City as far as their revenues from ad valorem taxes. He does not know whether they pressed this point at all.

Mayor Benton said yes. He can give a brief explanation of their conversations with the two Congressmen and one Senator. They were very responsive this year, knowing that Buffalo, New York, had already been approved. He also had a picture of their parking garage, explaining that the community has made a \$10 million investment across the street to help with some of the parking to ease the pain, trying to persuade them that not only has the property been purchased, but some of the best stores in town - like Sewell's Hardware - had been relocated. And basically they have about four blocks of empty blight, which he had taken pictures of. Congressman Mahoney was also here for lunch yesterday at the Pelican Yacht Club. So that is three times in two months. But he wants to see the economic side of this. He thinks when he sees those pictures that he has taken, he is sure staff can take better ones of that vacant land, knowing what the side of the road looks like, he really thinks they will be on board with it. They have a new Congressman, a freshman Congressman, that is willing to make a stance and wants to bring it home. He thinks they are all on board. Senator Nelson knows this is the second time they have been there; and to go to Washington, it was very important for the Commissioners and to their Congressmen. That was one item and the other item was trying to get additional funding

for the Wastewater Treatment Plant. They brought information for their Congressmen and Senators. The other item they spoke about was additional funding for AIDS and HIV education for the community. Those were their three main topics. He thinks things went well. He guesses they will find out what the results are; but it is that follow-up from all of the Commissioners to them. Congressman Hastings will be here on the 17th, so he thinks a visit with him. He was there this year and met with them, so things went well he felt.

Commissioner Nelson said on March 7th, the MPO is going to be meeting here in these Chambers and the issue of **U.S. #1 reconstruction and resurfacing** is going to be brought to the table by him and perhaps the other member here. It is not on the agenda. He has in fact talked to MPO direct over there, advised that he would be bringing this up, asked them to be prepared for it. They just had another accident down on Park Way and U.S. #1 where some vehicle in an accident hit a telephone pole adjacent to the road. So they are going to try to press this issue relative to reconstruction of U.S. #1. There is an issue in there wherein they are talking about four-laning one part of U.S. #1 and six-laning another. So they are going to be addressing both of them and a question might come to mind as to whether or not they want them to push for a six lanes or four lanes. And perhaps since it is so late and it is going to be presented, he would like some type of guidance from them now and perhaps some thoughts from the City Manager and/or the City Engineer as to what they should be addressing.

City Manager Beach asked is he looking for those thoughts this evening?

Mayor Benton said he knows that discussion took place years ago about six-laning U.S. #1 and they would have lost several businesses in that area; and that is one reason they reallocated that widening money to A-1-A.

City Manager Beach said let him ask Mr. Andrews to describe to them what the sequence of events are there, because this may be something that they as Commissioners will want to attend this discussion, because it will come before them at some point in time and it would be helpful if they had a real clear grasp of what was being suggested. Can he summarize the meetings and what is going to be discussed and the times on that?

Mr. Jack Andrews, City Engineer, said on Thursday there is a meeting at FDOT on this very subject to discuss the possibility of how they want to proceed with the section from Edwards Road to Virginia Avenue. It was at one time proposed to be a six lane. They are re-evaluating that to see if the City would consider that again or to have a four lane with a wider median. This project is just in the preliminary design phases. So this would be a project that would actually follow the one they talked about at their last meeting (February 20th) that would cover from Edwards Road to Taylor Creek. This is on the heels of that one.

City Manager Beach said that is Thursday. Is that in Fort Lauderdale?

Mr. Andrews said yes, that is in Fort Lauderdale, 1:30 to 4:30.

Commissioner Nelson asked that is the same day as the MPO meeting?

City Manager Beach said Wednesday is the MPO Meeting.

Mr. Andrews said Wednesday at 2:00 o'clock is the MPO meeting. And then Thursday evening from 6:00 to 8:00 p.m. is the Public Awareness meeting for U.S. #1 from Edwards Road to Taylor Creek. That is presented by FDOT and that is here in this Chambers.

