

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 7:00 P.M. ON MONDAY, MARCH 6, 2006.

Mayor Benton called the meeting to order.

Reverend Warren Bennett, White City Methodist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

Mayor Benton presented a proclamation in honor of Mount Moriah Primitive Baptist Church. Delores Hogan Johnson was present to receive the proclamation.

Ms. Delores Johnson said Mount Moriah Primitive Baptist Church was organized in 1911 and they feel truly blessed. They have had their ups and downs, but 95 years they think is very notable. They ask the members who are all here and citizens alike to come and participate in their observances. They are honoring two of their current City Commissioners, Commissioner Alexander and Commissioner Nelson, and they are calling it in honor of their community Armor Bearers. In the bible it talks OF Armor Bearers being those of front runners, those who protect the people, so they have taken a little liberty there. They look at their elected officials as their Armor Bearers who stand in the forefront for them as citizens and appreciate their time, effort, heartache, headaches, and everything else. They would appreciate it if they would come out on Friday night to Juanita Avenue at their Temple where they will be honoring the two City Commissioners and a County Commissioner and Gertrude Walker and Samuel Gaines. They do thank the City for the proclamation.

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

Card from Dick & Sandi Hellstrom thanking Deputy City Clerk Kia Powers for her help.

Card from Dick & Sandi Hellstrom thanking Michelle Kubitschek, Public Works Secretary, for her help.

Email from Edith Jones thanking Deputy Director of Public Works Nick Mimms for the timeliness of his response and quality of work.

Memo from Chief Eugene Savage expressing appreciation for an outstanding and productive job by Fort Pierce Police Commander Katherine England, Sgt. Christopher Bender, Officer Cassandra Davis, Officer Robert Perkins, Officer Kathleen Murphy, Lt. Carlos Villaneuva, Lt. Thomas Smith, Det. Sandra Larkins, Officer William Plats, Officer Craig Smith, Officer Christopher Guadagno, Officer Angelo Tsaousis, Officer Hall Solomon, Officer Rob Curry, Officer Sally Hurley, Det. Steve Griffith, Det. Jesse Screener, Det. Tyrone Campbell, Det. Daniela Dreizehnter, Det. Zoila Simmons, CSA John Robinson, Lizzie Roundtree, Jocelyn Gebhardt, Ronald Gabbard, Alexander Nozka, Betty Cius, Audria Moore, Rose Smith, Christoph Dreizehnter, Mandrei Gibson, Patsy Cummings, and Kathy England.

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

City Manager Beach said staff would like 7b (License Agreement for Treasure Coast Youth Sailing Foundation) removed for discussion.

Commissioner Alexander said he would like 7d (Waiver of fees - 1504 Florida Avenue) removed for discussion.

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

a. Approve the Minutes of the Regular Postponed Meeting on February 21, 2006.

c. Deny request by Richard W. Glenn for waiver of Code Enforcement Board interest, penalties, and fees against **106 & 108 South U.S. #1.**

e. Approve expenditure of \$4,000 from the Law Enforcement Trust Fund to Dr. Susan Braunstein for **Specialized Management Training Program** - Effective Communications for Supervisors Course - for the Police Department.

The next item considered was Item 7b, which had previously been removed from the Consent Agenda: Approve Revocable License for Land Use between the City and **Treasure Coast Youth Sailing Foundation, Inc.** for use of a 24-foot by 16-foot square of land located at Jaycee Park for a boat storage building.

City Manager Beach said this is something that the Commission talked about a year and a half or two years ago prior to the hurricanes. This group had approached the City with the idea of leasing a portion of Jaycee Park for the purpose of a Youth Sailing Program, which was agreed to by the City Commission. For a number of reasons this went into abeyance and has resurfaced over the last two or three months. The City Attorney's office has been working with the group on a license agreement that would permit the use of this property under certain conditions, with certain insurance requirements, and so on. It has been going back and forth between the City Attorney's office and the sailing group, trying to refine the details of that agreement. He believes it is clear from the Commission's perspective that this is something they desire to occur and something they want staff to pursue. There are some detail issues regarding the license that they have been unable to work through for timing reasons. This all started to come to a head about a week and a half ago when they were more or less directed to get this on the Agenda for this evening for consideration. He thinks there may be a number of issues they still need to resolve with the Sailing Club, but what he would like from the Commission this evening is kind of a reaffirmation of their intent to do this and kind of direction to Staff to resolve all of these outstanding issues. If Mr. Schwerer could help out here, it would be appreciated.

City Attorney Schwerer said they worked with the sailing group and tried to address some of their concerns and some of their concerns were definitely incorporated in the latest draft agreement. He wanted to advise the Commission that as of this morning staff has delivered to them a revised draft of the agreement which seems to address the bulk of the concerns. What they have done by this License Agreement is essentially guaranteed them a 24-foot by 24-

foot area where they can build a boat storage type structure to house these sailing vessels so they don't have to transport them to and from the site during the times they are having the club sailing events. The License Agreement will grant them access to the park by way of an unpaved and unimproved entranceway. The license has an initial term of five years. Although the agreement says during the first five years they can only terminate for cause, and it is year to year thereafter, they have encouraged them as this project grows, certainly they can approach the Commission at any time to come back to try to get a longer term. Anything in this agreement can be modified at a later stage. Unfortunately, they are constrained because it is City property. It is a City park. There are other users of the park. They are constrained by some exclusivity provisions where they really can't exclusively grant one group over another group the use of a park. They are constrained by some insurance requirements. Their Risk Management has been active in trying to determine what they can and cannot accomplish. So he does want to let them know they made a few changes to the Revocable License Agreement before them. They have increased the footprint of the building by an additional six feet so it now becomes 24-feet by 24-feet. So they have allowed the group to have their invitees from other areas outside St. Lucie County use the facility. They are not requiring them to remove the structure if the City desires to keep it. They are granting them a minimum five year term that can only be cancelled with cause. And essentially those are the changes that have been approved by his office. Although other changes were requested from the Club, they felt they could not at this point in time without the approval of their insurance folks and risk management, otherwise grant any additional changes to this. They hope the group is successful. They hope the project is successful and evolves. And if they need to make changes to this document at a later date in the future, the City is amenable to looking at those changes to make this program work. They have this Revocable License Agreement. If the Commission would make a motion to approve the granting of the license subject to final review and sign off from his office, that should do it.

Mr. Roy Whitehead, 4027 Gator Trace Road, said he is President of the Treasure Coast Youth Sailing Foundation. Some of the points he has discussed with Mr. Schwerer. And he would like to compliment him on his work, he drew an agreement on the City's behalf that is really tough and tight. He is not sure he is that pleased with his treatment of the Foundation, but that is another matter they can discuss later. But Mr. Schwerer did a good job for the City. He would also like to thank everybody in the City - the Commissioners and the City Officials have all been very helpful, very encouraging, and very supportive of them getting this program together. He would also like to thank the law firm of Neill, Griffin, Tierney, Neill, and Marquis for their work. They assisted pro bono in getting this thing off the ground. And Culpepper & Terpening has spent quite a bit of time and effort in doing some survey work for them. One of the questions that came up that he discussed with Mr. Schwerer this afternoon was the additional space around the footprint of the building. From the very outset they had always discussed that they thought they needed some exclusivity of use of that narrow area around the building, because the children need a place to bring their boats out, set them up, rig them, and so forth; and they were always sort of concerned that they insure somehow that they had space to do that without being encroached upon by other folks. They are not trying to take this away from public at large, but if this is going to be successful,

they do need to be concerned about that. In going over this with Mr. Hood, should they get into special events where they have regattas from out of town - which most of these programs eventually get to, such as the Martin County Sailing Center - they need access to bring trailers in and have room enough around that building to turn them around. It is so far back off the parking lot, they don't dare attempt to have people back them out of there because of the safety issues. That has always been sort of the bone of contention is how much area they should be entitled to there. Use of premises, they thought the language a little restrictive on that. Mr. Schwerer and he disagree a little bit on that, but he thinks it is a little restrictive. Access, they discussed that a little bit, that is another area where they have some concerns. Of course, the termination which they have now addressed, he thinks could use a little wordsmithing, but at least it addresses the issue that they can't be just thrown out without cause. That is pretty much it as far as clarification is concerned. As he said, he thinks Mr. Schwerer drew a very tight contract or agreement on behalf of the City, but he is not sure it fully addresses perhaps the needs of the Foundation or the Sailing Program. He will let them ask any questions that he might answer to clarify this.

Commissioner Alexander said first he wants to say that he has spoken with Mr. Whitehead concerning this recently and two years ago they spoke briefly. His question or concern is, this is a whole recreation park; and when he hears Mr. Schwerer say they can't designate to one group or individual, but when he looks over here to the far east he is looking at two tennis courts which can only be used by tennis players. What his concern is, is the northwest corner of this park so dense that out of a group of everything else, why is it that they can't get but 24-feet by 24-feet? Before that is answered, which he hopes they can answer, but along with the letter he is reading in his package that came to the Mayor and all the Commissioners and everybody else in this building, he didn't receive this. That is what he is asking about. Why was this letter not cc'd to Commissioner Rufus Alexander and why did he not receive this?

Mr. Whitehead said there was a packet put up there by him just this evening, correspondence that took place today. That may be what he is looking at.

Commissioner Alexander said no, he is looking at the package from the weekend when he went to study it. Again, he just has some concerns on matters like this. This is two years old. They spoke to each and every Commissioner that was here and the Mayor. He spoke very highly of this project. He just wants to know why they want to confine them to 24-feet by 24-feet. Can they imagine what that is? It is like a large living room. That is sad. Are they going to do something? He doesn't know what the problem is with restricting it. Maybe someone can answer him on that.

City Attorney Schwerer said they met with Mr. Whitehead and his group. Their intention is to build a building. It started out 24-feet by 16-feet and then it came to 24-feet by 24-feet. They are really needing exclusivity of the use for the building to be built so they can store their boats. These are going to be little sailing boats the kids are going to be taking out, walking down to the beach area, etc. They felt that the exclusivity could certainly be granted for the 24-foot by 24-foot building; but to grant them a space around the building that would be theirs exclusively 24/7 year round was thought to be not technically in

the public's best interest. When he discussed this with Mr. Whitehead, his concern was when they have their events and they bring their vehicles in and they drive them around the building to unload the trailers and then they drive them out down the access way, he doesn't want people to be setting up picnic baskets and blankets in that area. He can understand Mr. Whitehead's concern. It was suggested that rather than grant any particular group exclusivity over an area 24/7 for 365 days a year, that they work with Public Works, which would take some cones, put them out in the defined area where his vehicles are going to be, and have Public Works assist him and kind of monitor in the area so people don't wander in. This is going to be an event during the day and essentially that is it, and then the cones could be removed and the function is over. So he will have some exclusivity to the area as needed and Public Works would be able to control that, so they don't have groups fighting over the beach space and the water access which is a very valuable commodity in the City of Fort Pierce. He thinks they have a method to address that, but not necessarily by an exclusive lease.

Commissioner Alexander said he just wants to make sure it is clear with this Commission what staff is doing here. Again, they say it is a 24-foot by 24-foot building. All that is taking up what they are requiring him to have.

City Attorney Schwerer said that is what they asked for, 24-feet by 24-feet for the building.

Mr. Whitehead said they were not asking for exclusivity 7 days a week, 365 days a year. They were only asking, and he thinks the modification he suggested was, that they be given exclusive use of some area there only while the training session was in progress. Any other time, they would relinquish any right to it. That was the modification he suggested.

Commissioner Becht said Mr. Whitehead and he have talked about this. He is going to ask Mr. Whitehead in just a second to identify his top three concerns so the Commission can help staff and him to move forward. Right now Commissioner Alexander made an interesting observation, which is the tennis courts are dedicated to tennis players. Is there a problem with dedicating the north 50 feet or some identified section of this beachfront for sailors?

City Manager Beach said the tennis courts are dedicated for all tennis players. There is not a tennis association who has an exclusive lease on that facility.

Commissioner Becht said he is not saying the top 50 feet for this organization. He is saying for sailing boats.

City Manager Beach said they can do that, but it isn't necessary. They can deal with the concerns expressed by this group through working out those issues on an event by event basis.

Commissioner Becht asked then what direction are they looking for from the Commission tonight and on what issues?

City Manager Beach said they are asking the Commission to approve the License Agreement that is in front of them; and then direct staff to work through whatever issues exist to make it work for the Sailing Club. That is what they are asking for. That way the Sailing Club can move forward. The reason they pushed to get this

on the agenda this evening is they are in some time crunches in regards to some equipment purchases and orders, and they want to make sure they have a place to conduct this event. If they do that this evening, they know that is going to take place; and then the details of how they administer this can be worked out to everybody's satisfaction.

Mayor Benton said they have commitments to get started for the summer program. And they need to get this straightened out before they can go out and raise funds.

Mr. Whitehead said tonight is decision night. They frankly have just run out of time. It is pretty chancy right now if they can get everything pulled together for this summer or not. There seems to be a little confusion about this. They keep referring to events. The program they are proposing is an eight week program in the summer with a class in the morning and a class in the afternoon. This year they don't particularly expect any outside events. He would be surprised if they did anything other than just this sailing program. So there is really two levels of activity here. There is the day to day sailing program where they are teaching young people to sail. The other is these occasional events where they invite other areas such as Martin County to come in and they have a regatta in place. Those are special events. These others are just ordinary run of the mill day to day activities.

Mayor Benton said they want to see it as a reality.

Mr. Whitehead said if he might add one thing. He commends Mr. Schwerer for really looking after the interests of the City. But they have the same concerns. They are going to be going to the public for solicitation of funds and they have an obligation to the foundation and to the public to insure that what they are doing is sufficient to insure that this program could be conducted properly. That is one of the reasons maybe they have been a little bit difficult to deal with with Mr. Schwerer because they are not sure they have been given the same consideration. That is part of what has brought the controversy about.

Mayor Benton said the reason why he asked him to come up tonight is because he thinks this Commission is going to basically explain to the City Attorney that this is a priority for the Commission to get this straightened out hopefully early this week in the next day or two. Maybe when they have visitors or events, not only can they bring out cones, but they have that orange construction plastic fence or something that they can set up to keep people out. He is sure Public Works won't mind that. He thinks they just want to get this up and going, and they are going to direct the City Attorney to work with Mr. Whitehead to get these couple of items straightened out. He thinks he has heard from all of them that if there is so much area for a tennis court, there should be so much area for sailing.

Mr. Whitehead said there is one more relevant issue that he would like to address. It is with regard to the building itself. Typically, Steel Design Group is going to do the plans for them, the construction drawings which obviously will have to be in accordance with all the current codes. They aren't sure what the process is. He spoke to someone on staff who advised him that they might have to apply for a Conditional Use permit. It seems like that might be a little out of step, he doesn't know. In the second

place, since they don't hold the lease and don't own the property, he is not sure they could apply for one anyway. He guesses that is the next hurdle they are concerned about. If they get caught up in another month or two of approvals and hearings and delays, they might as well call the whole thing off tonight, because they just sincerely can't make it.

Mayor Benton said let him get an answer for that right now.

City Manager Beach said he doesn't have an answer to that specific question. But he thinks it is important for everybody to recognize that the property they are dealing with is public property. Everybody has an interest in that property, not just the Sailing Club, not just the City Commission, but the entire community has an interest in that property. And the processes they have set up to deal with that property and to construct things on that property has to do with involving the community in those decisions, involving the public in how those properties are to be used. He doesn't expect that the permitting process is going to be any type of obstacle to them moving forward, because the Commission has authorized this license based on that concept. So he can't imagine how that would be a problem. But his suspicion is, there are still building permit issues and there are still things that they are going to have to deal with. What he wants to assure everyone, is they will deal with them and they will get it done.

Mr. Whitehead said his only concern was if they got caught up in some sort of application process that is going to take a couple of months. He understands the time it takes to get through the Building Department. But if they have to go through a lot of other hearings and issues, they just don't have the time frankly.

Mayor Benton said he thinks with this being a priority for the City, hopefully any obstacles... Mr. Alcorn is sitting over there and he is listening to this conversation, so he is sure he will move it to the top of the list.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve granting of a Revocable License for Land Use between the City and the Treasure Coast Youth Sailing Foundation, Inc. for use of a 24-foot by 24-foot square of land located at Jaycee Park for a boat storage building, that Staff move forward as quickly as possible on finishing this License Agreement, and assist with any building permit necessary to construct this building.

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

The next item considered was Item 7d, which had previously been removed from the Consent Agenda: Waive \$50,000 in Code Enforcement Board interest, penalties, and fees against 1504 Florida Avenue, owned by Soleil Properties, Inc., contingent upon: (1) The owner paving the driveway and parking area per City codes; (2) The owner placing sod on all of the unpaved lawn areas to the City's satisfaction; and (3) The owner making payment of \$33,408.42 to the City within 60 days from 3-6-2006, after Items (1)&(2) have been completed.

Commissioner Alexander said he just doesn't want to start off this evening thinking he is had a bitter pill or something, but he is just confused when they ask staff to present something to the Commission when it comes in their presence. Is he misunderstanding

that they asked for some kind of cover sheet that would detail what can or cannot be rescinded? He is looking here from the Special Master who requested they rescind the total amount of this lien. And then he gets a recommendation down here from staff and they are speaking of different terms. Then there is a lot of confusion with letters and so forth that was presented by their past Building & Code Enforcement Director. And then the most important letter in here that should be in here is not here. He just wants to know, do they think he doesn't go home on weekends and read through every sheet of paper? If he is going to do his due diligence, he hopes staff doesn't have him asking questions and such without some kind of explanation.

City Manager Beach said that is a very valid concern. Most of these come to them with a memo that describes what constitutes the interest, what constitutes the penalties, and what they can waive. And for reasons that he is not aware of, this is not part of this.

Mr. John Alcorn, Building & Code Enforcement Director, asked does Commissioner Alexander have the cover sheet from Staff to the Commission?

Commissioner Alexander said yes.

Mr. Alcorn said that was Staff's recommendation. Of course, there are alternatives there that can be done. As he mentioned, the Special Master did have a special hearing and recommended the \$82,500 be waived. Staff is familiar with Mr. Van Winkle's many properties within the City. He would like to refinance these because, of course, the values of the properties have increased substantially. This is a time where he can do that. He is not selling the property. He will be retaining ownership of the property. They are very familiar with some of the ways he would like them to believe that the City did comply it some years ago. It is true that it was brought into compliance with regard to painting. Then he was cited after that time for other violations which he did not correct. He also was notified in a period of time after that that the fines were running. As recent as the last month or two, there were still outstanding code violations.

City Manager Beach asked are the fines still running?

Mr. Alcorn said the fines were still running right up until a month or so ago.

City Manager Beach asked now everything has been corrected?

Mr. Alcorn said everything is now corrected.

City Manager Beach said the question is, if the Commission chose to rescind the penalties on this violation, what are those figures? He believes that is the question that Commissioner Alexander was asking. What do they legally have the authority to rescind?

Mr. Alcorn said look on that cover sheet. Does it say \$82,500 as the alternative?

Commissioner Becht said one of the alternatives is make him pay the \$83,408.42. One alternative is to waive the \$82,500. And then it looks to him like staff has said...

Mr. Alcorn said so they could waive up to that \$82,500, is the

point.

Commissioner Becht said it appears to him that what staff is recommending is that they waive \$50,000, require him to pay roughly \$33,000, and do the other two things - the paving of the driveway and placing sod.

Mr. Alcorn said right. They would like to raise the bar a little bit.

Commissioner Becht said what Commissioner Alexander's concern is, they thought they had got to the point where they could speed through these. There was a sheet - that is not attached here - which kind of makes it simpler for the Commission to read and that is missing from this tonight.

Mr. Alcorn asked the sheet from the Finance Department on the accounts receivable?

City Manager Beach said no. This is a sheet they have been applying to all of these for some time. He doesn't know if Mr. Alcorn is familiar with it or not. It may have been intended to be replaced by this sheet, is what he is thinking happened, this new form they give on every agenda item. However, he thinks the answer to the question is that they have the legal authority to waive \$82,500 of this expense. The balance of it is costs associated with the code enforcement activity. He believes that is what Commissioner Alexander is looking for.

Commissioner Alexander said yes. In reading through the package, he is seeing such confusion. He says this and they say that, and a gentleman says it is not true. When he hears that the only code enforcement that was confirmed had been taken care of was one item, then when he reads the letter, it says items. When items become item, somebody is missing the boat.

Mr. Alcorn said they weighed all that in their recommendation. They are very familiar with the entire case.

Commissioner Alexander said that is what Mr. Alcorn says. But he says different.

Mr. Alcorn said he believes there is a page in there that Mr. Van Winkle filled out to answer some of the questions the Commission has and at the bottom right side of that page should be a breakdown of the dollar amounts.

Commissioner Alexander said again, when he sits up to 2:00 or 3:00 in the morning to read these things, and he makes himself notes so he doesn't forget because of the time period. But it said they received a letter from Hector Franco and this letter states... He doesn't see the letter in here from Mr. Franco that describes what the liens were going toward. Again, he is here trying to work with staff. When staff recommends something to him, he tries to go along with it. But when he doesn't see it going in that direction, he doesn't take sides, he just goes right straight down the middle, and that is the right way to go.

Commissioner Coke said first of all, she appreciates Staff's recommendation and the amount of work that was put into this. However, they used to get a nice sheet that would say the liens were this, the fine is this, the amount that can be waived is this.

And she thinks that is what everybody is looking for is ease of reading, rather than going through all these numbers of pages. Personally, she is going to support staff's recommendation. Because especially she is reading that at the Special Master's Hearing that as of that date they still had violations. It is a memo to John Alcorn from Shirley Kirby dated December 21, 2005, and it says the majority of violations cited in 2003 have not been corrected as of today. Then it goes on to list those which some are fire hazards and other things. It says, in addition to the previous violations cited, there are new violations. She would hope that if the Commission decides to take staff's recommendation assessing this gentleman \$33,408 and waiving the remainder of it, that they would ensure that all those violations were corrected prior to releasing the lien on the house.

Mr. Alcorn said he has been assured those are corrected. Otherwise, it would not be here.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to accept Staff's recommendation to waiving \$50,000 in Code Enforcement Board interest, penalties, and fees against 1504 Florida Avenue, owned by Soleil Properties, Inc., contingent upon: (1) The owner paving the driveway and parking area per City codes; (2) The owner placing sod on all of the unpaved lawn areas to the City's satisfaction; and (3) The owner making payment of \$33,408.42 to the City within 60 days from 3-6-2006, after Items (1)&(2) have been completed.

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

City Clerk Cassandra Steele said Agenda Item #8 (Site Plan and Rezoning for **Edwards Preserve**), Agenda Item #9 (Site Plan and Rezoning for **Yale Development**), Agenda Item #10 (Preliminary Plant for **Elm Creek Estates Subdivision**), there has been a request that these items be postponed to March 20th.

Commissioner Coke said she sees that the applicant for Agenda Item #8 (Edwards Preserve) is looking to postpone this to March 20th, but Staff recommendation is to postpone it to April 17th to allow adequate time for review of revisions and confirm that all the concerns were addressed. Also Agenda Item #9 (Yale Development). It appears that staff is looking to go to April 17th rather than March 20th.

City Clerk Steele said that is the alternative.

Mr. David Recor, Deputy City Manager, said that is correct. They believe they need the additional time to redistribute the plans to make sure they meet the requirements of the ordinance.

Commissioner Alexander said he doesn't read that. He sees a request by Staff to approve postponement to the March 20th City Commission meeting.

Mr. Recor said that is an error on the Agenda. They did not request that.

City Clerk Steele said yes, it says - Recommendation: Approve the

postponement to the March 20th Commission meeting.

Mr. Recor said don't take it as a personal statement against her. Staff did not request that these matters be continued. There is a letter from the applicant requesting that they be postponed. The difference is that staff is recommending that they be continued until the second meeting in April.

Mayor Benton said but what it says on their cover sheet is that is an alternative, not a recommendation. It says that Staff recommends March 20th, but the alternative is they would like to have extra time.

Commissioner Coke said that is where she picked up on it, because it says under Issues, let her clarify this, that Staff requested February 6th that the Public Hearings be postponed until the April 17th Commission meeting because the Planning Board and staff had concerns that had not been adequately addressed. Under Summary, it says applicant requests postponement until the March 20th meeting. She doesn't have a problem postponing it until March 20th; however, she doesn't want to have to advertise it and then postpone it again, if staff is not going to have adequate time to review everything necessary. If that is actually the case, then they can hear that from staff. Her inclination would be to either postpone it to April 17th or split the difference and go to the first meeting in April, if that is possible.

Mayor Benton said knowing the load the staff has and some of the changes they have made going by code, he thinks they would be better off going to April 17th.

Mr. Recor said they are requesting that it be continued to April 17th.

Commissioner Alexander asked is there any difference between Agenda Items #8, #9, and #10, where they don't do the same option? They request April 17th on this one. Again, whatever they are requesting, he just wants to make sure so it is an even playing field with anyone who is out there in the audience. And he is looking at Agenda Item #10. It is not there.

Commissioner Coke said she didn't see it on Agenda Item #10. She saw it on Agenda Items #8 and #9.

Mr. Peter Buchwald, Zoning Administrator, said if they recall from the last meeting for Agenda Item #10, Elm Creek Estates, there were very specific items which were raised by residents and by the County. They are in the process of meeting with the County and addressing those items. Staff believes at this point that they will have a plan that will be ready to be heard by the March 20th City Commission meeting. However, on Agenda Items #8 (Edwards Preserve) and #9 (Yale Development), they have yet to receive on Item #9 the revised plans. For redistribution, it takes them two weeks for the Departments to review it, and then it would take them at least a week to prepare for Commission and the advertising. They believe at least in Agenda Item #9, it would not be available or ready to be heard by the Commission until April 17th. Agenda Item #8, they just received revised plans and had redistributed those for review by the agencies. With both Items #8 and #9, it has only been postponed once from the February 6th meeting. They sent out notifications at that time that it was going to be postponed 60 days; but at the decision of the Commission, it was

postponed it 30 days. Now they are at that 30 day mark and again this is not ready to be heard because Staff is not sure it meets requirements of code at this time. So along with Commissioner Coke's concern that if they postpone it to the next meeting and they are not ready, then they have to postpone it again. They certainly want the public to be clear and available and know when the meeting can be held so they can express their concerns.

Mr. Recor said it is worth noting that each time an application has been continued, they have attempted to renotify the public so there is no confusion. So they have been sending additional correspondence, as well as he believes they even updated the text on the signs, to indicate when the matter is going to be heard. They may actually have some folks here in the audience who are anticipating that this matter is going to be heard tonight, that perhaps didn't receive notice. So what staff is saying, they need that additional time to make sure that the plans meet the requirements of the ordinance. Because as he has committed to the Commission, they are not bringing them proposals unless they do.

Commissioner Coke said she agrees with Agenda Items #8 and #9 because she doesn't see any way they would be ready by March 20th. Her concern then, so long as they have brought it up at this juncture, Agenda Item #10 they had major concerns with that; and Staff believes that all those concerns have been or will be addressed fully both by the County, addressed in form of a residents meeting where people will have public input and talk with this developer, in two weeks from tonight? Mr. Recor thinks they are going to get an answer back from the County in two weeks? She guesses that is the big thing. Let's just start with that one.

Mr. Buchwald said he just received the information. They did meet with the White City residents last week regarding that and he has some minutes of that meeting. They advised the developer what their concerns are. He knows they met with the County last week. So if they were to prepare a plan and have that to his office to staff by the end of this week, they conceivably theoretically could meet that agenda because the preliminary plat doesn't go to as many agencies for the review as a site plan does as per requirements of the code, so there are several less reviewers. If Staff does not have that by the end of the week - but from the information he is getting in, they are going to work on this - then it would be an item they might need to postpone.

Commissioner Coke said her concern is there are people here from the public on these issues tonight. She doesn't want to say okay come back the 20th and have them sitting here on the 20th saying they don't have it ready yet again. Not that it is the City's fault. It is the developer's fault for not dotting the i's and crossing the t's.

Mr. Recor said this might be a good time to mention for the Commission and the public as well that, depending on the nature of the revisions, that preliminary plat could potentially start the process all over again, depending on how they address the concerns of the Commission. If there was a substantial change from what the Planning Board recommended to the Commission, it will need to go back to the Planning Board for review and recommendation again.

Commissioner Coke asked at what juncture would they find that out?

Mr. Recor said as soon as they receive the revised plat from the

applicant indicating how they have responded to the feedback they received at their last meeting.

Commissioner Becht said that concerns him and he doesn't know how to solve it. His concern is that with Agenda Item #10, and he doesn't know if they are in order or out of order, but they were talking about it. The White City area, one of the things they were hoping was that the developer would voluntarily drop his number of lots down. So if he were motivated to do that and accommodated the public, is he hearing Mr. Recor tonight say that he would be punished by being sent back to the Planning Board for accommodating the public? Is that the result?

Mr. Recor said it depends on the nature of the revisions. For instance, they talked about access. If the developer were to significantly revise his access from Sunrise Boulevard to Weatherbee Road and eliminating access off Elm Avenue, he believes absolutely that would necessitate review by the Planning Board.

Commissioner Becht said let him make himself clear any way. What he would like to do is not create an environment that was hostile to the developer meeting the concerns that they know some of the residents have. That being said, he would also like for the record to reflect that their departments have in writing notified the applicants of the deficiencies with what they have brought to the Commission to date, because it is not in their packet that they sent something back to them that there are deficiencies. He is and he will be supportive of their departments. He thinks they are doing a great job going through a transition of educating the developers, the planners, and everybody else about this is what the code requires and now they are going to require it of them. But he is wondering if there is a clear paper trail which supports the positions they are taking, not tying it back to the code, but just clearly saying their plans don't meet code because of x, y, and z. Is there such a document?

Mr. Recor said there is.

Mr. Buchwald said there is for all three projects.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to postpone the Public Hearing on an Application for Site Plan Review submitted by Charles & Valerie Crooks and Southstar Land Edwards Road LP for Edwards Preserve mixed-use development at 3100 Old Edwards Road, and Ordinance No. K-401, Rezoning three parcels of land to the north of Edwards Road and Old Edwards Road, south of Douglas Avenue and Kirby Loop Road, to the April 17th City Commission meeting.

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

Mayor Benton said just for the record, if anybody was here tonight on this item, it will be April 17th when it is brought back in front of them, if it meets code.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to postpone the Public Hearing on an Application for Site Plan Review submitted by Yale Developers LLC for Yale Development mixed-use development located at the 2800 Block of South 35th Street, and Ordinance No. K-402, Rezoning seven parcels of land located on the east side of South 35th Street and the east

end of Douglas Avenue and Kirby Loop Road, south of Cortez Boulevard and north of Edwards Road, to the April 17th City Commission meeting.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to postpone action on the Application for Subdivision Review - Preliminary Plat - submitted by Buccaneer Development for Elm Creek Estates, property located between Elm Avenue and Sunrise Boulevard, south of Weatherbee Road, to the March 20th City Commission meeting.

Commissioner Becht asked is this consistent with what staff wants to do? It will be done on March 20th?

Mr. Buchwald said he thinks in the spirit of working with an applicant who has been diligent in providing submittals and addressing the Commission...

Commissioner Becht said just say yes.

Mr. Buchwald said yes.

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

Mayor Benton said that means that Elm Creek Estates will be brought back on March 20th. Hopefully they will have worked with the neighbors and the Historical Society and the County to make some improvements to their site plan.

Commissioner Becht asked is there any way they can give the folks that have come here tonight a phone number that they can call so they don't show up on March 20th to find out that there has yet been another delay? This was agendaed, right?

Mayor Benton said it was in the paper that it was going to be postponed.

Commissioner Becht asked they can call the Planning Department and find out if this is really going to go March 20th?

Mr. Recor said yes, they can.

The next items on the Agenda were Ordinance Nos. K-404 through K-411 for **Annexation**.

Commissioner Alexander asked just for the record, when they reference to annexation a recorded agreement versus volunteer agreement, what is the difference between those two?

City Attorney Schwerer said he is not sure how it is being used by staff. But ordinarily they have two forms of agreements. One is where they sign a voluntary annexation agreement incident to getting water and sewer service. The other is where a developer makes an application to annex his property into the City, and it is not connected technically with a water/sewer agreement at that time. Those are the two kinds. Now both of those are recorded and they are both voluntary.

Commissioner Alexander asked so when a recorded agreement maybe 20 years ago, how would it get before the Commission today? He doesn't see a letter.

City Attorney Schwerer said because now the property is contiguous. A property could have been two miles from the City limits when they signed the agreement, and now over the years the City limits have grown to the extent that they are contiguous.

Commissioner Alexander asked so it doesn't have to be a request from the property owner?

City Attorney Schwerer said that is correct. When they sign these agreements for water and sewer, they are binding on all successors and heirs down the line, whether it is two years, five years, or twenty years.