Commissioner Nelson said he apologizes for bringing this to them at this late hour, but he thinks it is important that they give some guidance to the MPO members so they can put forth their position. As indicated in past, they sort of turned down the six laning to move funds over to A1A on the beach. What Mr. Andrews didn't mention he thinks is the fact that

they are talking about six laning the road in Port St. Lucie and it is going to come up to city limits and then it is proposed to be four lanes based on what they currently are working with. But he is of the opinion that they do not need to have that differential of four lanes to six lanes from Port St. Lucie to Fort Pierce. Rather he thinks they should have it six lanes all the way up to Virginia Avenue.

Mayor Benton said he disagrees and he will explain why. One thing he did learn from their past planner was what failed with their cities and communities was when they went from the 1970's with on-street parking, they did away with the on-street parking, they created four lanes and pedestrians couldn't walk across the streets and businesses left. One thing they told FDOT several years ago, they want people to slow down in their community and they want them to stop and shop. Port St. Lucie will be a race track at six lanes. They have a higher population than Fort Pierce. To him, when they get to Edwards Road, he would prefer that they slow down. Because then they have two turning lanes and every time somebody slows down, they have somebody going a lot faster that is going to run into them.

Commissioner Coke said when they talk about things along that line, they have discussed at the MPO level many times that the solution to traffic is not necessarily widening roads and adding lanes. It is creating additional north/south and east/west corridors. They are very fortunate to reside in a city that has an established network of roads. They just do not have U.S. #1 going north and south, they have other options available to them. And she thinks they need to keep in mind that widening the road is not necessarily the solution for the traffic, it is just going to increase speed.

Commissioner Nelson said as he indicated he apologizes for bringing this to them this late moment, but he too had that same philosophy and expounds upon it on many occasions at the MPO and at other meetings. From Mr. Andrew's perspective, what does he see in this area?

Commissioner Alexander said he is going to bring it back after Thursday.

Mr. Andrews said right now FDOT's plans are to have six lanes up to Edwards Road. That is the current way they are proceeding. Their philosophy was to continue that six lanes up to Virginia Avenue where they have six lanes on Virginia Avenue to accept it and that would be a good place to break it off there. Currently they have a lot of the property on the east side of U.S. #1 from Edwards Road to Virginia, he thinks there is only four parcels that they are missing in that section that is either owned by the City or the County. They both own a strip along U.S. #1. There is only about four parcels that they are missing. He is looking for direction to take to that meeting.

City Manager Beach said he believes that the subject is sufficiently... There is differences of opinion on it. What he has heard on a number of occasions is just what the Mayor said earlier. It is kind of pointless to expand all of this because all it does is create more storage for more cars to back up when they are stopped at a traffic light. So there is a legitimate difference of opinion on this. He thinks what Mr. Andrews needs to recognize going into these meetings is that those differences exist. He needs to find out what level of input the City Commission is going to be able to have on this subject. U.S. #1 is a FDOT, not a City road. FDOT may ask the City for input and then do whatever they think is in the best interest of getting traffic through here. He would suggest that they find that out first; and then they can decide how much they are going to debate this, whether it is four lanes or six lanes.

Commissioner Nelson said the input by the MPO members is going to weigh quite heavily on that decision and that is why he is right now seeking some advice as to whether or not he can put forth four lanes or six lanes.

Mayor Benton asked who supports four lanes up here?

Commissioner Alexander said four lanes.

Commissioner Becht said it is too late and he needs a lot more information before he commits from four to six. He does not have enough information.

Commissioner Coke said she really does not think that Wednesday's MPO meeting is going to go to that level. She has an in with the future Chair, she will tell them that it is not going to come up.

Mayor Benton said he does not want Martin County, St. Lucie County, and Port St. Lucie telling them how to do their City. They went through this several years ago, Commissioner Nelson was on board, when they told FDOT how they were going to do it in their City. He does not want the folks that have already done six lanes, where he knows where they are going. Because FDOT's job is to get people from A to B as quick as possible and they don't care about the businesses in the community that will lose their rights-of-way and their parking lots. He thinks they send a strong message that at least three of them disagree with six lanes. Commissioner Coke would be number three, unless Commissioner Nelson is, so he is looking for a third vote here.

Commissioner Coke said she is very happy to listen to everybody's point of view. She does not put a lot of faith in traffic studies.

Commissioner Alexander said put it on a workshop.

Commissioner Nelson said he asks them to keep an open mind. He will try his best to say that they have not made their decision at the MPO meeting if it broaches itself and he is sure it will. Mr. Andrews is going down to Fort Lauderdale on Thursday, it is certainly going to be addressed there. And just look at it from a broad perspective.