Commissioner Alexander said he just did want them to know also that he has it here five and ten years too down the road, so when he sees things that need to be done, and his question has already been answered tonight, so no one else can redefine what was said tonight. Fine, he is ready.

Ordinance No. K-404 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY KNOWN AS **3475 DOUGLAS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Westside Veterans Association)

Ordinance No. K-405 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY KNOWN AS **3601 KIRBY LOOP ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: First Congregational United Church of Christ)

Ordinance No. K-406 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY KNOWN AS **3603 KIRBY LOOP ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Anselmo Sante)

Ordinance No. K-407 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY KNOWN AS **4120 EDWARDS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Stephen J. Marcorelle)

Ordinance No. K-408 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY KNOWN AS **1503 SOUTH 33RD STREET AND LOT 7 OF VAN DUYN GARDENS**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Darrian Kelly)

Ordinance No. K-409 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY KNOWN AS **1910 SOUTH JENKINS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Douglas Kirlan)

Ordinance No. K-410 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE **NORTHWEST CORNER OF FARMERS MARKET ROAD AND SOUTH 7TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: R & J Land Properties, Inc.)

Ordinance No. K-411 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE **WEST SIDE OF SOUTH OCEAN DRIVE, NORTH OF BLUE HERON BOULEVARD KNOWN AS SURFSIDE PLAZA, UNIT 1, BLOCK 17, LOT 10**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY

TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Steven Casola)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-404, K-405, K-406, K-407, K-408, K-409, K-410, and K-411 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 Becht, that Ordinance Nos. K-404, K-405, K-406, K-407, K-408, K-409, K-410, and K-411 be passed on second and final reading.

Those voting in favor of the passage of Ordinance Nos. K-404, K-405, K-406, K-407, K-408, K-409, K-410, and K-411 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-412 entitled, "AN ORDINANCE AMENDING ARTICLE 1, BUILDING CODE, OF CHAPTER 5, **BUILDINGS AND BUILDING REGULATIONS**, OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING STANDARDS FOR CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF EVERY BUILDING OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR ATTACHED TO SUCH BUILDINGS OR STRUCTURES AS HEREIN AMENDED FOR THE CITY OF FORT PIERCE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-412 in session and asked if anyone in the audience wished to be heard.

Mr. Richard Cranmer, 2904 Sherwood Lane, said he is the President of the Landlord's Association and he is here for Ordinance No. K-412 amending Chapter 5, the Building Regulations. This is going to have a major impact on all property owners in the City to go through all this. He is here to request that the Commission put off deciding the second reading until their next scheduled meeting; and also to request that John Alcorn come and speak to them, he is invited to come and speak to them at their March 15th meeting. Maybe he can help them with this, and they will have some time to go over it and look at it and see how it is going to impact everyone.

Mayor Benton said maybe Mr. Cranmer can explain how it is going to impact anything other than new development or somebody doing work on their home or apartment.

Mr. Cranmer said new development, that is fine. He doesn't exactly understand everything that is being changed himself. He was just up there today looking at some of the changes. One example is the electrical change. If a storm comes in and causes a tree to fall down and the power comes off a house or a building, that it is to be replaced to go underground and attached to the building. That is fine, but that is going to have a large impact on people with

their homes. There are still people trying to get their homes fixed from Hurricanes Frances and Jeanne and even Hurricane Wilma. This is just going to prolong even getting the service back to their house so they can have electricity.

Mayor Benton said he was the one who brought this one to the Commission because he was the one who dealt with phone calls from people. Because a tree had fallen, maybe a neighbor's tree, on somebody's house or their feed, and when the utilities company cut the power, then in some cases after the second storm - the first storm he thinks they looked the other way - but he believes they are required to get a permit to have a licensed electrician hook that back up, so it could be several weeks before people could get their power hooked up when the rest of the neighborhood was on. He knows from doing this himself, putting it underground, it isn't an expensive thing to do. But they have learned from these storms that it can be a difference of having their power on within days or possibly weeks later. So he thinks it is something just like they have learned down south where they are requiring new gas stations to put in generators. To him, this is just something the City has learned. It just makes sense. It shouldn't cost much at all to do, plus it takes one less hole out of the roof to create a problem in a storm.

Commissioner Becht said first off, if Mr. Alcorn is willing and they can guarantee him safe passage to a landlord's meeting, then he doesn't think there is a problem with him going over there. When did Mr. Cranmer find out about the ordinance?

Mr. Cranmer said they had someone who came to them after their last meeting and said that letters were supposed to have come out. They don't where the letters went to. They didn't go to any of the past Presidents or the Directors that they know of. So they didn't know about this until last week.

Commissioner Becht said let's get clarification on that because the Commission was advised by staff that letters were sent to the Treasure Coast Builder's Association, the Chamber of Commerce, and the Landlord's Association.

Mr. John Alcorn, Building & Code Enforcement Director, said he was mistaken at the last meeting. What was sent to those other associations, other than the Treasure Coast Builders, was the property maintenance code that was proposed that was before the Commission previously. That is what had been sent to the Homeowners Associations within the City, not the building code.

Commissioner Becht said not the Homeowner's Association, but the Treasure Coast Builders Association, the Chamber of Commerce, and the Landlord's Association. Now eventually they are going to get to the point where this is going to go out to a lot more people. But those three entities he thinks can get this information out to their constituents and then it can get spread out from there. But the reason he asked for that, speaking for himself, was so they would get intelligent feedback on this before the second reading of the ordinance. Is he to understand that it did not...? He guesses what he is hearing Mr. Alcorn say is that it did not go out to...

Mr. Alcorn said to two of those, that is correct.

Commissioner Becht said based on that, he thinks they should postpone the second reading, but he needs to find out how much it

is going to cost the City to postpone it for the second reading. That is another re-advertising?

City Clerk Steele said no, not if they postpone it by motion at tonight's hearing.

Commissioner Becht said what he would ask Mr. Cranmer to do is not put the burden on Mr. Alcorn to come to his next Landlord Association meeting, but they can come here, because Mr. Alcorn is here every day. He understands he has a job and everything else, but this is very important to them. The Mayor has brought up what the City is trying to do here is improve things for their citizens, not make them harder. But they do need feedback from the citizens. He apologizes, because they were supposed to get a copy of this. If Mr. Cranmer will give Mr. Alcorn his address tonight, then they could make sure this doesn't happen again, because they will have the address and they will know where to send it. Is there an office for the Landlord's Association? Is there is a specific address that does not change year to year?

Mr. Cranmer said Bruce Center, Treasurer, on Oleander Boulevard has been there for several years, so it would be the same one.

City Manager Beach said he will get the specifics regarding why that was not forwarded to these individuals, because he recalls very clearly - he is not sure it was this subject - but a subject being referred to these several groups.

Mayor Benton said there is a memo in here in their packet from November 30th, but that was specifically the underground utilities. If Mr. Cranmer would contact his office here at City Hall, if he can make it to their next Landlord's Association meeting. He will be out of town quite a bit this month, but if he can make it there, he will try to explain this. But this is one of those things they have learned, some things they can do better for when the next storm comes. Nobody wants a tenant or anybody to be out of power for several weeks. He dealt with several people in wheelchairs and he got the phone calls, as much as some of the landlords did. So to him, it just makes sense.

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 postpone Ordinance No. K-412 until the next scheduled City Commission meeting on March 20, 2006.

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

Ordinance No. K-413 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-101; PROVIDING FOR REPLACEMENT OF **NONCONFORMING USES** WHEN DAMAGE EXCEEDS 50% OF REPLACEMENT VALUE; AMENDING SECTION 22-3; PROVIDING DEFINITION FOR REPLACEMENT VALUE; AMENDING SECTION 22-102(2); PROVIDING FOR REPLACEMENT OF **NONCONFORMING STRUCTURES** WHERE DAMAGE EXCEEDS 50% OF REPLACEMENT VALUE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-413 in session and asked if anyone in the audience wished to be heard.

Ms. Marcia Baker said she has a problem with this. She thinks they all have a problem with this. She doesn't know whether that 50% is a typographical error or an oversight on the part of the Planning Board. Why was it changed from the 60% to 50%? This is a drastic problem. Let her explain why. She is not going to even deal with the glitches about the R-4A omissions in this thing. She is sure that is all going to be worked out. Let's take her home and let's take a home on Dunbar Street or on North 25th Street owned by possibly a Commission member that is a nonconforming home, either a single-family home or a duplex, either lived in by a home owner or rented out. Another hurricane comes along or a fire and that property has substantial destruction. Her home had 53% destroyed. Some of the homes over in the northwest section of Fort Pierce, particularly the older homes on the smaller lots, had about the same amount of destruction. Because the destruction is considered on the assessed valuation of the home, unless they are going to completely change everything around, because that is what the statutes say, it is based on the assessed valuation. Let her give them a typical home on North 27th Street. The total valuation of this home is \$24,600. The building valuation is \$21,400. This is a homesteaded property. It is on a lot that is 51 feet, which is nine feet below the allowable amount for a single-family home. A hurricane comes along or a fire, and it needs a new roof and it needs maybe a couple of windows. That is 50% of the house. So this homeowner can no longer make the repairs to code that have to be made. He can no longer put on a new roof and get a couple of new windows and get the painting and things fixed up, he has to tear the whole building down and start from scratch. In her case, if she had reached 60% she would still be out of her house because her house would have to be re-elevated up another half a foot to meet the current code. She is fortunate. She lives in an area where the land values are substantial. She had good insurance. She even had an excellent ordinance or law coverage in her insurance which paid for the additional costs of the new code requirements. But most of the people, particularly in the older sections of Fort Pierce, primarily in the northwest section of Fort Pierce where some of them have homes which are below the flood level area, if they had to rebuild their homes completely and had a property that was of no value to them, they would be destroyed. This is a draconian difference. The difference between 50% and 60% may seem negligible to them, but to her it was a difference between being able to rebuild her house and be back in it on Christmas Eve or still being out somewhere in a rental house while they completely reconstructed her home. For most of the people who have older homes on the smaller lots, they would not be able to survive. So she urges the Commission to reconsider changing this back to the 60% and to make additional provisions. She noticed that the existing code that also has duplexes as a special exception was not noted apparently in this change. Many of the properties on South Beach that are duplexes that were destroyed and were rebuilt, if those were more than 60% - and she thinks some of them might have been - hypothetically, if they can forget about the R-4A designation not being in there, were not elevated. If they had been, they would not have been sold and resold. And the people who are living on Dunbar Street... And she looked at some of them where they had some extensive damage, and she has been in their homes. Here is a couple of ladies who had a very nice home, single-family home, small. They added on to it and made it into a duplex sort of thing to code. It was built in 1979, a lot newer than her house. But the assessed valuation of the house is \$34,900. Her roof cost her \$14,000. Let's face it, they are going to be putting people out in the rain and the hurricanes.

Mayor Benton said he wants to just check on that, because this comes from dealing with the Colonnades. He thought what he read was market value before the storm. Didn't it say market value?

Ms. Baker said that is not what the code says.

Mayor Benton said he was just going by what he read somewhere.

Mr. John Alcorn, Director of Building & Code Enforcement, said actually this would benefit Ms. Baker and others in the community, because with the homestead exemption and such, the assessed values are quite low on some of the properties. This does bring the four areas they have dealt with all into uniformity. And it would deal with the replacement value. So if she has an old house that may not have a lot of value because it is worn and tired, for instance, what would it cost to build that house brand new. That is what they talk about with replacement value as in this ordinance. What they have dealt with has been very confusing through the fires and hurricanes that have hit the City. One they deal with is the building code, it is 50% of the value of the building. One is the coastal construction zone, 50% of the market value. Then they have the nonconforming structure, which was 60% of the replacement value. And then they have the nonconforming use, 60% of the assessed value. They had to calculate each one of those and they could meet some and not meet the other. They have worked with the City Attorney staff to try to bring all of these into uniformity. Of course, when they have the State building code, they can't change that from 50% to 60%, so they are trying to be uniform with that as well as the FEMA regulations and put them all at 50%. But what is proposed here is the replacement value, not the current assessed value, so that would be substantially higher in some of those instances where they have homesteaded homes. So he thinks this is an advantage to the community.

City Attorney Schwerer said Mr. Alcorn gave them an excellent example. With the hurricanes and with the devastation they have had over the past couple of years, they have at least two or three legal cases. One is on appeal he thinks with the Florida Building Commission right now. Applicants and persons are telling them that they are being treated differently in different zones and that is unconstitutional. And it is unprecedented, but it has caused the City to focus on this issue now. Depending upon what portion of the City they live in, they may have different rules. Mr. Alcorn is absolutely correct, it benefits most of the poorer homes to be 50% of the replacement value as opposed to 60% of the assessed value, because the assessed values are so low and the replacement values are so high that they are actually going to be able to rebuild those in different circumstances. So from a legal standpoint he is recommending they make all of it uniform across the City to avoid that legal confusion that exists. It will impact at least one case he is aware of that is on appeal - he doesn't know if they have two, those go through Mr. Alcorn's office - but he knows they have one right now pending in Tallahassee before the Building Code Commission that supposedly is coming back to Circuit Court where they were arguing about the different treatment for property on the beach as opposed to something on the mainland. So that was a coastal construction issue, he thinks. So he is advocating whatever standard they set, they should make it uniform. And since they can't change the building code, and the building code does say 50% of the value of the existing building, then technically by making it 50% of the replacement value, they are really making it uniform.

Mayor Benton asked is this something that has been done through the State and this is something that FEMA has done also?

Mr. Alcorn said this is their individual code and particularly it deals with the planning and zoning. In fact, they didn't realize until the first hurricanes that even in their planning and zoning code they had a substantial difference. A nonconforming structure was different than nonconforming use. One was 60% of replacement, the other 60% of the assessed value. So they could meet one and not the other. They are trying to, particularly the zoning portion of this, bring it into uniformity with the rest, and then define what replacement value is. That is what the City Attorney was talking about. When the owner is trying to define the replacement value, he brings in estimates from his subcontractor that really are lower than they believe they should be. Rather than talking about the definition of replacement value. And they talked in the code here how it is defined as the figure that is put out by... The evaluation data for Florida is compiled by the International Code Council using the Marshall Evaluation Service and such as it currently would be updated twice per year.

Ms. Baker said the other thing she mentioned was about the duplex, the fact that the duplex is a special exception. She doesn't know if that was addressed in this change. The third thing is the 12 months. There were a lot of people who were out of their homes and haven't been able to rebuild in 12 months. She wants to know if that has been addressed because she does not want people who have a nonconforming lot, a nonconforming property, to lose completely the value of their property just because they weren't able to rebuild within the 12 month period.

Mayor Benton said hopefully Mr. Alcorn addressed some of her concerns.

Ms. Baker said she thinks she has it.

Commissioner Alexander said his concerns may be a little more difficult to address because his concern is, when he hears them speak of... It is public hearing, so he can hold his comments.

Mr. Rick Reed said his concern is basically the same thing. He lives in a nonconforming home. His lot size is 40-feet by 60-feet. The appraised value of the property is \$23,500 by the Property Appraiser. A year and a half ago when he had his heart attack and he decided to sell, he had a valid contract and ultimately turned it down, and he had the house sold for over \$200,000. So he has turned down two offers and decided they would all miss him if he left town so he wouldn't dare leave. His question is, God forbid if something happened to his little bitty house. They would all be happy to get rid of him and then he really would be up the creek. Then when they say 50% of replacement value, how do they calculate 50% of replacement value after the damage has been done? The Property Appraiser, under the 3% a year rule, he just got lucky and got a good deal. He also lives in a historic neighborhood, not that it had anything to do with that. He has to agree with Ms. Baker, it doesn't make sense to him. If something happens to his house, he is out of luck.

Mayor Benton asked is that true?

Mr. Alcorn said evidently Mr. Reed did not hear his previous explanation how it would benefit him substantially more if the

assessed value is \$23,500 now and 60% of that is the number he would use. What they are now proposing is, what would it cost to build a brand new home, and it would be 50% of that. So let's say a brand new home were \$150,000, it would be 50% of that rather than 60% of the \$20,000.

Mayor Benton said in other words, if there is a way people can document what they have, just in case it blows away completely. He knows for insurance companies, a lot of times they want them to show what they have in their house. But it might benefit him if it did blow away completely.

Mr. Reed said he is self-insured. He is like his grandfather. He doesn't believe in insurance.

Mr. David Recor, Deputy City Manager, said there is a definition in the ordinance that defines how they determine replacement value. It is based on the evaluation data for Florida.