Mayor Benton said have the public call their Commissioners.

City Attorney Schwerer said they need to understand, the City owns 25-feet of that right-of-way. He heard the Commissioners say they do not have much say-so. He just wants them to understand, they own a 25-foot strip that runs almost the entire length from Emil Avenue to... So the City does have some say-so, FDOT is going to need their right-of-way. That is all he wants them to understand.

Commissioner Nelson said they will use their greatest skills of diplomacy to solve the problem.

Commissioner Nelson said he has a question with regards to the **Seminole Police** policing in their town. What authority do they have in their town?

Acting Chief of Police Sean Baldwin said he does not know that they have any. Their authority is within their jurisdiction, which is the Seminole Indian Reservation. That may extend with respect to some of the members of their reservation into other parts of the City or the County. But as a general rule, they should not be policing outside of the reservation.

Commissioner Nelson said he saw them in action at the Wal-Mart.

Commissioner Alexander said the Chief will follow up on that find out what that has to do with the City of Fort Pierce.

Acting Chief Baldwin said he can check into that particular incident and find out why. It may have been that they were there and something happened, just like if one of his officers were on the way home and something happened that...

Commissioner Nelson said he saw it on two occasions. He saw something happening on one occasion and they were patrolling around on one occasion.

Acting Chief Baldwin said that is abnormal, he will need to check into that.

Commissioner Alexander said he just wanted to proudly to display this figurine here (from the **St. Lucie County Fire District**). Commissioner Becht and he both received one. He just wanted them all to know that he brought from the Fire District a can of welcome and warmness and he opens it up to the City of Fort Pierce, they need it. That is one effort out there that makes a difference in the St. Lucie County.

Commissioner Alexander said he needs some input on this. He just received a request that he had asked for about the **condemnation** of the properties in the City of Fort Pierce. He looked at a list of almost 200 pieces of property. He wants some type of figure coming back to him on what they are losing in revenue on these pieces of property being condemned in the City of Fort Pierce. It is like a heyday on that. He just wants to know what the actual cost or the repercussion on that. Can Mr. Beach take care of that for him?

City Manager Beach said he believes he can. He may need to talk to him and get more definition about what he is looking for.

Commissioner Alexander said he is looking at the properties that have been taken down.

City Manager Beach asked he wants to know what is being taken off the tax rolls?

Commissioner Alexander said yes.

Mayor Benton said he only one item, but it aggravates him. Basically they went to Tallahassee on the 19th of December (**Destin Beach Submerged Land Lease**), the Governor and Cabinet voted in their favor. It took DEP a month almost a month, until the 18th, to notify Destin Beach about that which is 30 days later. Destin Beach was there, but the 18th is when they were officially notified. And from that notification date, they were given 18 days, which was supposed to be 21, and they notified them after 21. But now they have an additional 60 days extension that was given to them. Now he does not believe the City of Fort Pierce or St. Lucie County, which it was part of this, received any information about this appeal that was granted; and he feels they should of had the ability to respond to it, and he thinks they should, with a no, and he would like to put a four letter word in front of that no. Because they have exhausted so much staff time, their own time, and the public's time going back and forth to Tallahassee. They thought it was over and it appears to be going on. And in this information, it says Destin Beach submitted plans. Those plans have not come into our office yet, right?

Mr. Matthew Margotta, Director of Planning, said right.

Mayor Benton said as of today. So please speak with Mr. Schwerer, give him...

Commissioner Coke said that is Destin Beach's M.O. That is what they tried to say in Tallahassee, that they had presented the City with viable plans and the City just ignored them. She thinks one of the important things they need to do is get something from their Planning Department to Tallahassee informing them that Destin Beach has never, to date, submitted actual plans that could be reviewed.

Commissioner Becht said it would be his recommendation that they copy that to now Governor Crist, who is one of the two votes in their favor, and let him know what his Department of Environmental Protection is doing in regard to the vote that he rendered.

Mayor Benton said that is what he was hoping, that they would have a response. And he thinks the County will be responding after speaking with them today. Because the door needs to be closed so they can move and progress forward with something else. Too much staff time.

There being no further business, Mayor Benton declared the meeting adjourned at 10:10 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