Mr. Reed asked since he is nonconforming and say it is gone, are they all going to let him build on a nonconforming lot after the fact?

Mayor Benton asked will Mr. Alcorn like to address that question, just so for the record they know?

Mr. Alcorn said that is a planning and zoning question. There may be instances where a variance would be required. But typically this deals with situations where there is no paving on some kind of a property, there is no landscaping, those things would be brought up. He will give him as an example the Circle K down on Seaway Drive. He thinks that was one that did not have retention areas for the water, it did not have the proper paving, landscaping, and so forth. It was a conforming use, but a nonconforming structure in the definition of some of those other things in the zoning law that would have to be brought up to code. That is where this would apply.

City Manager Beach said he thinks the answer is, the purpose of having a code that addresses nonconforming uses is to create a set of circumstances and an opportunity to correct those non-conforming uses under certain conditions. In other words, if they are trying to fix a community, when something is destroyed beyond a certain point, they don't allow the reconstruction of that nonconforming use except under very special circumstances. He doesn't know the answer to Mr. Reed's question. He thinks that is something that may require a conditional use permit or something of that nature. But that is the situation that exists today. This ordinance doesn't change that. This ordinance improves his ability to rebuild that building in its current configuration. It doesn't take away from it. There are already codes on the books that prohibit the continuation of a nonconforming use after a certain amount of damage. This ordinance makes his circumstances better, and that is what Mr. Alcorn was describing.

Mr. Reed asked the applicable part that being in historical, isn't there even more?

City Manager Beach said it is conceivable, but he wouldn't want to try to answer that question without looking at the law to answer it accurately.

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

Commissioner Alexander said they all know that the beach area pretty much stands for their tax basis in this community, they pay the largest and most taxes in the community. But when they start talking about the City of Fort Pierce ordinance as a whole, why should it be separated from the whole? And going back to what he heard someone tell him, he guesses Mr. Alcorn said it just before he came here, that they have things that go along in one area versus another area. When a person's home in the Lincoln Park area, that home might be assessed \$23,000 or \$25,000, how can they tell him if that home is not being able to be repaired that they can build a new home? They can't hardly sustain what they have now. He is not giving no excuse for it, but enough homes over there withstood three hurricanes and didn't have as much damage or hardly any damage. But they did get a count after the hurricane, they went door to door. Did they not get a count of which homes were livable or non-livable, some type of a count they did?

City Manager Beach said there was an inventory, yes.

Commissioner Alexander asked so they don't have that information brought forward to these type of issues here where they are conforming or nonconforming? Those lots over there are basically what, 50 feet? They hardly ever get a lot that is 80 feet or 120 feet. Those basic lots are 50 feet. So they are telling him automatically those fall beneath this train that is coming through here and all of a sudden this is something that needs to be fixed, that they as citizens of this town didn't have a problem here?

City Attorney Schwerer said he dealt with this only because in the terms of a legal case and they are being challenged now. Let him try to give them an example with numbers how this would work. Currently under the code if a person living in the northwest community or anywhere else had a nonconforming structure and it was damaged by a fire or storm, they could not repair it or rebuild it unless the damage to the structure did not exceed 60% of the assessed value. Now the assessed value is artificially low, way low, because they have seen houses that are assessed at \$24,000. That means if they sustain more than half of that, if they sustain more than 50% or 60% worth of damage, the figure is about \$12,000 or \$14,000, they can't rebuild it. What this code provision is doing is setting it at replacement value, which that is \$120 a square foot or \$150 a square foot. So now, that home is not worth \$23,000, the replacement value on that home is \$75,000 or more, and they are saying 50% of that number now. If their damage exceeds 50% of that number, which is now \$30,000 plus in repair costs, they can't rebuild. So they are allowing the homeowner to rebuild his home by setting the bar higher, so if his damage is less than that higher number, he can rebuild. Most people won't be able to meet it when it is an assessed value because it is so low. But what they are saying is, in other areas of the City they have different rules that apply; and to make it all uniform, this is the key so they don't have...

Commissioner Alexander asked his concern is, this was a broken matter so they had to fix it?

City Attorney Schwerer said kind of, yes. It is now brought to their attention because of all the wide spread devastation they had all over the City. They had rebuilding of nonconforming structures

going on. Different rules applied and sometimes they would qualify. Different rules applied for the coastal construction on the beach and different rules applied to different areas.

Mayor Benton said just tonight he found out when he went and spoke to the Colonnades, that is where he was told that it was 50% of the market value before the storm. But if there are different areas that apply differently, if it is assessed values, how are they going to know which area of town? If they have to address the constituents on issues, which one do they follow? That is going to be a nightmare. It would be easier, he thinks, that everybody would go by the same rules. It would make their job a lot easier if people can rebuild, because he knows that was a challenge all over town.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. K-413 be passed on first reading.

Commissioner Nelson asked Mr. Schwerer mentioned that he had a case in court in Tallahassee for some reason currently? Does he expect a ruling on that or hearing on that matter, when?

City Attorney Schwerer said he doesn't know. The applicant filed his appeal with the Building Commission. They believe that it is appealed to the wrong forum. They believe it is an appeal to Circuit Court and it is under a different standard. So he can't give them any idea. Right now they are still working with that individual. That happens to be a beach property, it happens to be a high density property, so they are trying to preserve some rights. But they don't know when that case will be in final conclusion.

Commissioner Nelson asked they could conceivably wait until after that ruling is made in that the City doesn't have a real urgency on this, but they do have a conflict with respect to assessed value versus a replacement value, is that correct?

City Attorney Schwerer said this ordinance will not affect that case in court. But what it will help is to stop future cases from going into court saying one area is being treated different than the other.

Commissioner Nelson said he would think they would need to wait until they get some resolution in that area to provide some degree of uniformity on this issue. Therefore he will be voting against the passage of this ordinance at this time.

Mayor Benton asked would Mr. Alcorn, if he has time on Wednesday morning, there is a Homeowner's Association meeting in St. Lucie County in the Board Room up on third floor, it has to do with all the Homeowner Associations in St. Lucie County, maybe Mr. Alcorn could address these two changes in their codes and could answer some questions for some folks there? He can talk to County Commissioner Hutchinson who chairs that meeting, see if she will give him some time. That way they maybe can make things a little clearer to the public.

Those voting in favor of the passage of Ordinance No. K-413 on first reading were: Commissioners Becht, Coke, and Benton. Those opposed: Commissioners Alexander and Nelson.

Ordinance No. K-414 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 13-16 OF THE CITY **RETIREMENT SYSTEM** BY CHANGING THE DEFINITION OF FINAL AVERAGE SALARY FOR THE UTILITIES AUTHORITY EMPLOYEES FROM THE HIGHEST FIVE (5) CONSECUTIVE YEARS OF THE LAST TEN (10) TO THE HIGHEST FIVE (5) OF THE LAST TEN (10); AMENDING SECTION 13-36 OF THE CITY RETIREMENT SYSTEM BY CHANGING THE NUMBER OF YEARS OF SERVICE NEEDED TO BE ELIGIBLE FOR DISABILITY RETIREMENT FOR UTILITIES AUTHORITY EMPLOYEES FROM TEN (10) YEARS TO FIVE (5) YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-414 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-414 be passed on first reading.

Commissioner Becht said he is confused. This is a Fort Pierce Utilities Authority recommendation that will obviously require the City to amend their retirement plan. But when does this go before the Retirement Board?

Commissioner Coke said it has been there. The Retirement Board voted unanimously to approve this.

Commissioner Becht said that was not in his packet, so he thanks Commissioner Coke for that education. With that he has no further discussion.

Those voting in favor of the passage of Ordinance No. K-414 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ms. Pam Gillette, Main Street Fort Pierce, request **Alcohol Beverage Permit** for **Sandy Shoes Festival** to be held in Indian River Memorial Park Amphitheater and Manatee Center Parking Lot on March 25, 2006.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve request Alcohol Beverage Permit for Sandy Shoes Festival to be held in Indian River Memorial Park Amphitheater and Manatee Center Parking Lot on March 25, 2006.

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 Consider draft Interlocal Agreement between the City and St. Lucie County for the **Broadcast of City Meetings**.

City Manager Beach said he would like to pull this for consideration at the next meeting. He wanted the Commissioners to have it in front of them and he wanted the Commission to review it. But staff still has more work to do on it in regards to making it conform to the existing agreement they have with their cable provider. Their intentions are to have this before them at the

next City Commission meeting for consideration. He wanted them to know this process was underway, it is being worked on. They have some estimates in place and they are moving it forward. So there is no action required this evening. Please review this at their convenience and it will be coming back to them in somewhat of a different content within the next month.

Commissioner Alexander said he sees a date of July 1, 2006. So everything is going to be in place, equipment and everything is going to be bought?

City Manager Beach said it could be; but that is a proposed date and it can change however to comply with equipment acquisition and whatever is necessary.

Commissioner Becht asked when will this be brought back to them?

City Manager Beach said within the next month, hopefully at the next Commission meeting.

Commissioner Becht said Mr. DeWitt from St. Lucie County is here and he has waited patiently for this item. He doesn't know if he has anything he wants to say. He doesn't disagree that they should postpone it, because that is the recommendation.

Mr. Shane DeWitt, St. Lucie County Media Specialist, said he has no problem with that.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to postpone consideration of an Interlocal Agreement between the City and St. Lucie County for the Broadcast of City Meetings until the April 3, 2006, City Commission meeting.

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

The next item on the Agenda was Resolution No. 06-12, Appointing/Reappointing members to the **City Planning Board**.

City Clerk Steele said there are four vacancies and there are five applications for reappointment and for appointment. What she will need is for someone to suggest the names they would like to be included in the resolution and then she will read the resolution with those four names.

Mayor Benton said the ones who would like to be reappointed are Pam Brown, Don Bergman, and Jeremiah Johnson. He believes those are the ones asking for reappointment. Mary Minton stepped down.

City Clerk Steele said that is right. It would be Williams, Bergman, and Johnson for reappointment. But there are applications from Leslie Olson, Edward John Reilly, and Bob Burdge.

Commissioner Alexander said he knows he can't put this on Ms. Steele's desk; but not too long ago, not too many City Commission meetings ago, he spoke about individuals being on multiple Boards. Now they are having more than enough individuals. He was brought to task that they couldn't get people to come in and put in applications. So they have not addressed the individuals that he is speaking of? They haven't addressed whether they are short or what. So he is going to follow the lead tonight, because it is kind of getting him when he wants to request something.

Commissioner Becht said he was hoping that Commissioner Alexander would give them a name.

Commissioner Alexander said no, he won't do that.

Mayor Benton asked so they are looking for four names here? Are they looking to set a policy as far as one Board, one person?

Commissioner Alexander said no, not necessarily.

Commissioner Coke said although she would encourage that, she doesn't know that she would agree with setting it as a policy. Because even though they have more applicants for the Planning Board here than they need, she thinks there are one or two other places where they don't even have enough applicants to fill the vacancies. So she would have some great concerns restricting themselves with a policy, not allowing to serve on more than one Board.

Mayor Benton said he will entertain names.

Commissioner Coke said she would recommend Leslie Olson.

Commissioner Becht said he wants to recommend Edward Reilly.

Commissioner Nelson said he likes Mr. Reilly as well.

Mayor Benton said they are looking for four names.

City Clerk Steele said that is two. She needs two more.

Commissioner Nelson said retain the ones that are there.

Mayor Benton said then they can only replace two of them, because if they put on Olson and Reilly, then they are going to take one of those three that are on there off.

Commissioner Coke said she likes Mr. Reilly also.

Mayor Benton said let's start with Ed Reilly. Do they have three votes for Ed Reilly? (The Commissioners agreed.) Are there three votes for Leslie Olson? (The Commissioners agreed.) They have three people here who were on the Board that are looking to be put back on.

Commissioner Nelson said he would like to retain Don Bergman.

Mayor Benton said there are three for Don Bergman. Do they have one more?

Commissioner Becht asked before they identify one, can they identify who is left?

City Clerk Steele said yes. There is Williams, Johnson, and Burdge.

Mayor Benton said he would say Jeremiah Johnson. He will throw his name out there.

Commissioner Coke said she will go along with that.

Commissioner Nelson said Jeremiah Johnson has been absent quite a bit.

Mayor Benton said he knows he did some work for a couple of months in Louisiana after the hurricane with his church, so he might have been gone then.

Commissioner Alexander said he supports Mr. Johnson.

Mayor Benton said Mr. Johnson was here at the last meeting (February 21st) because his application didn't get in their Agenda package, and he sat through just to let them know he wanted to be reappointed.

Commissioner Alexander said he supports Mr. Johnson.

Mayor Benton said so there are three votes.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-12

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING OR REAPPOINTING MEMBERS TO THE **CITY PLANNING BOARD** FOR A TERM COMMENCING MARCH 6, 2006, AND TO EXPIRE AS SET OUT HEREIN."

City Clerk Steele said the names are Leslie Olson and Edward Reilly for appointment. And Don Bergman and Jeremiah Johnson for reappointment.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-12 be adopted.

Those voting in favor of the adoption of Resolution No. 06-12 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Resolution No. 06-13, Appointing/Reappointing members to the **Board of Adjustment.**

Mayor Benton asked they need two - one regular and one alternate?

Commissioner Alexander said he will put Mr. Clark back in for reappointment.

Commissioner Nelson said he will go with Mr. Clark.

Mayor Benton said he will go with Mr. Clark.

Commissioner Becht asked do they need another, an alternate?

City Clerk Steele said yes. This is the Board that has had a vacancy in the Alternate position for nearly two years, she believes. They still apparently don't have an application for that position.

Mayor Benton said so they need to find somebody for that.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-13

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING OR REAPPOINTING MEMBERS TO THE **BOARD OF ADJUSTMENT** FOR A TERM COMMENCING MARCH 6, 2006, AND TO EXPIRE AS SET OUT HEREIN."

City Clerk Steele said in this particular case the Commission will be reappointing Mr. Clark.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 06-13 be adopted.

Commissioner Alexander asked if they don't have an alternate, are they going to address that tonight too?

City Clerk Steele said not unless they have an application.

Those voting in favor of the adoption of Resolution No. 06-13 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Resolution No. 06-14, Appointing/Reappointing members to the **Code Enforcement Board.**

City Clerk Steele said they have applications from Delores Hines, Philip Gates, Jr., and William Cheverie.

Commissioner Alexander said he will step forward for Ms. Delores Hines.

Commissioner Coke said William Cheverie.

City Clerk Steele asked is he in the City?

Commissioner Becht said that is the question he had. He doesn't know if they require that Code Enforcement folks... He doesn't know Mr. Cheverie so he doesn't want anybody to think he is picking on him. But can somebody answer this question, is there a requirement that someone appointed to the Code Enforcement Board live in the City?

City Clerk Steele said Code Enforcement Board members must be a City resident.

Commissioner Becht asked is 3033 Old Dixie Highway in the City?

Mr. Bob Dusanek, Code Compliance Manager, said he doesn't believe it is. Old Dixie Highway would have to be north, St. Lucie Village.

City Clerk Steele said so they cannot consider that one.

Commissioner Becht said before they knock him out of the water, he appreciates what Mr. Dusanek said, but is he 100% certain that 3033 Old Dixie Highway is out of the City? Because he doesn't want to eliminate him on this technicality. If he is in the City, great. If he is not in the City, then...

Mayor Benton asked would they like to wait until the next meeting on this one and see if they get some clarification whether he is a City resident or not? He doesn't think they are going to put the Board in a predicament.

Commissioner Alexander said he doesn't want to second guess it, but doesn't the qualification stipulate if they have a business in the City?

City Clerk Steele said no. It must be a City resident. Do they want to hold this until the next meeting?

Commissioner Coke said they should postpone this one until their next meeting.

Commissioner Becht said let's get the question answered. But now that he is looking at it, it says he is a member of the Civil Service Appeals Board.

City Clerk Steele said a Civil Service Appeals Board member may be a resident in the County.

Mayor Benton said each Board is different. That is what fakes them out.

City Attorney Schwerer said Code Section 2-243 requires that members of the Code Enforcement Board shall be residents of the City. Now they have the address issue to deal with when it comes back before them.

Mayor Benton said by the next meeting they will know whether Mr. Cheverie is a resident of the City or not.

City Attorney Schwerer said all these Boards are confusing. He wanted them to know it shall be a resident.

Mayor Benton said if he is not, he has less than 30 days to be annexed, if he is willing to pay a few taxes.

The next item on the Agenda was Resolution No. 06-15, Appointing/Reappointing members to the **Construction Board of Adjustment & Appeals**.

City Clerk Steele said two terms are expiring. They both have requested to be reappointed.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-15

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING OR REAPPOINTING MEMBERS TO THE **CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS** FOR A TERM COMMENCING MARCH 6, 2006, AND TO EXPIRE AS SET OUT HEREIN."

City Clerk Steele said James Matula and Ken Waters are being reappointed.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-15 be adopted.

Commissioner Becht asked what is the term for the Construction Board?

City Clerk Steele said she thinks that is a four year board.

Commissioner Becht said the reason he raised the question is that Ken Waters is running for County Commissioner. It would be kind of an interesting situation. He guesses Mr. Waters can figure out what he wants to do, if the people elect him.

Mayor Benton said he was on the Board the last time he ran too.

Those voting in favor of the adoption of Resolution No. 06-15 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Resolution No. 06-16, Appointing/Reappointing members to the **Board of Examiners of Contractors**.

City Clerk Steele said they have three applications - Don Bergman, Paul Frischkorn, and Ken Waters.

Commissioner Nelson said Don Bergman should be reappointed.

Mayor Benton said they need two names. Mr. Frischkorn is asking to be reappointed.

Commissioner Alexander said reappoint the two.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-16

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING OR REAPPOINTING MEMBERS TO THE **BOARD OF EXAMINERS OF CONTRACTORS** FOR A TERM COMMENCING MARCH 6, 2006, AND TO EXPIRE AS SET OUT HEREIN."

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 06-16 be adopted.

City Clerk Steele said they will be reappointing Mr. Bergman and Mr. Frischkorn.

Those voting in favor of the adoption of Resolution No. 06-16 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Resolution No. 06-17, Appointing/Reappointing members to the **Civil Service Appeals Board**.

Commissioner Alexander asked he is looking at Mr. Rice with an application, and his term doesn't expire until 2007. So why is his application in this? They should be only replacing two, right?

Ms. Mazella Smith, Administrative Services Director, said the confusion is Mr. Rice was moved to regular member when Mr. Hoskins resigned. Mr. Waller was put in place to serve the unexpired term. Mr. Bill Cheverie is a reappointment.

Commissioner Alexander asked is Mr. Cheverie the alternate?

Ms. Smith said that is correct.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-17

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING OR REAPPOINTING MEMBERS TO THE **CIVIL SERVICE APPEALS BOARD** FOR A TERM COMMENCING MARCH 6, 2006, AND TO EXPIRE AS SET OUT HEREIN."

City Clerk Steele said they are reappointing Lewis Rice as a regular member and William Cheverie as an alternate member.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 06-17 be adopted.

Those voting in favor of the adoption of Resolution No. 06-17 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-18

"A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND PROVIDE ADMINISTRATION OF AN APPLICATION FOR THE **NATURAL RESOURCES CONSERVATION SERVICE GRANT** PROGRAM ON BEHALF OF THE CITY OF FORT PIERCE, THE GOVERNING BODY, PROVIDING AN EFFECTIVE DATE."

City Manager Beach said they have a memorandum from the City Engineer that describes the project and the scope of the activity and the matching funds. Mr. Arias is available to answer any questions. It is for canal bank erosion on Moore's Creek and Virginia Avenue Canal due to Hurricane Wilma. This looks like a good source to do some bank stabilization on the Moore's Creek area west of 15th Street.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 06-18 be adopted.

Those voting in favor of the adoption of Resolution No. 06-18 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-19

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FORT PIERCE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR **LANDSCAPE IMPROVEMENTS TO STATE ROAD A-1-A** (PHASE II A - U.S.#1 TO SOUTH BRIDGE); AND AUTHORIZE THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE."

Commissioner Alexander said he is just thinking, they are talking about landscaping. They are not going to put this landscaping in harms way of a hurricane. They are just right in the hurricane season.

Mayor Benton said he would hope for xeriscape on top of that too.

Commissioner Alexander said he has concerns of trees that they planted last year that were smack dab in the way of the hurricanes and didn't get a chance to root themselves. How are they going to address that matter?

City Manager Beach said unless he is mistaken, this is for work to be done in the future. Will any of this work be done prior to the hurricane season?

Mr. Hector Arias, City Engineer, said yes. They are going to be finishing this section by August or September. But they have to consider that they may be hit by hurricanes every year. If they are going to be thinking this way whenever they are getting landscaping done... This landscape is going to be free, FDOT is going to be installing that for Fort Pierce, but the City has to maintain it.

Commissioner Alexander asked what about the replacement? That is not going to be free though, is it?

Mr. Arias said if the replacement comes in before the project is completed, he is pretty sure FDOT is going to come up with something.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, that Resolution No. 06-19 be adopted.

Those voting in favor of the adoption of Resolution No. 06-19 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-20

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE MAYOR'S APPOINTMENT OF **JAMES H. BROWN** AS A COMMISSIONER OF THE **HOUSING AUTHORITY** OF THE CITY OF FORT PIERCE; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 06-20 be adopted.

Mayor Benton said Mr. Brown doesn't live in the City, but he is a property owner and a business owner in the City.

Commissioner Alexander asked there won't be any conflict with him being a landlord, will there? In case something came up, he just wanted to clear the City.

Mayor Benton said he has a business. He doesn't know whether he is a landlord.

Commissioner Becht asked can he answer this? Because he actually has some expertise in this. As long as the gentleman is not renting Section 8 Housing, then he is okay. Actually there may be, there once upon a time used to be a waiver even if he has Section 8 Housing where they move the administration of that out to another Housing Authority. So it should not be a conflict.

Those voting in favor of the adoption of Resolution No. 06-20 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was City Manager discussion on creating a Fort Pierce Economic Development Agency.

City Manager Beach said this is an item that was actually brought to his attention by Commissioner Becht. As all of the Commissioners are probably aware, they are in fairly constant contact and communication with industrial prospects and clients who want to maintain some level of confidentiality in their discussions with cities and counties in places they are trying to locate. Fort Pierce is hampered... He is not sure that is the right word. But they are required by the Sunshine Law to divulge all written communication, emails, and things of that nature that comes through City Hall on that subject - he is, the Commissioners are, and so on. Apparently there was a piece of Legislation created that allows cities and counties and governments to create an Economic Development Agency (Florida Statute 288.075) that precludes some of those reporting requirements. It allows them to provide some level of confidentiality to clients they are working with and to industrial clients. This is being suggested here this evening just for consideration if they believe it has value and it is something they should take advantage of. As Commissioner Becht explained it to him, it would not be a good idea to put themselves at a disadvantage from other entities in not being able to maintain that confidentiality in order to deal with these various agencies. If the Commission is in agreement with this, the City Attorney would prepare the necessary resolution and so on to bring back to the Commission for consideration.

Commissioner Becht said he read an article in the paper that said that Port St. Lucie had set up its own Economic Development Agency. The newspaper article said why that was being done, which was to enable them to have some confidential negotiations with developers. He wrote to Don Root, Executive Director of the St. Lucie County Economic Development Council, and asked does he think this would help or hurt Fort Pierce? He wrote back and recommended that Fort Pierce adopt it to maintain the parity that Port St. Lucie has, because Port St. Lucie has it and can enter into confidential negotiations on behalf of themselves. What he is asking this Commission to consider is maintaining that so that the City can at least stay on equal footing if they have to enter into negotiations and they need to maintain confidentiality.

Mayor Benton said the only thing he didn't like is when Commissioner Becht used the word developers. He would hope they would say specifically potential businesses or business partners. He doesn't want to think they can privately discuss issues if a developer wants to come here.

City Manager Beach said he thinks it is defined by law in the Statutes.

Mayor Benton said he knows what they have been dealing with. They are dealing with one right now. He just wouldn't consider those folks developers.

Commissioner Becht said the way the resolution of Port St. Lucie was drafted is to promote the general business interests or industrial interests. He mis-spoke, he doesn't mean developers. What he means is, job generators. That is who they need to be attracting.

Commissioner Nelson said he has some trouble with this. He likes transparency in their government. He likes for all officials of the government to be able to share without reservation any business activities that go on within the City. It has been his experience that when they have a dire need for confidentiality, they go out to the public sector. He thinks in some cases, for example, they have had people applying for jobs as a City Manager or as a Police Chief or what have you, and the City somehow or other farmed this effort out to a private firm or private organization to exclude itself from having to reveal these data to about individuals because public can ask for them under the Freedom of Information Act and all this kind of stuff. He wouldn't want the City Manager to be in that position. He wouldn't want the City Manager to be in a position wherein if he were to ask him for some information, he would say he can't tell him because it is confidential. He thinks they have a confidential relationship between their lawyer and whomever else. But he doesn't think the City Manager should want to keep anything from him. As a matter of fact it might lessen his stature in his eye sight if he did.

City Manager Beach said he thinks the intent of the Legislation is not to keep that information from decision makers, it is to keep that information from the media and the public in general. It is not that the City cares if they have that information, it is the company that cares. The company is conducting negotiations all over the country and they just don't want this divulged.

Mayor Benton said it is being done by the County right now. It was done with Walmart. It was done with a lot of companies. And if they don't consider this, they are not going to consider the City.

Commissioner Nelson asked do they have an Economic Development Council over in the County?

Mayor Benton said right. There are some discussion going on now that they specifically have to agree to, this is confidential, period. They are not allowed to discuss it, especially with the press or the public, until details are worked out. Most of the time the public finds out before it is reality. But these people don't even want to talk to the City.

Commissioner Nelson said no one can really tell what they have in their head. It is when they put it in writing or they say it on public broadcast.

Commissioner Coke said she thinks that perhaps this is an excellent idea whose time is way since past. And if they have any doubts about whether or not they should be pursuing this line, she thinks maybe they should look and see when the St. Lucie County Economic Development Council goes out - and they do an excellent job - how many of those developments end up in Fort Pierce and how many end up, like Walmart, in unincorporated County or Port St. Lucie? The

old saying, if they don't look out for number one, nobody else is going to do it. She for one does not begrudge St. Lucie County or Port St. Lucie of any development. However, Fort Pierce needs to at least be able to be on an even footing in going out and pursuing and discussing with developers. And the fact is, they won't discuss it with Fort Pierce if they can't keep it in a confidential manner. They just need to take whatever steps necessary so they are there trying to bring jobs to their citizens.

Mayor Benton said last year the site selectors were here. He doesn't know whether any of the Commissioners got the chance to sit down with those folks. The Economic Development Council brought them here. But that was one of their top priorities, these people don't want everyone to know they are here looking, and most of the time they are competing with several other areas in the country or different cities, and they are trying to get the best deal they can. It just makes it hard to do business. Do they want to be left out of the loop?

Commissioner Nelson said they had that experience first hand when QVC came to town. They didn't even review Fort Pierce. They went directly to Port St. Lucie and the County to establish their facility. What is going to attract people to this City is exactly what they are doing now. They are revitalizing their town, they have an increase in their property values, they are reducing their crime, they are doing those things that make the City attractive to new investors - security of people, entertainment for their families, etc. He thinks that is the best way to go. When they start deviating from that by setting up these private individuals or organizations to do that, he thinks they are asking for trouble.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to authorize a resolution be prepared to create a Fort Pierce Economic Development Agency.

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

The next item on the Agenda was City Manager discussion on St. Lucie County's request for **donation of City-owned property** at the northeast corner of Virginia Avenue and South 23rd Street.

City Manager Beach said this is a follow up from a previous meeting that they had where the County Commission had asked the City Commission to consider donating that parcel of property immediately east of the St. Lucie County Administration building for their parking lot purposes. They have had a few follow up discussions about it. The last discussion they had was this Commission requesting a map that reflected that property. He is not sure what they were going to do with that. At some point there was discussion about the exchange of this property for some property downtown, or for a skateboard park, or something of that nature. This is being presented to the Commission this evening for information. He is not sure that they need to take any action at all in that a formal request has never been received from the County for this property.

Commissioner Becht said he has a question before they move forward with this. The property that is located to the immediate north of the old Civic Center, is that owned by the County or do they know who it is owned by?

City Manager Beach said the City owns a parcel of it. Look at the second map. See the St. Lucie County Administrative Complex? The City owns some property north of that.

Commissioner Becht said north of Rhode Island Avenue.

City Manager Beach said yes, that is correct. This map reflects that the County owns all of that property immediately north of the Civic Center.

Commissioner Becht said he is not aware that the County has expressed any plans for development of that property that has entailed any plans being brought to the City.

City Manager Beach said it was discussed at one time as an alternative for expanding the annex building into that area, but it ran into some environmental issues. He thinks it was County Commissioner Barnes who suggested that he did not want to see that developed at all.

Commissioner Becht said he thinks what has precipitated this is that the Mayor - and he thinks all of the Commissioners in support of that - wanted a skate park to be built with their tax dollars that are collected by the County on County-owned property. He was led to believe, and perhaps incorrectly, that the County needed this piece of property in order to accommodate a skateboard park. In conversations he has had later, it appears it is not needed for a skateboard park, but it is wanted to actually confirm the County's present use of this property as a parking lot. As he is looking at the maps, it appears that the County has parking on the west side of South 23rd Street and immediately adjacent to the property, so their employees don't have to cross 23rd Street. If they have been there at 8:00 in the morning or 3:00 in the afternoon, it is a heavy traffic road because of the school that is there. So he wants to be 110% supportive of the Mayor's efforts to get a skateboard park built, but he doesn't think the County has been completely honest with the City about their need for this property. He thinks they need to hold the County responsible for what they are supposed to do, which is manage parks. He thinks the County should build a skateboard park. If they are interested in this for parking, he thinks they need to explain to the City why they should give them this, especially when they have their own property to the north of the Civic Center which seems to be more suited for a parking lot, if that is what they are going to do.

Mayor Benton said in his discussions with the County about adding a skate park to the Lawnwood Recreation Complex somewhere, with Commissioner Coward in discussions he had brought up this parcel and asked if the City would contribute it, thinking with the facility the County wants to build there for a hurricane shelter, that they can maneuver some things around if they had this property and make room for the skate park. But unfortunately, he has heard nothing from the County yet, other than they are trying to find a place. He would like to use that as a mechanism to make them do it. He doesn't see the City has much need for that property. He thinks it would be a good token or gesture with the County to make it complete over there. If it wasn't for the County parking on it, the City would have to maintain it. But if they can make them do what they want at Lawnwood Park, he would be more than willing himself to donate that property, because he doesn't see that the City has any use for it. Twenty years from now that could be different.

City Manager Beach said he can tell them he doesn't know of anything that staff has anticipated or planned for that property. However, one of the things he encourages the Commission to do is, if they are going to exchange or somehow work out a property transfer, that they get the value of the land and something from the County, because they have several things that the City needs very much.

Mayor Benton said like the parking garage, the additional floors tied into the Clerk of the Court building.

City Manager Beach said there is the parking garage, there is the property the County owns in front of the Black Pearl Boat Ramp. There are a number of things that would be a fair exchange.

Commissioner Nelson said he has been working with the FPRA, they are getting some properties for in-fill housing. What are they going to do?

City Manager Beach said they don't need to take action. This is for their information only. When that request comes to the Commission from the County, then that would be the time to deal with it.

The next item on the Agenda was Deputy City Manager to discuss alternatives for Charrettes for the Lincoln Park community and the Rivers Edge Homeowners Association.

Mr. David Recor, Deputy City Manager, said at the last meeting of the Fort Pierce Redevelopment Agency, the Board requested staff to investigate some alternatives in moving forward with Charrettes for these two areas. Kara Wood, the City's Urban Designer, is going to lead the discussion tonight and give them some ideas and suggestions on how they can move forward with these endeavors.

Ms. Kara Wood, Urban Designer, said she wants to talk to the Commission a little bit about defining Charrettes first before they launch into a discussion about how it is best to approach them. So they can be really clear, if the staff starts going to consultants to ask them what would they charge to do a Charrette, they can be very clear on what that exactly means, because there is a range of a scope of work that the term Charrette has been applied to. They want to know sort of where they fit in that scope. She also wants to clarify some geographic boundaries in some of the areas that are in question, namely the Lincoln Park community and the Rivers Edge district. Then from there, she will launch into specifically what the staff's recommendations are on this issue. The term Charrette traditionally refers to a group of design professionals working with the public to arrive at solutions for future development of an area that results in a tangible design tool. So when they are done with the Charrette, they would have a master plan with maybe street types, building types, suggestions for improved infrastructure, and street improvements. All of those things would actually come to them in the form of drawings. So the work of the Charrette, what they have come to know as a Charrette is when the public gets together and gives their opinion, and then staff has a report on it. But the real work of it is when the designer spends a week afterwards drawing up drawings that they can then come to the City with for specific suggestions of what to do with this area. Again, there is that end result, and then there is a public workshop with a list of concerns that is a result of a conversation. So they either end up with a design tool that is workable, or they end up

with a list of concerns that they can then maybe take into a design forum. So there is a range of a scope of work and they want to be clear on what it is they are targeting on each of these areas. There is also a geographic scope. So when they talk about a neighborhood Charrette, in traditional town planning a neighborhood is a center of activity. And from there, there is a quarter mile radius that would define a person's five minute walk to the edge of that neighborhood. (Ms. Wood displayed a map.) Over here they depict for the Lincoln Park area the Police Substation as a possible neighborhood center; and then a quarter of a mile from that is a circle placed within the geographic area. So if they were to go to a consultant and say they want a Charrette for the Lincoln Park area, are they referring to that one circle that is in red in that area, or are they referring to what is commonly known as Lincoln Park, which is from Moore's Creek all the way north to Avenue Q and from 7th Street all the way west to 33rd Street?

Commissioner Alexander said stop just a moment. They had a previous Charrette. Is she aware of that?

Ms. Wood said yes, they had an Avenue D Charrette.

Commissioner Alexander asked so why are they re-inventing the wheel if they are discussing about an Avenue D Charrette?

Ms. Wood said because the term Avenue D Charrette isn't being used here. The term Lincoln Park Community Charrette is being used. That is one of the questions to be answered. Are they concerned about the Avenue D corridor, or are they concerned about the entire northwest area of the City, and they want to address what is appropriate for each of those different areas within that district. That is one of the questions to be answered.

City Manager Beach said that is an important distinction. If they look back at all of the design activity and the scope of the work that was conducted in the 1996 Avenue D Charrette, it did have a very defined boundary in terms of what improvements were made. It had more to do with the Avenue D corridor than it did with a neighborhood. In fact, that is how they approached Delaware Avenue, Okeechobee Road, and Orange Avenue. All of those corridors were approached with that same concept, doing a corridor Charrette, as opposed to a neighborhood Charrette. He appreciates Ms. Wood pointing that out.

Commissioner Alexander asked all the work that was put in there in 1996, that is just sitting and getting cobwebs somewhere? They are not going to implement any of that?

City Manager Beach said that is exactly what staff is working on today as they speak. The reconstruction of Avenue D, the Police Substation, the Fire Station, the Moore's Creek Linear Park project, the development that Jon Ward presented at their last FPRA Board meeting. All of those were the results of the 1996 Planning Charrette.

Commissioner Alexander said he was just confused, because when they start talking about Avenue Q to the north and whatever, it takes away from getting something done right there where they already have the input from the entire community in that area. But he is going to listen.

City Manager Beach said what is being presented to the Commission this evening is being presented to get the Commission's feedback. What staff is looking for from the City Commission is... They are sitting here talking about a Lincoln Park Charrette and what they want to do is to define what that is going to consist of. What is that Lincoln Park Charrette going to encompass? Is it going to be a neighborhood, is it going to be what is traditionally referred to as Lincoln Park, or is it going to be something different? The Commissioners don't have to respond to that this evening, but they are giving them this information so that hopefully staff can get that feedback as they move forward.

Mayor Benton said they had some discussion some time ago that a lot of the Charrettes they had, like the Avenue D Charrette, was ten years old. They had a second one on the beach. But it is time to go back and say this is what they have done, and make sure that people are on board for what their plans are in the future, and see if maybe philosophies have changed at all. In certain areas like the Moore's Creek Linear Park, there are some folks in the community who have concerns about that; but that came out of the Avenue D Charrette, that was something that community wanted done then, ten years ago. He thinks it is important that they address these all over town. But he just doesn't know how they could cover that whole area with one Charrette. He thinks they are going to define different areas and priorities them.

Ms. Wood said she was going to get to that.

Commissioner Becht said they are going to let Ms. Wood finish, he promises. But he was not around in 1996 in a public way when the Charrette was done with Avenue D. If he understood it correctly, and understood what Mr. Beach just told them, Fort Pierce Police Substation, rebuilding the Fire Station, the streetscape improvements for Avenue D, and the Moore's Creek Linear Park concept all spring out of that, and now they are seeing something happening there. He for one, and he believes everybody up here, would like to see more happening there, but he would like to see something happening with private dollars at the same time. He is just not sure they are seeing the private sector buying into the program as fast as he would like. The reason the Commission asked Ms. Wood to be here tonight is, at the last FPRA meeting they had Mr. Ward presented an idea to the Board that seemed wonderful to some of them, but there were some who questioned whether the idea is going to work in the community in which they are trying to project it. Specifically, Mr. Ward's idea was, they are creating a beautiful landscaped environmentally friendly area, let's build housing immediately adjacent to the area they have improved. He believes Commissioner Alexander came up with, have they checked with the community and is this something they want?

Commissioner Alexander said as residential versus commercial.

Commissioner Becht said so what they asked was that staff come to the Commission tonight and give them where they think the Charrette will work and how they get meaningful community involvement in that Charrette process. He doesn't know whether it centers in the Lincoln Park area and he doesn't know if it is Avenue D. He doesn't know - if they go back with what Mr. Ward was talking about - if the focal point is actually the Moore's Creek project. And they figure out how to maximize the dollars they spent in between Avenue D on the streetscapes and the Moore's Creek project. And try to figure out how do they get the private sector to buy into

the program, to start cleaning the neighborhoods up. That was what he thought staff was going to try to bring to the Commission tonight. He is willing to give back whatever direction he can. But that is kind of what he would like to know is, what is staff's recommendations for getting community feedback?

Mr. Recor said they are going to get there. Does Ms. Wood want to lead up to that?

Ms. Wood said getting community feedback has been... In the communication she has gotten it has been defined with the words, Lincoln Park Community and Rivers Edge. So those were the areas that she looked at. She guesses she will just start with Lincoln Park Community first, since that is on the forefront. Because that is the terminology that has been used, she went to other City staff who have been here longer than she has and has a familiarity with the City to ask, what does that mean? If they hear Lincoln Park community, what does that mean? She has an answer for herself of what it means when somebody says the Avenue D corridor because it is a designated historic district. She can look on a map and there are very clearly defined boundaries of what that means as they say Avenue D district because someone has codified it. No one has yet codified on some map somewhere in the City, what does Lincoln Park Community mean? So she asked. From various people who she believes have an intrinsic understanding of this area, those were the boundaries she got, so that is what she started with. Now if it is not an issue to deal with all of that, if that is not a concern, they don't have to do that. If it is a concern, then she has a recommendation that the City staff in various levels - including the Fort Pierce Redevelopment Agency, the Community Services Department, the Planning Department, and the Police Department - can work with the consultant and with the residents to define that whole area into distinct neighborhoods that they can then in the future do additional Charrettes, if there are design questions to be answered in those areas.

Mr. Recor said that is their recommendation, that they break that larger area up into neighborhood segments. And they do more than one. They get out and solicit the input and feedback from the community residents, not in one full sweep, but in various smaller chunks of the whole.

Commissioner Becht asked has the Visions group identified a geographic area that they are targeting?

Mr. Recor said no one from the Visions group has contacted him to ask for input or how they can add value to the process.

Commissioner Becht said no, that wasn't his question. What his question was...

Mr. Recor said he doesn't know.

Ms. Wood said they don't know what geographic area they are focusing on. She is assuming they are focusing on the Avenue D corridor.

Commissioner Becht said they are not going to need to assume, because if they have a geographic area, he believes they might be able to find out very quickly.

Ms. Wood said she is sure they can. Would they like to do that?

Commissioner Alexander asked may he interject on this again? He doesn't see why they want to go outside of what was previously brought forth to the Commission as far as an area. Did they not identify the first Charrette area being encompassing the Linear Park that was done inclusive of that? They have at this point, the Linear Park runs from 15th Street to 7th Street.

City Manager Beach said the first phase of it runs from 15th Street to 7th Street; but it was also recommended that the second phase of it, as time goes by and as funds become available, that that part go from 15th Street all the way back around to Orange Avenue.

Commissioner Alexander said this is only a request from Commissioner Alexander, that they deal with what they have already put in place. That is just his opinion of it.

City Manager Beach said he thinks they have that direction very clearly. But what he is hearing, and what new people on board are hearing as well, is that this has been a long time ago that all these decisions were made and there are people in the community who are not familiar with this and are not clear on what they are doing and where they are going and why. They need to re-emphasize that.

Commissioner Alexander said they don't have to broaden their perspective of what they want. They can utilize the same area as a road map.

City Manager Beach said in his judgment, they have sufficient direction for the Avenue D corridor and for those neighborhoods in that vicinity. What is being pointed out this evening is that they don't have clear direction in the balance of what may be considered the Lincoln Park community. There are areas in Lincoln Park around all of the schools. They could define an area of neighborhoods within a quarter of a mile in all of those and conduct planning activity in each of those to come up with ideas and schemes and designs that would rebuild those neighborhoods.

Commissioner Alexander said so he is asking Mr. Beach one other last question and he is going to drop it. From 15th Street to 7th Street, what is the distance from there?

Mr. Hector Arias, City Engineer, said probably about a half a mile.

Commissioner Alexander asked they exceeded a quarter of a mile already when they are speaking about just that area, right?

City Manager Beach said yes, considerably.

Commissioner Becht said that depends on how they look at it.

Ms. Wood said that circle encompasses that area.

Commissioner Becht said if they start at the center of the project, the center of Linear Park, then they are going a quarter of a mile in each direction. That makes it a half mile long. So if their focal point is the center, then they are still only a quarter of a mile.

City Manager Beach said the Avenue D Charrette did not follow this quarter of a mile concept. They did all of Avenue D and they did the neighborhoods to Moore's Creek.

Commissioner Becht said he is okay with that. If he is understanding correctly, what they are trying to do is set a parameter tonight of what is important to at least three of them, so they can build a consensus so they can know what they are going to do. Unfortunately, he is going to need to know what Visions is doing so that maybe the City doesn't duplicate what they are doing, if they can define what they are doing by a geographic area. It was his understanding Visions was going to focus on the Avenue D corridor. And if the City's focal point starts at the Linear Park, then they have different things going on, but there is some overlap. His preference would be to have the focal point where they have invested upwards of \$4 million, and by the time they are done maybe \$6 million to \$10 million in building this Linear Park, and go on each side of it and see if they can build a Charrette out of that that tells them what the community wants to see in that area. That is his two cents.

Commissioner Nelson said he is disappointed that this item is at the tail end of the Agenda when they are trying to deal with the people who normally would have come out en masse in the earlier part of the evening. With that being said, he is also concerned that they did not address adequately, in his opinion, the 1996 Charrette input, where they did in fact, as Commissioner Alexander pointed out, delineate certain areas that they wanted to have developed. Specifically, they addressed the totality of Avenue D from U.S. #1 all the way to 25th Street at that time, and they were talking about going on each side of that street north and south. They extrapolated further to take in the Linear Park over Moore's Creek and possibly going on to Orange Avenue. It is his opinion that they have that Visions of Fort Pierce group out there and they are thinking about certain issues that they might be able to do for a fairly reasonable cost. There might be some type of ramifications, political motivations, or what have you, as envisioned by some people. What he is faced with today is what was proposed in 1996 to date has not worked with respect to revitalizing that area. So it might behoove them to in fact try a new approach. If these guys in the Visions group think in terms of a minimum cost and maximum effort and come up with a viable product, he is for that. He thinks they should in fact support the Visions group's effort and challenge them to in fact try to come up with a workable resolution to some of the problems in that area that is going to enhance livability, development, etc. They simply have not had development on either side of that street from U.S. #1 back to 25th Street of any sizable amount. If these Visions people can come in there and do that with minimum cost and with minimum support from City staff, whether or not there is political motivation in there, whether or not there is ego involved in that, he thinks they ought to let them face this challenge. Because he can assure them after sitting here and living in that community for "x" number of years, there is a unique challenge, and the techniques they are using in other areas won't necessarily work in that area because there is a level of confidence that is lacking when it comes down to in fact getting these people to move. He would just hope that they don't continue to procrastinate like they have done since 1996 and get nothing done like where they are heading right now. He wasn't at their FPRA meeting the other day and he hasn't digested totally the input that was made. But he is concerned about the fact that they need to move forward and get the people involved. If possible, have to some degree this Visions group and staff, limited as they are, to come up with something that is going to incrementally re-address Avenue D from U.S. #1 to at least 25th Street and possibly to 33rd Street, go on both sides

and encompass that Linear Park concept. That is the guidance he would give to staff. If he was a unilateral type person right now, that is what he would tell them to do.

City Manager Beach asked have they exhausted this discussion, or do they need to keep going?

Mayor Benton said he also knows there was a request to do a Charrette for Rivers Edge. He has seen the request for some time and he knows there is a developer who is planning to do a major project on the first two blocks there. So he thinks it is the timely fashion for something to be done there. They have never, he doesn't believe the Downtown Charrette encompassed that area. He thinks they need to hear whatever Ms. Wood would like to present to the Commission on that. What they haven't done in the past is something their staff is going to tell them, there has to be more than a public presentation and some drawings done. There has to be follow up through DCA, through their Comp Plan. That wasn't done in the past and that has to be done now. Maybe that is why the cost is more. Would Ms. Wood explain?

Ms. Wood said she can respond to what Commissioner Nelson just said about what Visions is doing. All she knows is, Visions is holding a Charrette on March 18th. She personally unfortunately cannot attend, she has a previous obligation as she knows some of the other Planning staff do. She doesn't know exactly in what way staff would be able to participate, if that is what the Commission as a whole would like for them to do. All she can say is, if they are in fact focusing on that Avenue D area, if they look at the circle that encompasses, that encompasses the Moore's Creek area as well. So it is not like those are two separate areas. They are parallel lines that are a block away from each other. The Fort Pierce Redevelopment Agency in its Moore's Creek project, she is working with them to do a design for that area that they can propose to the residents and get their feedback on what they think of what they are proposing. That can work and that is already in the works in terms of what they intend to communicate about on March 18th. All she is saying is, because they weren't involved in the planning process of the Visions of Fort Pierce Charrette for Avenue D, they are unable to fully participate as a staff as much as they would like to. So that really isn't an option right now. But they can participate through FPRA in their attendance at the Charrette.

Mr. Jon Ward, Director of FPRA, said as the Director of the Fort Pierce Redevelopment Agency he will be participating and he will be illustrating what their plans are for that area to that Charrette. He will be going not only to inform them as to what their moves as a City intend to be, but he also will be going to learn what they would like to do, so he will be taking input there. So they will be participating.

Ms. Wood said regarding Rivers Edge, the lower right circle on the map outlines that neighborhood. It is a manageable neighborhood. It is defined by its historic designation. She thinks there are very clear questions that can be answered in a design Charrette regarding future development. What is the future development that is appropriate? What is the height and massing of buildings that are appropriate, given its historic nature? Where will be the centers of activity? What will those activities be, are they retail or restaurants? They are very specific questions that can be answered. Staff recommends that they contract with a small

design firm who has the expertise in dealing with historic areas in conducting a Charrette for that neighborhood.

City Manager Beach asked what kind of time frame can that be done on?

Ms. Wood said it depends upon the availability of the agencies that they contact. She has only been able to get hold of one design firm that she knows is very adept at working with new development in historic areas.

City Manager Beach asked is that acceptable to the Commission?

Mayor Benton said knowing the pressure that is on there, he thinks they need to move forward.

City Manager Beach said if they can get some direction to move forward on that, then they will go back to this other discussion.

Mayor Benton said that is his opinion. He doesn't know if there are three people or not, but he thinks it is very important, because he has seen a rough draft of what they would like to do there and he wants to make sure the public has a lot of input on that. He explained that to them and they are willing to, but he knows they are ready to get started.

Commissioner Becht asked is this going to have to go out to RFP?

Ms. Wood said she has no idea.

Mr. Recor said yes, it will have to go out for RFP.

Commissioner Becht asked how long will it take to go out to RFP?

City Manager Beach said first they have to prepare the RFP and then they send it out. It will probably take 30 to 60 days before they have the proposals in front of the Commission.

Commissioner Becht asked the RFP will be back before them; or the actual contracts to do the work will be back before them?

City Manager Beach said the list of companies they want to negotiate with, that they recommend negotiating with.

Commissioner Nelson asked did they separate Lincoln Park and Rivers Edge at this juncture, or is it a combined effort?

City Manager Beach said there will be two separate Charrettes.

Commissioner Nelson said they sort of abruptly switched from Lincoln Park to Rivers Edge.

City Manager Beach said he is trying to get this one out of the way and then they are going to go back to Lincoln Park.

Commissioner Nelson said he is glad they are all running the meeting so he can follow them.

City Manager Beach said if somebody can tell them to go forward with this, then they are going to go back to Lincoln Park.

Commissioner Coke said she would like to see them go forward with this. However, she would like to see them utilize a previous format for an RFP. They have done other RFP's for Charrettes in the past.

City Manager Beach said they will do it as quickly as they can. As quickly as it can be done, is how quickly they will do it.

Commissioner Nelson asked is the Visions group encompassing both Lincoln Park and Rivers Edge?

Mayor Benton said as soon as Ms. Wood is done, maybe they can ask Mr. Gates to come up here and explain what he is planning on doing.

City Manager Beach said the City cannot rely on somebody else to do this work. That is a waste of Staff's time, the Commission's time, and everybody's time. If that group wants to go out and conduct Charrettes, let them do so as long as they want to. The City can't tie themselves to that activity.

Commissioner Nelson said what has not worked, time has been wasted over the last 10 or 12 years, is having the City do it. If they want to discuss probably having somebody else do it, he thinks they ought to at least discuss it, because it is important to them. And he is telling him what they tried to do 10 years ago simply hasn't worked. He is predicting if they continue the same route they are going now, it is not going to work again. They are not losing anything by having those Visions people getting in there and doing their thing. As a matter of fact, they are having a tremendous challenge.

Mayor Benton said he would expect when they are finished, they will come to this Commission and make a report, and they can take it from there. The point is, the City has done Charrettes all over town and he thinks they have been very successful.

Commissioner Nelson said except...

Mayor Benton said they have been successful there, because they put about \$10 million into that area in infrastructure that they might not have done. Didn't he just hear Avenue D, the Police Station, the Fire Station, the Linear Park?

Commissioner Nelson said he was there every step of the way. As a matter of fact, he fought hard as hell to get some of that too. Mayor Benton said he was there too. But the thing is, that is what came out of that charrette. Now it is time to regroup and find out what are they going to do now. Through a charrette, they can't make businesses come here. They have to somehow create an environment through the FPRA to partner with them to get them here. But it is going to take a lot of work from all of them to get that to happen. As far as River's Edge is concerned...?

Commissioner Becht said send out to RFP and bring it back as fast as they can. Can they get back to Lincoln Park?

Commissioner Nelson asked is that a motion?

Commissioner Becht said he thinks they just needed a consensus.

Commissioner Nelson asked is Rivers Edge finished? RFP, get it back as soon as possible. Now can they go back to Lincoln Park?

He thinks they ought to get the Visions group involved and have them do their thing with respect to revitalizing that area, and have support as much as they can possibly get staff to do so.

City Manager Beach said his understanding is that is what Visions is doing. They are doing that without the Commission's permission, without their request, without anything else. So he doesn't think they need to give Visions any direction, they are moving. The question now is, is that acceptable to the Commission in terms of what the staff now does? They have been talking about additional planning activity in the Lincoln Park community for at least three months, if not longer. If the Commission finds the Visions group acceptable to them, he can assure them that is acceptable to him.

Commissioner Coke said the Visions group obviously formulated a game plan, went ahead and moved forward with what they felt was going to be best for their group. What the Commissioners heard from the public was that group does not encompass all of the community leaders from that area, or did not at the beginning. She agrees, they are moving forward; but the City didn't have input into how they were moving forward. However, they are moving forward with their project and hopefully they will be very successful and the City can glean bits of useful information from that. That being said, that does not take the responsibility of those actions away from this Commission. Anyone else who wants to come in and actively participate and give the City input, God love them. However, it is not Visions responsibility. If they do not pro-actively move forward as a Commission to continue development of projects - such as Moore's Creek Linear Project, Avenue D Police Substation, the Avenue D Streetscape - if the City doesn't move forward pro-actively to be sure everyone is included, it is run according to the standards the City utilizes, and there is a clear game plan of where they want to go forward, the City has no control over it. It is great to have Mr. Gate's group do that and bring a presentation to the City and let them steal some of their ideas. It is not Visions responsibility. It is this Commission's responsibility and the staff's responsibility. She for one knows that when something succeeds, nobody knows how it got in place; but when something fails, the five members on the Commission did it. So she is not willing to put the future of what she is supposed to be responsible for in any one else's hands. That is her job. That is what they all pay them all the big bucks for. She thinks they are not doing the right thing if they just want to walk away and let somebody else take their job.

Commissioner Nelson said he is not saying abrogate responsibility. He is saying, subordinate themselves so they can give some authority and some help and support to somebody else who is doing something different. They talk in terms of community leaders. He doesn't know what they define as a leader. The people elected Commissioner Alexander and himself as the leader in that area. Both of them have expressed some concern and desire to move forward on those projects in the fashion they had talked about and it is envisioned somewhat by the Visions people. He would hope that the Commissioners, who represent the entire City like all of them, have an affinity, an understanding, and appreciation for the area they are more intimate with than he is. He is going to yield to them 99 times out of 100 when they suggest something. But he is asking them to trust him in this case here. Because he is going to challenge, he works as hard with the City and Visions people in trying to get that area revitalized as he worked when they were trying to get the Avenue D and the Fire Station and the Police

Substation started. He is committed to that because he thinks there is a special need, there is a special challenge out there, that can make this happen.

Mr. Recor said to kind of wrap up, here is where he thinks they are. The Visions group that has organized, they are having their Charrette on March 18th. He thinks Ms. Wood has brought forward some good valid recommendations for the Commission to consider. He thinks what they would like to do is move forward with these smaller areas, something that the Planning Department can facilitate. Those will not be full blown Charrettes, but rather will be facilitated discussions with the plethora of resources that they have here in their organization, meeting with neighborhood residents in smaller areas. After the Visions charrette, whatever that will be, they will combine some resources. But the City staff will go out in the smaller chunks and then combine it all together at the end. At the end of the day, what they will have is a review of the 1996 Charrette, since it appears that is what the Visions folks are going to do, and the Planning staff will have participated on a much smaller scale for the rest of the area, and they will combine those resources at the end of the day.

Mayor Benton said that is all they can ask for is a report. Maybe they will pick up on something the City hasn't. He hopes that is the case.

Mr. Recor said this hasn't fallen off anybody's radar.

Commissioner Alexander said again, from the first moment that he became a Commissioner, his concern was the Lincoln Park area. If they want to define Lincoln Park area, the entire area, that is fine, because that is where he wants it to be, instead of being the north side or northwest. But again, when he hears about what they plan to do outside that zone there, it falls on deaf ears, because they haven't completed what they said they were going to do there. He still harps on that because of the fact that when they tell him about the Police Substation, he asks everyone the same question, who wants a substation in the middle of their neighborhood? He hears they are going to get one here and there. But the Lincoln Park has this stigma all over the nation. People all over the nation, the first thing they say, they know about Fort Pierce. That is what they want to erase. But they can't do it as it is now. He hopes Mr. Ward takes what he asked him to take along with him about the retail and the needs of living space. Even the townhouse situation concept instead of those little shotgun houses, because he resents them to the utmost. Nobody can change his mind about it. They can't look through a front door through the back door and be pleased about it, because anybody who passes by their house and their screen door is sitting open because they want some fresh air, they can look in their whole house. It just saddens him that they can't get on one page about the Lincoln Park district. It just saddens him that they can't get there. He has one question to ask about the Rivers Edge. He is looking at that little circle. It is encompassing the white area that is supposed to be the lagoon, right? So they are telling him they are inclusive of a submersive on that project there? He is not going to get away from it, but he just asked the question because he is looking at it as submersive. They are putting boat ramps or boat docks or fishing piers or something? Why is it encompassing submersive?

Commissioner Coke asked does he think the circle should be moved over to the left a little so it is on dry land?

Mayor Benton said they can define things a little better. He thinks they are talking about from the railroad tracks to the river and a few blocks south of the Citrus Avenue overpass.

Ms. Wood asked should she address the question?

Commissioner Alexander said no, that is fine. It is self-evident right there.

Commissioner Nelson asked are they going to hear anything from the Visions people?

Mayor Benton said as soon as they are done here and find out where they are going. At the end he is sure Mr. Gates will come up and explain the area he has encompassed. Do they want to include Avenue D in their part with that Charrette in the Lincoln Park area?

Commissioner Alexander said he hasn't changed that thought from the beginning.

Mayor Benton asked does he support it?

Commissioner Alexander said Avenue D is the main drive, isn't it?

Commissioner Nelson asked what was the question?

Mayor Benton said the question was, is the City going to proceed, not just with Rivers Edge, but with doing a Charrette in the Lincoln Park area? Are there three who say yes?

Commissioner Nelson said he guesses they have to.

Commissioner Becht said he is saying yes and he is confused. He was looking for a clearer direction from Commissioner Alexander and Commissioner Nelson. Commissioner Nelson wants the focal point to be Avenue D from U.S. #1 to at least 25th Street and perhaps 33rd Street. He is not sure he heard that echoed by Commissioner Alexander or not?

Commissioner Alexander said he just does not want to expand the whole project so large that nothing gets done.

Commissioner Nelson said absolutely.

Mayor Benton said he agrees.

Commissioner Alexander said he is saying again, the shrinkage down from the Linear Park area from 15th Street to 7th Street or U.S. #1. They do that first phase in there, surely they can work their way all the way back to 25th Street and Avenue Q. That is what he heard the young lady say, as far as north as Avenue Q, and that is fine. But they need to restrict what they are going to do so they can have the monies to take care of what needs to be done, instead of spreading themselves thin and an emergency comes up and then everything is going to drop dead.

Mayor Benton asked maybe Moore's Creek to the south, 7th Street to 15th Street on Avenue D, and then maybe five blocks to the north of Avenue D?

Commissioner Alexander asked is Moore's Creek to the south going to include the park area that they are talking about putting PAL?

Mayor Benton said right, both sides of the park area basically. But then go about four or five blocks north of Avenue D, or at least a couple. That is what they did last time. He believes they went about two or three blocks north of Avenue D from 7th Street, because he knows the County has some more plans for 7th Street in the Avenue D area. Is that agreeable? It will be a smaller space.

Commissioner Alexander said he thinks that will be fine.

Commissioner Nelson said he is looking at Avenue D to Avenue F and Avenue G in that area or to Avenue M.

Mayor Benton said he would say Avenue G.

Commissioner Nelson said Avenue F and Avenue G is where they have one way streets in there, and go over to 10th Street and down that corridor to Orange Avenue. Then they are going from Avenue D to Orange Avenue in that area.

Mayor Benton said they had an Orange Avenue Charrette some time ago. That is another area they should address would be Moore's Creek to Orange Avenue another time. Right now let's encompass in that smaller area.

Commissioner Nelson said the main point he is trying to get across is, they can't just go out and get this big old massive area; because if they do, it is going to be ineffective.

Mayor Benton said no, that is why it needs to be smaller.

Commissioner Coke said she thinks they need to move ahead with the general vicinity of the main Charrette that they had previously and redo that. However, one thing they haven't revisited that staff mentioned tonight that she thought was one of their better ideas, is going into the neighborhoods where their schools are and addressing those neighborhoods as far as what they can do to improve those on an immediate basis. Kids go past there every single day. If they see trash on the ground, they are going to think that is an acceptable behavior mode. And she thinks if it is something that staff could facilitate relatively simply and give them some ideas on how they could improve the City's image, especially in school corridors, that they need to move forward on that simultaneously with the other projects.

Commissioner Nelson said Commissioner Coke is absolutely right. The Avenue I corridor, he understands the funds have been shifted around on that. People down on 29th Street coming from Orange Avenue down to C.A. Moore School. People from the School Board came and sat in the City's Conference Room telling them about the problems they have in that area. 17th Street with Lincoln Park, people telling about the problems in that area. They have those kinds of problems. They should address them.

Mayor Benton asked what area are they defining tonight though? They are going to basically another neighborhood. If they go where the schools are, they are going many blocks to the north.

Commissioner Coke said staff said they could do a little mini-planning thing for the areas around the schools.

Commissioner Alexander said he can agree with that.

Mayor Benton said maybe staff can bring back that area with the schools. There are a lot of parks there too.

Commissioner Nelson said it is a complex problem out there. They all don't realize how big. They can't go all over the place.

Mayor Benton said that is why they are listening to him, for his guidance.

Commissioner Becht asked does Mayor Benton want to summarize what they are doing?

City Manager Beach said he has it, Commissioner Nelson.

Mr. Philip "Flip" Gates, Jr. said he is happy to be here tonight to talk. One thing he has told each of the Commissioners is that **Visions of Fort Pierce** is here to work with the City. They are here to work with staff. They are not asking the Commissioners to abrogate any of their duties, as Commissioner Coke may have thought they were asking her to do, they do not want that to happen. There are here to help the citizens of Fort Pierce accomplish some things that need to be taken care of here. Their districts have asked in the past for certain things to happen and have spent a lot of time asking for that to happen. Commissioner Nelson and Commissioner Alexander have heard that from their constituents for a long time. Some of them came together and decided maybe they could do something like this. Again, if they remember what he told all of them at a previous meeting, other cities work with citizens initiatives groups 501(c)(3) to do good urban design and planning and to help the Commissioners move forward and understand the issues and report back to them. This issue can work the same way. Again, they want to work with staff. They want to work with the Commissioners and the Mayor to do good things here for the City of Fort Pierce. They will have the Charrette. The Charrette will encompass an area, they are not sure exactly how far, to the south of Moore's Creek to Avenue C, to the north of Avenue D to Avenue E, from the east from 17th Street to U.S. #1. This area is not such a large area, but it also sort of encompasses a historic district and it also encompasses a lot of the area that the 1996 Charrette was done. As Commissioner Nelson said, over 10 years has passed since that Charrette was done. A lot of people have come and gone from their area, a lot of new people have moved in, and some people are wondering what happened, what is going on and what went on. In the Charrette that they will do hopefully with the participation of staff - he has written several letters to the City Manager Dennis Beach and has had several conversations with him - to try to help coordinate some of this stuff. He met with Jon Ward, the Executive Director of the FPRA (Fort Pierce Redevelopment Agency). They have made room for Mr. Ward because they think it is very important that he be there to speak about these issues that developed out of the 1996 Charrette, so he can tell the citizens what the City has planned in the near future or even out a number of years into the future for that area with the FPRA money. It is being developed from the City of Fort Pierce for these areas. Mr. Ward has accepted the challenge and told them earlier tonight he would be there. They welcome him with open arms and anybody else who would like to participate. Again, they have not told anybody outside those areas that they cannot attend; in fact, they encourage them to attend. They are placing ads in the Tribune and in the Courier. They are advertizing on the FLAME and WIRA. They are doing Hot

Talk, not once but twice. They are doing other communications. They are sending out 300 personal invitations to people they know about who are concerned about the area, who live in the area or live near the area. They have been working with certain Reverends in churches that are in the area to pass out flyers, to talk to their congregations. He has met and other people of Visions has met many of these people to try to encourage them to come and participate. What can also be derived out of this Lincoln Park Charrette is that they might get information from other parts of the neighborhoods that are out there - what their concerns are, what they think needs to be done to their community, what design opportunities may be there for them to do - and they can relay that information to the City. And then at that point, the City can do however many RFQ's they would like or anything else, but they may learn from this issue in the Charrette what other parts of that community out there want to do on Avenue M or Avenue Q, out where Commissioner Nelson lives or over where Commissioner Alexander lives near 25th Street or even to the west of 25th Street like Commissioner Nelson said. But at least they will have some information from people who live there and want to talk to them and give them their concerns. This is what they intend to do. They intend to bring this back to the Commission with designs, with information, and with code and comp plan issues that Commissioner Nelson has told them about that he would like to have covered. They will probably even want to talk about the Smart Code and how that can affect the area up there and what designs that can be. It is a code that could be adopted very rapidly. They will talk about a number of issues and they will bring that information back to the Commission. They want to participate with the City, not against the City. They are doing this through a 501(c)(3) that doesn't have to pay taxes on the money and grants that are given to them, whether they be from the County or whether they be from the City or whether they be from the Federal government or whether they be from the State. A number of Representatives and Senators are concerned about that and have talked to them also. They are here to work with the Staff, to work with the Engineering Department, to work with the CDBG, and any other part of City government that wishes to do that. Their door is completely wide open.

Commissioner Becht asked when does he think he would have a package together that he could bring back to the Commission, assuming that the March 18th Charrette goes off - ten days, two weeks? When does he think he will have his results summarized.

Mr. Gates said Trias & Associates has a contract with them and is required after the Charrette of March 18th to have reports back to them in 30 days. These include Comp Plan changes, zoning codes, designs, engineering work, a lot of things. When they do a Charrette such as was done at Hibiscus Park, they have to continue to do all the work that is behind that. There is a ton of work to do after a Charrette is conducted.

Commissioner Becht said he was just interested in the time table. So it will be about 30 days?

Mr. Gates says about 30 days. That is what the contract says, they expect him to do that.

Commissioner Nelson asked so can they can expect a presentation to this Commission the 17th of April?

Mr. Gates said after the 18th April, whatever their first Commission meeting date is, they will present to the citizens their results and what they find and what their designs are, all the work that they come up with and do, basically what the citizens are working towards and what they want. They will present that to the citizens; and whenever their next City Commission meeting is, they will come at that time also.

Mayor Benton said just let them know after it is over with when he wants to be on the next agenda.

Mr. Gates said they will be on the Agenda after April 18th, whichever date that is. They would be happy to do that and they will be ready at that time.

Mr. Gates said one thing he would also like to say is, when they go through the RFQ process, in some cases with cities it is very time consuming and takes a lot of time. Not only when they get the information back in 60 days for the qualifications, then staff has to take those qualifications and decide if these people meet the qualifications and then they have to rank them and then they have to pick somebody and have to get it approved by the Commission and then they have to go negotiate a contract. He believes Visions of Fort Pierce can operate quicker, faster, and cheaper. They all should take that into consideration when they make these decisions coming up here in the future. Again, they do not want to abrogate the job that they have to do for the citizens of Fort Pierce. That is the Commission's duty. But their duty, he thinks, is to work to make a better Fort Pierce; and if they can help the City in doing these things in a quicker, faster, and cheaper manner, they are here to serve the Commission.

Mr. Gates asked do they also want to talk about Rivers Edge?

Mayor Benton said no.

Mr. Gates said he would like to. Rivers Edge is a very unique area. It goes from C-5 zoning to residential estate. It is the only place in the City that in such a short period of span in the historic district that does that. There are a lot of real estate investment trusts there in the upper end of the district and even moving into the southern portion of the district. They have asked that they have a Charrette in that area for over eight months. They requested that through City staff and they had not gotten anywhere on that issue. They think as residents from that area, that it is a very unique area in the zoning that is there and the things that can happen. They are not afraid to discuss different areas and massing or anything else. They don't want to exclude anybody's ideas from there, including developers or anybody else. But they would like to see a Charrette put on by a professional group as professional designers and have a history of work that has been good and things that have been accomplished. That is what they ask and that is what they would like to see. He believes Visions of Fort Pierce could do that faster, quicker, cheaper if the City lets them work with them. Again, they are not going to abrogate their duties to the citizens of Fort Pierce, they are here to help them.

Mr. Rick Reed asked first of all, who requested a Charrette for Rivers Edge?

Mayor Benton said he saw some correspondence between Mr. Gates and the City Manager. It wasn't addressed to him so he found out about it later on. Basically, Mr. Gates had asked, as President of Rivers Edge, back in November or December there was a request for a Charrette.

Mr. Reed asked who is President of Rivers Edge?

Mayor Benton said he believes the letter said Mr. Gates was President.

City Manager Beach said he doesn't recall the title or anything, but it was from Mr. Gates.

Mr. Reed said first of all he can tell them - and they can check with Anna Brady because he thinks her last day is the 10th of this month - they don't have a homeowner's association. They don't have a crime watch. They don't have a president. They don't have anything. They are quite happy. He knows all his neighbors. They have never requested a Charrette. Maybe Mr. & Mrs. Gates have requested a Charrette. Maybe Katie Enns has requested a Charrette. But the 15 or so homeowners that live along that area are quite content and quite happy, and are not at all aware of any request or anything for a Charrette. As far as that, with the problems the City has with regards to and the importance of a Charrette - surprisingly, he absolutely agrees with Commissioner Coke - it is the City's responsibility and she was 100% right. He doesn't know why in the world they would take any precious resources with regards to their little neighborhood that they are all happy with and take one penny for that little neighborhood, when they have the importance of Lincoln Park. They are all happy. As far as the developers that are coming in there, they are looking forward to that area being developed. He thinks they will only find a couple of people in the neighborhood that are unhappy with the potential of the condominiums that will be coming into that neighborhood. Everybody else is quite happy. So he for one would tell the Commission, don't waste their time or City money on Rivers Edge. They are happy. Spend it where it is needed. He doesn't know, other than Mr. Gates and his mis-information. He hates to see people used for political gain. Keep Rivers Edge. He keeps reading in the paper over and over about Rivers Edge is supporting the Charrette and Visions. They don't have anything to do with that. Believe him, his neighbors feel just as strongly. They in Rivers Edge don't have any right telling anybody else how to live. They are happy and content just living like they live. They are not about to tell anybody in Lincoln Park how to live. But don't take any money away from Lincoln Park and spend it in their little happy community, please.

Commissioner Nelson said he has tried to keep quiet the whole Commission meeting, but they got him riled up. In the earlier part of the meeting, he saw evidence of a lack of consistency and uniformity and timeliness in their staff input. He wishes they could do a little better supervision at the director and top management level to insure that. He is talking about the uniformity in the format for their annexation and these types of things, so the Commission can in fact see it and read it with ease and with some degree of speed.

Commissioner Nelson said one thing he noted was the **7th Street** project is coming to a close. Are they prepared now to move in another section southward or what are they planning to do in that area? The contractor has moved his equipment out. They have funding and everything to do that entire street. Are they going to move over there and continue to Delaware Avenue?

Mr. Hector Arias, City Engineer, said they are going to have to set up a meeting with the contractor and get a proposal on how much it is going to cost, and to see if they can continue going with it or go out for bids.

Commissioner Nelson asked they have to set up a meeting? Because some year and a half ago they said they were going to do it and they started doing it and now they have almost done it and they haven't had the meeting to continue doing it?

Mr. Arias said Commissioner Nelson said that, he didn't. What he is telling them is, he can not order the contractor to go ahead and continue with the road construction when he doesn't know how much it is going to cost.

City Manager Beach asked is he saying he just bid that one leg, he didn't bid the entire 7th Street project?

Mr. Arias said that is exactly right. They just did that section.

City Manager Beach asked what are his intentions in regards to the next phase?

Mr. Arias said it is to get with the contractor, get a proposal on how much it is going to cost.

City Manager Beach asked they will have that when?

Mr. Arias said he does not know. He has to talk to them and see when he can get that.

City Manager Beach said the point that the Commissioner is making, which is a very valid point, is don't stop the construction of it, but go from one phase to the next phase, and they do whatever is necessary to make sure that happens.

Mr. Arias said that is correct, but he has to meet with the contractor.

Commissioner Nelson said the same thing applies to 14th Street. It is completed, striped, and everything. The land has been acquired.

City Manager Beach said a different condition. The 14th Street was held up over right-of-way acquisition.

Commissioner Nelson said they ought to be able to pave up to that point.

Commissioner Nelson said they have had several houses bought up by the Fort Pierce Redevelopment Agency and they still have the garbage cans and everything out there on the ground that cost \$75 a piece. Do they have a program to pick those up, rather than for them to sit around there and blow all over the place?

City Manager Beach said he is assuming they would be collected at whatever time is appropriate. He is assuming **Solid Waste** would pick those up at the end of the acquisition process. But he would have to ask somebody to find out what they are doing about that.

Commissioner Nelson said they discussed this when they had in 2003 a massive demolition program and they said the same thing then. Now they have an acquisition of several houses there on Moore's Creek and the garbage cans and everything are running all over the place.

City Manager Beach said unless he is mistaken, there is also 10 or 11 abandoned cars there. All of that is going to be part of that cleanup process.

Commissioner Nelson said on **15th Street and Avenue O**, they allocated some monies to fix that sinking of the street. It is right in the front of a Commissioner's house there, not to mention he is an important Commissioner. The fact is, it is a safety hazard and they need to get it fixed. How soon can they get that fixed?

Mr. Hector Arias, City Engineer, said he thinks he advised Public Works before that their paving contractor does not have any liquid asphalt to do his work. Also, that the paving contractor will be starting the City resurfacing job at the end of this month. He advised that to Commissioner Nelson also. They cannot do anything until they have a contractor to do it. That area has been repaired and was done by Shenandoah. He doesn't think there is any more leaking, the sediment stopped. So they are going to have to wait for the contractor to do it. He talked to Bob Hood during this meeting and they tried to contact the Utilities Authority to see if maybe they can use their contractor to do it, and they haven't been able to do so.

Commissioner Nelson said they had a kid hit by a car on a bicycle about two weeks ago. Whether or not the driver was distracted by that damage in the road, he doesn't know.

Mayor Benton asked is he wanting to start trouble?

City Attorney Schwerer said he should not be commenting on any lawsuit.

City Manager Beach said they will get him a construction schedule on 15th Street and Avenue O tomorrow.

Commissioner Alexander said he doesn't know if the Commission has received this message from him concerning Partners of Prescription Assistance, but it was one where it was nationally done with Montel Williams being a spokesperson. They are going to have a lonely ride back from Miami and not stopping in Fort Pierce at this time. He just thinks they need to be ready for this, it is going to come back because they have one of their own native individuals working with this company. All he wanted to do is see it come through Fort Pierce and take care of the citizens of this community and he is not giving up on it. It is just that he is going to have a lonely ride to Miami, not being able to stop in this beautiful City.

Mayor Benton asked how come he is not stopping?

Commissioner Alexander said there was communication to him the end of last week, it was just determined that they wouldn't be able to stop.

Mayor Benton asked the next time if he is in the neighborhood, they will find a place and whatever it takes. Let them know.

Commissioner Alexander said everything was set up pretty much. It was just determined at that moment. He just want them all to keep that information. He will be coming.

Commissioner Becht said he wants to thank all of them for their participation and support for the **regionalization of the water and wastewater** issues (Joint Meeting on March 2, 2006).

Commissioner Becht said he had a call last Friday from Mr. Schwerer advising him that Chief Judge William L. Roby, who is currently the Chief Judge out of Martin County, and Judge Burton Connor. He is still trying to find out where Judge Connor lives. The last time he knew where he lived, he was based out of Okeechobee. Both of them were appearing before the Port St. Lucie Bar Association and the Fort Pierce Bar Association - and it was one of the few times the two Bar Associations has met when nobody had died. Their appearance was to convince the two Bar Associations of two things. One is, a fear factor approach for a threat to public safety of citizens in the court system. Once they create that fear that there is a problem with public safety, then they immediately move to their solution. Their solution is very narrow sighted. Their solution is they are going to move all of the criminal division of the **St. Lucie County Court** system out to a place that might be convenient to two Judges, who may or may not reside in this County, next to Rock Road. And one other thing is, they represented that Edwin Fry, Clerk of the Court, is in support of this. So if they have occasion to talk to Mr. Fry, they might want to mention to him that they are not in support of this. Maybe they think this is not such a big deal, but let him give them some quick facts. They have the State Attorney's office which employs roughly 80 employees. They have the Public Defender's office which employs roughly 20 to 40 employees. They have the Clerk's Criminal Division - and they won't give him an accurate number on how many Clerk's employees are related to or supportive of the Criminal Division. But they have roughly in excess of 120 employees - State Attorney, Public Defender, and Clerk's office - that will be yanked out of downtown Fort Pierce. They won't be buying here, they won't be shopping here, they won't be doing anything here. They are all going to be conveniently located out in the cow pasture. The other thing that is going to happen is, they are going to have roughly 70,000 square feet of office space that is going to open up and be vacant. The Public Defender's building is about 20,000 square feet. That is going to be a tremendous detriment to downtown. The other thing that is going to happen is, they are not going to have Jury pools come into downtown Fort Pierce and see what they have spent money to try and create. They are not going to be able to expose all these Jury pools from Lakewood Park and Port St. Lucie and unincorporated County to come in here and see what they have and come back later and spend their dollars down here. So this is of major importance to the City. He would ask that the Commission take it seriously. He didn't agenda it for tonight. Maybe at the next meeting they can talk about appointing one of the Commissioners, and it doesn't need to be him, but somebody needs to be appointed to go to the meetings where this is being discussed

and make sure that Fort Pierce is being represented and that they do understand this. It was only because Mr. Schwerer and he and some of the other members of the attorney's office were present at this meeting that they stopped them from endorsing the solution to the problem that Judge Roby and Judge Connor are creating this hysteria over. There is a problem, do not misunderstand his comments, but they are focusing on public safety issues in order to get themselves a new Taj Mahal west of town.

Mayor Benton said there are two good things. One is that the County - and they have had a lot of discussion over there about this - has no money. Number two, Mr. Beach and Mr. Schwerer and himself will be having lunch with those two Judges on Thursday.

Commissioner Coke said she is meeting with them tomorrow.

Commissioner Alexander said he is meeting with them tomorrow.

Commissioner Becht said don't buy into the hysteria.

Commissioner Nelson said he has talked with Doug Anderson (St. Lucie County Administrator) who reported one time that they didn't have any space in the City of Fort Pierce where they can build anything now. He pointed out to them that the City was making a major investment on 7th Street; and that property there where the Fire Station is and the old Courthouse is back toward Moore's Creek all the way back toward the creek itself, is available for development. Certainly they should do that, even from the standpoint if need be they have that seven story high rise there by the Housing Authority that they can use to have government entities that might come in to town.

Commissioner Becht said he needs to respond to that and he doesn't want to take too much time. They are going to argue with them and say, that separates the judiciary. There is space on the west side of the State Attorney's building to build both parking and additional office space. Diamond Liddy's Public Defender's Office is constructed to allow two additional floors there. He would hate to burn it up, but the area in between the new courthouse and the old courthouse. They didn't even want to talk about the ten existing courtrooms that could be converted almost immediately, if they would just find the money to renovate the old courthouse. They have written to the County and said they have space on the north end of the J.C. Penney parking lot if they want them to build them something special for that, then they will build that. That is not what Judge Roby and Judge Connor wants. They want a brand new facility west of town.

Commissioner Nelson said he agrees with Commissioner Becht.

Mayor Benton said it is just a hop, skip, and jump from I-95 where they can go home. But something else to consider too. It was brought up to him that there is restrictions on height downtown, that they couldn't go above four or five stories. He told them the City is updating their Comp Plan now. In that area they might want to consider it with a conditional use to go to six or seven stories, if that would alleviate the problem. It is very important that is a priority.

Commissioner Becht said they only want one solution and that is new facilities west of town.

Mayor Benton said the good thing about it is, the County doesn't have any money and they probably won't have any for a long time.

Mayor Benton said just to give the Commission a report. When they were in Tallahassee a couple of weeks ago with the Chamber of Commerce, he and County Commissioner Coward met with the Deputy Secretary of the Department of Environmental Protection on Mr. Bell's request of his Berth 4 at the **Port**. It went very well because they brought everybody in and they basically said they would recommend denial. They thought Mr. Bell would probably appeal it, that eventually it would go to the Governor and the Cabinet. But because of the Comprehensive Plan and seeing the Mayor and the head of the County Commission there, it meant a lot to them. So it went very well.

Mayor Benton said they met in Tallahassee with Secretary Thaddeus Cohen of Department of Community Affairs, who definitely let them know if the City staff works and stays in touch with DCA staff that, they will get through this **Comprehensive Plan** issue without a problem. He felt like a college coach that just got slapped with a recruiting violation. But Mr. Cohen was very nice and just said just work with them and keep that communication open that they haven't had in the past. Everything else went well.

Mayor Benton said Representative Gayle Harrell brought up a bill that she has coming up. It is a good idea. Basically if someone had their fourth **DUI** it would be mandatory for two years, one year incarcerated. That is great, but also think of how many more people that is going to put in jail. It is overcrowded now. Probably another 400 or 500 a year in the three county area, but specifically in St. Lucie County. So some of these things are nice, but let's ask them how are they going to pay for it, because St. Lucie County has no money to open these pods, they say. It is something the City needs to keep abreast of, because it is a big part of... Port St. Lucie Councilman Jack Kelly and himself would like to get a voice on this Public Safety Council, but they are not allowed to.

Commissioner Coke said she has gone to seven or eight of their meetings. Once in a while they will let them speak, but other than that...

Mayor Benton said they will let them speak, but they can't get an official vote the way it is set up.

Commissioner Nelson said the County appoints the Chairman and all. They have all these Judges and Chairs.

Mayor Benton said St. Lucie County Joseph Smith is Chairman. They ought to see him trying to swim against that stream.

There being no further business, Mayor Benton declared the meeting adjourned at 10:37 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER