

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 20, 2006.

Mayor Benton called the meeting to order.

Pastor John Lee gave the invocation.

The Pledge of Allegiance was recited.

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, and unanimously carried, to approve the Minutes of the Special Joint Meeting on March 2, 2006 and the Minutes of the Regular Meeting on March 6, 2006.

Mayor Benton proclaimed March 2006, as "**American Red Cross Month**". Bob Lawton, Kenya Strong, and Lee & Janet Dyer were present to receive the proclamation.

Mayor Benton said he wants to thank the Red Cross, they got them through two very difficult years, especially a two month period a couple of years ago that was pretty tough on this community, and they were there feeding people and clothing them and bringing them water and whatever they needed.

Ms. Janet Dyer said she would like to introduce their new Office Manager for Fort Pierce. If they go to their office at 2211 South 25th Street, they will meet Kenya Strong. She is learning Red Cross and she is a delightful young lady that they enjoy having with them.

Mayor Benton proclaimed April 2006 as "**Child Abuse Prevention Month**". Gundula Hargraves, CASTLE Community Relations Specialist was present to receive the proclamation.

Ms. Gundula Hargraves said the Exchange Club CASTLE has its 25th Anniversary this year, they have their first event on the 29th of April at the Tradition Town Hall in Port St. Lucie and the public is invited. They thank the City of Fort Pierce for their support and will be very proud to display this in their office.

Mayor Benton presented a special Proclamation to his wife, Donna Benton, in recognition of their 25 Year Wedding Anniversary, March 21st.

Ms. Donna Benton, said she guesses they can say it has been a fun 25 years.

The next item on the Agenda was Mr. Elie Boudreaux, Director of Fort Pierce Utilities Authority, to present Comprehensive Annual Financial Report and Annual Transfer to City.

Mr. Bud Boudreaux, Director of Fort Pierce Utilities Authority, said as always it is a privilege to be here before the Commission and tonight is no different. He is here to present the Comprehensive Annual Financial Report (CAFR) of the Fort Pierce Utilities Authority. He does have a certain amount of pride in what they are presenting to the Commission this evening. He wants to call their attention to Page 15, which is Management's Discussion and Analysis, which gives a summary of the financial

health of the organization. The Utilities Authority's Net Utility Plant increased by \$3.0 million or 1.67 percent. Their Total Assets decreased by \$6.1 million and that was because they paid off some loans that they had made during the hurricanes. Their Operating Revenue has increased to \$85.1 million or 4.35 percent. The Capital Contributions to the Utilities Authority increased to \$5.6 million, and that is from developers working in the area. The City Distribution increased to nearly \$4.7 million, which he will pay in the form of a check tonight. He thinks one of the best things is, if they go to Page 23 they will see that Fort Pierce Utilities Authority has the lowest rates, not next to the lowest rates, in the surrounding area. They are very proud of that. He does have a check to present to them in the exact amount of \$4,651,977.00. If they have any questions on the CAFR, he would be happy to try to answer them. If he can't answer them, he knows Mr. Varella, FPUA Chief Financial Officer, can answer them.

Commissioner Nelson asked did he round off the City Distribution increase to \$4.7 million versus the check for \$4,651,977?

Mr. Boudreaux said that rounds up to 4.7 million, but he just read the exact amount of the check.

Commissioner Nelson asked when is he going to give him this check?

Mr. Boudreaux said he has it right here.

Mayor Benton said he can just hand that to Mr. Bergalis. He will put it right in the bank. It has already been spent.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to accept the Comprehensive Annual Financial Report as submitted by the Director of the Fort Pierce Utilities Authority.

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

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

Letter from the University of Evansville Men's Golf Team thanking Mary Beth Birsky, Director of Indian Hills Golf Course, for her hospitality.

Email from Leonard Wheeley, Backus Festival Committee Chairman, expressing appreciation to the Public Works Department for a fine job, and the support of Charles Hutchinson, David Williams, and Mike Ingersoll.

Mayor Benton said he just had a request from someone in the public to discuss Item 28g on the Consent Agenda concerning the roundabout at Sunrise Boulevard. He just wanted to find out what the pleasure of the Commission was.

Commissioner Becht said he had planned on pulling this item later in the evening, so whenever the rest of the Commission wants to discuss it.

Commissioner Coke asked is Mayor Benton looking to move the entire Consent Agenda to the front?

Mayor Benton said he was hoping not to do that. They are starting something new. He doesn't know whether they can pull that one item for discussion now. Normally there is no public input on a Consent Agenda, but it appears that they have somebody from the public who would like to speak on this.

City Attorney Schwerer said he believes they have to have the public hearings first. Is that correct?

City Clerk Steele said yes.

City Attorney Schwerer said that is the order of the business as set forth in the Code. Since the Agenda has now been rearranged with the Consent Agenda at the end, they have to have the Public Hearings first.

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted for Tri-County Animal Hospital LLC for a 6,720 square foot Animal Hospital at 1807 Okeechobee Road.

City Clerk Steele said combined with this Site Plan, there is an ordinance which would rezone the rear 25 feet of the property from R-3, Single Family Moderate Density Zone, to C-3, General Commercial Zone.

Mr. Peter Buchwald, Zoning Administrator, said Tri-County Animal Hospital, the applicant is requesting approval of a site plan for a new animal hospital located on a half acre next to the existing Tri-County Animal Hospital. In addition, the applicant is rezoning the rear 25 feet of the property from R-3, Single Family Moderate Density Zone, to C-3, General Commercial Zone. Like the other needs of this community, the need for veterinary services has grown tremendously, outgrowing the current Tri-County Animal Hospital building. The applicant is proposing to construct a state of the art two-story animal hospital featuring a total of 6,720 square feet and the latest technology for the practice of veterinary medicine. With the exception of the rear 25 feet of the property, the property is zoned C-3, in which medical clinics and laboratories are permitted uses. The rear 25 feet of the property is zoned R-3. When the property was replatted in the past to incorporate this southern 25 feet, this area was never rezoned to C-3 to be consistent with the rest of the property. The surrounding properties located to the north, east, and west are similarly zoned C-3, and are vacant or occupied by commercial buildings. The adjoining properties located to the south of this site are zoned R-3, and are vacant or occupied by single family homes. A letter from the occupant, the single family home located closest to the proposed project, was included in their packet and indicates support for the Site Plan. In addition, staff has received seven responses to the mailers to the surrounding property owners, all of which support the site plan and rezoning. All affected departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the code. The Planning Board voted unanimously to recommend approval of the site plan and rezoning, with the condition that a wall or fence be constructed along the south property boundary and that be provided with landscaping. This fence is now depicted on the landscape plan, and trees and shrubbery are provided along the fence. Staff recommends approval of the site plan based on it meeting the requirements of the code and approval of the rezoning of the rear 25 feet of the property as C-3 to make the zoning consistent across the property.

Commissioner Alexander asked are there any other properties right within the same area with the same problem? He just doesn't want them to arbitrarily do one piece and the next two or three lots are the same that needs to be addressed.

Mr. Buchwald said not in the immediate vicinity.

Commissioner Becht asked does the site plan comprise both parcels

owned by the applicant, or only the parcel to the west?

Mr. Buchwald said just the parcel to the west.

Commissioner Becht said the applicant is seeking a rezoning of property that adjoins the parcel to the east. He just wanted to point that out to staff and make sure that was consistent with what they wanted to do.

Mr. Buchwald said yes, Commissioner Becht is right. The site plan is for the parcel that includes .51 acres on which the hospital will be constructed, but the rezoning is across all four parcels.

Commissioner Becht said there is no inter-connectivity between the two parcels that are owned by this applicant that he could detect. There are no driveways or sidewalks or anything that connect the two parcels.

Mr. Buchwald said from his knowledge of the site, there are some pavers that extend from his front entrance to this parking lot, because that is an existing unpaved parking lot on the west side of his existing hospital building. (Mr. Buchwald indicated the site plan drawing.) If they park in this area here, it has existing pavers that take them to the front entrance which is on that side of the building.

Commissioner Becht said let him tell them where he was going with that. It appears to him that this existing building would be nonconforming if they split the two properties, meaning the new development with the new site plan and the old property, because the existing building encroaches into the setback on the west side of the property. Isn't there a 15 foot side setback?

Mr. Buchwald said not in the C-3 properties. He believes there is no setback between the two C-3 properties in the zoning ordinance.

Commissioner Nelson said it is on the side.

Mr. Buchwald said it is his understanding that within the C-3 zoning ordinance, there is no setback requirements between two C-3 properties.

Commissioner Becht said okay. On the site plan they are looking at, it says 15 foot side and rear setback. That is what it says on the material they were given.

Mr. Buchwald said that is for the other portion. As they can see, the reason why there is no setback, part of that building is only 3.5 feet from the adjoining property. The code does not require any particular distance of setback.

Commissioner Becht asked so there is no setback requirement in this particular type of zoning?

Mr. Buchwald said the City code does not refer to a setback, but the yard size. No, there is no side yard requirement for C-3 properties adjoining to another C-3 property.

Commissioner Becht said from his perspective, this is a site plan, so the Commission would have the ability to do something about that. They are allowing construction 3.5 feet off a side lot. He was also concerned about what they are creating, if they ever come back and try to split the property, because they have a 5-foot setback where he thought they needed a 15-foot setback. But if that doesn't bother anybody else, he is going to let that one go.

Mr. Buchwald said the 15 foot setback is required between residential properties and C-3 commercial properties.

Commissioner Becht said okay. The other thing is that this property brings to mind something he hopes the code is going to be addressing soon. He is covering 70% of his lot. Is this consistent with where they think they are going, not consistent with where they are going, or they don't know where they are going in terms of that issue?

Mr. David Recor, Deputy City Manager, said he thinks it is fair to say staff has not determined where they are going with that.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve the Site Plan submitted for Tri-County Animal Hospital LLC for a 6,720 square foot Animal Hospital at 1807 Okeechobee Road, including the condition that a wall or fence be constructed along the south property boundary and that the wall or fence be beautified with landscaping.

Commissioner Alexander asked did he hear Mr. Buchwald say he received six pieces of returned mail? His cover sheet only shows one person in favor.

Mr. Buchwald said that is correct. When they write the report, it has to be in the week before. They received these six additional responses since last Monday.

Commissioner Alexander asked they don't calculate that in what they present to him on Friday?

Mr. Buchwald said they send up their report the Monday prior to the week before the City Commission meeting.

Commissioner Alexander said he is not trying to give Mr. Buchwald a hard time. He is just trying to figure if they had six individuals that were opposing, then they would still be receiving it as they are tonight.

Mr. Buchwald said rest assured, he would never hide something like that from them.

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

Ordinance No. K-415 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **REZONING** PROPERTY LOCATED AT **1807 OKEECHOBEE ROAD** FROM R-3, SINGLE FAMILY MODERATE DENSITY ZONE TO C-3, GENERAL COMMERCIAL ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." were placed on first reading and read by title only. (Applicant: Tri-County Animal Hospital LLC)

Mayor Benton declared a Public Hearing on Ordinance No. K-415 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Alexander, seconded by Commissioner

Coke, that Ordinance No. K-415 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-415 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-416 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY AT **2401 & 2405 SOUTH 35TH 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 first reading and read by title only. (Owned by: Angel Mendez & Luisa Ponce)

Mr. Travis Gibbons, Planning Administrator, said this is a voluntary annexation request for two parcels of land on South 35th Street across from IRCC (Indian River Community College). One parcel is 0.19 acres and the other one is 0.37 acres. The total acreage is 0.56. Staff has proposed an R-4, Medium Density Residential Zoning and a Future Land Use of RM, Residential Medium Density, consistent with St. Lucie County, which has a residential medium density zoning and land use as well.

Mayor Benton declared a Public Hearing on Ordinance No. K-416 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Ordinance No. K-416 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-416 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele said they have received a letter from Doug Anderson, County Administrator, requesting that Item #10 (**Ordinance No. K-417**, Annexation - Graham Groves Development) and Item #11 (**The Meadows Conceptual Development Plan**) be pulled from the Agenda at this time. She needs to know if that is the will of the Commission.

Mr. David Recor, Deputy City Manager said he did not ask that Item #11 be pulled, he asked that the City continue to work with the County in reviewing that application.

Commissioner Alexander asked is there a reason?

Mr. Recor said yes. There were a number of comments that the County provided during the Technical Review in January in that this application is still in the conceptual development phase. They want to make sure the applicant responds to those written comments.

Commissioner Coke said her question is in regard to Agenda Item #10, Ordinance No. K-417, the annexation. Her inclination of course is to attempt to cooperate with the County wherever possible. However first of all, they have already published this. Secondly, it is a first reading, which would mean two weeks from now they would have a second reading; and she would think that in that two week time frame that if the County had a viable reason why

the City should not be annexing this property, that it would be the time frame to address it.

Commissioner Becht said he would like to know if there is anybody from the County here to support their requests, either one of them. He doesn't see anybody. The second thing he would like to point out is that the letter he is seeing was faxed to the Mayor at 5:40 this evening. Specifically in regard to the County's request that Agenda Item #10 be postponed, this is an annexation. The grounds given in the letter are that the County requests time to review this proposed annexation before approval, because they have recently approved a nursery in the neighborhood? What does that have to do with annexation?

Mayor Benton said he would agree with him 100 percent.

Commissioner Becht said so as Commissioner Coke was pointing out, if the County truly has a legitimate objection of the annexation, other than it is near the research park, he would be happy to entertain any reasonable objection they have. But he doesn't see any reason in their letter. No one from the County is here tonight and they have two weeks to come back with any legitimate objection, at which time the Commission can stop this if there is a legitimate objection. So he is not inclined to postpone either Agenda Item #10 or Item #11. He does want to work with the County; but at 5:40 p.m. on the night of this meeting with no one appearing to support it, with grounds stated in a letter seeming to be somewhat flimsy, he would like to proceed.

Mayor Benton said he would agree. He spoke to Mr. Anderson this morning about an item on the County's Agenda. He told Mr. Anderson that he was going to be asking for a letter to come from this Commission, it is on another item. But the point is, they are not talking about a site plan here. They are talking about annexing a piece of property. They don't know what the County wants to do with it, so he doesn't understand what their concerns would be himself. But it is the pleasure of the Commission if they want to move forward.

Commissioner Coke said she thinks they ought to move forward.

Mr. Travis Gibbons, Planning Administrator, said they just received the letter this afternoon at 5:40 p.m. They have plenty of time to come up with a viable solution as to what the County's objection is.

Commissioner Nelson asked this letter from the County cited the date of January 19th where the City Planner sent Mr. Gibbons a note asking comments on that Conceptual Development Plan. He responded to this one in that respect?

Mr. Gibbons said when they get to that Agenda Item, he can tell them what happened with that one.

Commissioner Nelson said they don't want to talk about it if it is not appropriate right now.

Commissioner Alexander said his comment is concerning information they received at 5:40 p.m. Not only is he going to frown on them sending it at that moment, but along with other materials they are receiving. He can see the Mayor and Commissioners getting things on their table 30 seconds before a meeting. But he thinks they need to address it coming across this table again.

Mayor Benton said he had a conversation with Mr. Anderson early this morning and that was not an issue this morning. So he just

falls that maybe because the Commission might be asking for something for them, they wanted something in return.

Commissioner Alexander said he just doesn't want it to be that they considered that they are snobs. They just don't allow that to come to the Commissioners like that.

Ordinance No. K-417 entitled, "AN ORDINANCE **EXTENDING THE TERRITORIAL LIMITS** OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE APPROXIMATELY 20 ACRES BOUNDED ON THE NORTH BY GRAHAM ROAD AND BOUNDED ON THE SOUTH BY WHITE ROAD (APPROXIMATELY 663 FEET EAST OF KINGS HIGHWAY AND APPROXIMATELY 1,328 FEET WEST OF COPENHAVER 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 first reading and read by title only. (Owned by: Graham Groves Development)

Mr. Travis Gibbons, Planning Administrator, said this is for a 19.2 acre parcel that is between White Road and Graham Road just east of Kings Highway. The St. Lucie County zoning is RS-2, Residential Suburban, and has a land use of Residential Urban, which is 5 units per acre. The City zoning proposes R-1, Single Family Low Density and also has a Future Land Use of Residential Low density. Staff and Planning Board both recommend approval.

Mayor Benton declared a Public Hearing on Ordinance No. K-417 in session and asked if anyone in the audience wished to be heard.

Ms. Carol Scott, The Good Group in Winter Park, said she is here on behalf of the applicant. They weren't aware of any postponements or anything and they have been working with staff, so they are requesting approval of this annexation.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Ordinance No. K-417 be passed on first reading.

Commissioner Coke said she would like to ask that staff contact the County tomorrow and ask them to give the City whatever objections they have in writing by a week from today so the Commissioners can have time to consider them.

Those voting in favor of the passage of Ordinance No. K-417 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said just for the record, Marty Sanders from the School Board called him this morning on Agenda Item #11 (**The Meadows Conceptual Development Plan**) and they have a concern about school siting in the area. He guesses there is no other area to site a school and they had spoken to the developer about possibly siting a school on the open space property in this site plan and weren't able to come to any conclusion. Mr. Sanders basically asked if the Commission would postpone this because he was leaving town on a cruise and that there was a fax sent on Saturday, but he has not seen a copy of that fax.

Mr. Peter Buchwald, Zoning Administrator, said he believes the

County is misunderstood with regards to the conceptual development review process as specified in their City code. When the applicant submits a conceptual plan to the Planning Department, it is then scheduled for the Planning Board, which then makes a recommendation for approval or disapproval, and the City Commission holds a hearing to approve or disapprove of a conceptual plan or approve it with conditions. It is the intention of the process for the Planning Board and Commission to discuss the plan and to provide their feedback to the applicant with regard to whether this type of development is consistent with their vision for that area of the City. So it is intended for the Commission to provide feedback to the applicant in a workshop setting, for it to be more expedient than for the applicant to be discussing it with each of the Commissioners individually for this type of proposal, and see whether it meets with their vision for that area of the City. This particular project was brought before the Technical Review Committee in January and they distributed it to all the various affected departments, including the County, and they receive comments at that time. And at that time the City strongly encouraged the applicant to take advantage of the Conceptual Development Plan review process, because it is such a large project and potentially could impact the City. Bring it in front of the Planning Board, bring it in front of the Commission, and get their feedback on whether this even meets or is consistent with what their thoughts are for that part of the City, before they spend significant engineering dollars and start going down the wrong road. So if he may, he requests that they continue on with the Conceptual Development Plan review process.

Commissioner Coke said just for a point of clarification, it is her understanding that after this process, there will be further revisions by the applicant, but the site plan will come back to the Commission; and at that juncture, just before they say conceptually they like this, if the site plan comes back and everybody has changed their mind, they are not under an obligation to approve it.

Mr. Buchwald said that is correct. None of the Commission's approvals or rejections are binding, neither is anything that the applicant commits to binding. So it will have to go to the entire formal site plan review process.

Mayor Benton said they did also have a request from the County to postpone, so is it the pleasure of the Board to move forward?

Commissioner Becht said it is his understanding that this project has been in the pipeline for more than a year. Ms. Clark (City Planner) was working with for City a year ago, so she should have been familiar with it at the time she was working for the City. The letter comes in at 5:40 p.m. tonight and there is nobody from the County here. He would like to move forward.

Commissioner Coke said she would agree with that.

Commissioner Alexander said he agrees.

The next item on the Agenda was Public Hearing on Application for Conceptual Development Plan Review submitted by Midway St. Lucie LLC for **The Meadows**, a rural village project consisting of 515 units (townhomes and single family lots) on 123 acres on the east side of Selvitz Road, north of Devine Road and west of Christensen Road.

Mr. Peter Buchwald, Zoning Administrator, said The Meadows is a rural village with neo-traditional design located on the east side of Selvitz Road, half a mile north of Midway Road. The development as proposed consists of four and six unit townhome buildings and

single family homes on approximately 123 acres for a total of 515 units. The exteriors of the townhome buildings and homes will include front porches and either front or rear loaded garages. Alleys would service those townhome buildings and homes with the rear loaded garages. Landscape strips and sidewalks extend throughout the development and three roundabouts are planned. A recreation area which includes a clubhouse, pool, tot lot, and tennis courts is also proposed for the development. Several lakes and nature preserves will be located around the development. The existing zoning for the property is R-1, Single Family Low Density zone, which allows up to 4 units per acre. The indicated density of 4.2 units per acre on the site plan includes the preserved wetlands and the lakes or stormwater retention areas. These areas are subtracted. The density is approximately 4.8 units per acre. Both of these densities however are below the limit for density of 6.5 units per acre as specified by the Comp Plan. At the February 14th Planning Board meeting, the applicant proposed rezoning the property to R-4, Medium Density Residential zone, which would require an amendment to the Comp Plan. After discussion with the Planning Board, the applicant decided to try to rezone to a PUD. Based on the limited review conducted by staff, the following challenges have been identified pertaining to this project. The 50 foot minimum lot widths for the single family homes with the rear loaded garages are less than minimum lot widths in any residential zoning district in the City. Stormwater retention ponds are located along the public roadways, which does not comply with the City Code. The surrounding property is zoned Light Industrial or Agriculture/Residential, allowing for one dwelling unit per acre. With that type of zoning, the proposed development may create some compatibility issues. Obviously, project coordination with the County will be required as they enter the formal site plan review process. There is potential traffic impacts. Improvements, sidewalks, and right-of-way donations for the surrounding roads would be required. The School Board has indicated that a new school would be required for the development and the Fire District has indicated some fire station capacity issues associated with the project. The Planning Board voted unanimously to recommend approval of the conceptual plan with the condition that the applicant review and address the identified challenges. With regards to the proposed PUD rezoning, this PUD currently does not include a commercial element, a park, and/or large recreational areas. Staff advocates that PUD's be awarded by the Commission carefully and only to a project that is truly unique. Furthermore, staff advocates that low density housing in the R-1 zoning district and the outlining areas of the City be preserved. So staff recommends approval of the concept only if it is in accordance with the Commission's vision for that location and that the above list of challenges at a minimum are addressed.

Commissioner Coke said she is noting that again, they are getting back to the density including the wetlands area or excluding the wetlands area. Have they gotten a ruling from Mr. Schwerer, what they need to do here legally?

City Attorney Schwerer said Mr. Recor accurately stated that at the last meeting and he can repeat it for the record on what is or is not to be included under the code, but he verified that with him.

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

Mr. Philippe Jeck said he is the attorney for the applicants. This has been in the pipeline for quite a while, a year in the planning stages; and that reflects the amount of effort this developer has put in to it, trying to understand what would best work with his vision as well as the vision of the City for this site. One of the

reasons why they are actually in the conceptual approval process is to get even more feedback in a formal way. It is taking the applicant extra time and extra money on this project to do this; but they think in the long run, it will be a win/win for everybody because they will better understand what it is that works for everyone. So he encourages the Commission's feedback to help them design this and make this conceptual approval process useful for all of them. The project is different than many of the things they have seen before because of the new urbanism concept - Greg Boggs will go through the details of it - and that was one of the reasons why the Planning Board through their input recommended and indicated that the better proposal was to go through a PUD on this as opposed to rezoning to R-4. They did get unanimous approval from the Planning Board. He is going to turn it over to Mr. Boggs to go over some of the details of the project for them.

Mr. Greg Boggs, Thomas Lucido & Associates, 100 Avenue A, said the aerial in front of them, the darker area is 122 acres of the site. Selvitz Road is on the left, 25th Street to the far right, Midway Road down about half a mile to the south, and to the east is the County. This is the City coming down along Selvitz Road. Those two projects to the east, the one on the north is...

Commissioner Coke said Palm Lakes Gardens. She met with the applicant.

Commissioner Becht said he met with the applicant.

Commissioner Nelson said he met with the applicant.

Commissioner Alexander said he met with the applicant.

Mayor Benton said he too.

Mr. Boggs said they have met with each of them to discuss this. The second one to the right is Oak Alley, which is currently under construction. There is not much else going on in the neighborhood down there. What they are attempting to do is change that by introducing what they think is the way that development should be allowed out on the edge, which is more keeping with traditional planning principles. Just to briefly explain the process a little bit, they filed this about a year ago as a PUD with all the necessary requirements - all the documents, the traffic report, the environmental report, and so forth. But due to what has been going on here with the change of guard and the hurricane and so forth, they were proceeding and then elected to do this, which he feels is a great idea, to come before the Commission as Conceptual Development Plan. So they can listen, like they did at the Planning Board and like they can tonight, to hear the Commissioner's issues and address those when they come back for an official PUD to continue basically what they started. Essentially it is traditional neighborhood. There are none of these communities in the County. These are coming up all over the country. There are some in Palm Beach County, Abacoa is one. There is one in Vero Beach called Pointe West that they were the land planners on, it is out on State Road 60. But this is the trend in growth where it is inter-connected by itself. There is no cul-de-sacs, there is no dead-end streets. All the streets are connected interior-wise. They have two points of access on Selvitz Road which are highlighted by entry features, some nice plantings and a roundabout which will be paver stones. This is where the bus stops will be sited. To the east along Christensen Road, which is currently a dirt road, they have two points of access which are the emergency access points. They are currently working and there have been meetings with their Traffic Engineer with the County to discuss needs that the County may have, particularly on Selvitz

Road. They are dedicating right-of-way on Selvitz Road and Christensen Road. They will be doing turn lanes to serve the project on Selvitz Road. On Christensen Road, they are dedicating 10 feet; but to date they are simply using that for fire protection, primarily as an emergency exit for EMS and fire equipment. Regarding traffic, they have met with the County. They will be doing their fair share in improving the intersections of Midway Road and Selvitz Road, and perhaps Selvitz Road and Glades Cut-Off. For sure, the Midway Road intersection which would be turn lanes and whatever they need to remedy the flow through that intersection down there. The site is 122 acres, of which 40% is open space. Together with that and the lakes and the wetland, there is 65 acres of land that is not developable on 122 acres. So essentially, basically 53% of the site is not developed. What is developed, there are 249 single family lots and 266 multi-family attached, four unit and six unit attached dwellings. What makes it different than other projects is the reference to the streetscape. All these will be where the garage is not the dominant feature they see in his neighborhood. Here the garage will be in the back. The small lines shown there are 16 foot wide alleys, so each of the single family lots that are interior will be accessed by the alley. Therefore, the street visual is the porch, the sidewalk, the street trees, and parallel parking, just like they see around town here. The lots on the perimeter, those homes will be designed such that the house is again centered to the front, but the garage is kicked back to the back, so they will have a side yard driveway that goes back to the garage in the back. So each of these streets will be dominated visually at least by street trees, parallel cars, people walking down the sidewalks, the landscaping, and then the porch which will be the feature in each of the homes. This is a traditional neighborhood. The architect is currently working on eight individual single family models, each will be characterized by that same theme. The recreation in the center, about a three or three and a half acre site. There are the two points of access. The southerly one, the site line will end with a feature which will contain a 2,700 square foot clubhouse, three tennis courts, multi-use play such as basketball, and a lake where there could very well be fishing and canoeing. The blue in back is obviously the stormwater retention, but that is not just a write-off, functionally that is an area also for recreation for canoeing, kayaking, or fishing. They are preserving the wetlands. The site to the north of this big wetland, as they proceed and come back with the plan they will be reducing two lots here so there could be a linkage between the 200 foot buffer to the north and to the central wetland and lake system, to where it will all be interconnected pathway greenway for like bike riding for the passive recreation. He knows the Commission is concerned about recreation. He thinks they are getting that addressed, all of those kinds of issues, where people can recreate on the site preferably and not have to drive to an off-site destination. The lots are 50 feet wide and 60 feet wide, ranging from about 5,700 or 5,800 square feet up to 6,400 to 6,500 square feet. As mentioned, the R-1 allows up to 4 units an acre. They are at roughly 4.2 dwelling units an acre. But in order to fulfill what they have done through the PUD process, by setting aside all the open space and the recreation components and the community itself, they have narrowed down the lots. They have lots that are 50 feet wide. There are lots of lots that are 50 feet wide all over, it is not new. It may be a concern, but it works. They have models and footprints and site design that really pulls it off pretty nicely. Back to the streets, on the south is Devine Road. Actually it is called that, but it is really a dirt road on the bank of the canal easement. That actually is not, but hopefully in the future it will be a road, but for right now it actually is not a public road. That is the overview. If there are any questions, he would be happy to answer those. Mr. Jeck talk a little bit about what they

have been doing on some of the other issues, particularly the school issue.

Commissioner Alexander said he just took the words out of his mouth. He was concerned about not only the school, but the school pickup area for the kids. That is just a concern of his. He knows they will be able to incorporate that in there. But his concern is, over the whole project in itself, are they having designated areas for nature walks that is going to be a designated path?

Mr. Boggs said yes. As it proceeds through the evolution, they will be designating what would probably be miles of pathways that would go around it and up through the middle of the site. By the way, on each street on each side there is a sidewalk, so it is not like it is the only pedestrian way. But out in the open space, there will be some pathways.

Commissioner Alexander said he thought he heard staff speak of the Fire District. Did they have a problem with a fire station?

Mr. Recor said yes. During the Technical Review Committee meeting, the Fire District indicated the need for the location of a fire station in this area.

Commissioner Alexander asked are they building a new central station on Midway Road within a mile and a half of this project?

Mr. Recor said he is not aware of the Fire District's plan.

Commissioner Becht said the Fire District is moving its administrative offices down to Selvitz Road, but he is not sure whether there is a fire station there or not. He is confused about what is or is not happening with the School District. He had received a call from Mr. Sanders in the last 45 days, he is not sure exactly when, who was talking about another site that would be in proximity to this. He thinks the applicant can make a fair share contribution in cash or impact fees to the School District to take care of that. The same would hold true with the Fire District. He met with the applicant today and talked about what he thinks the City staff is doing a good job of, which is reinforcing the inter-connectivity of these projects. He talked to them about converting the emergency accesses on Christensen Road on the east side of the project and the permanent accesses, and he also talked to them about creating accesses out to Devine Road if that is legally permissible. If Mr. Boggs could he hold up the aerial map he had before, he wanted to point something out. It is not necessary that the County and the City think alike, but he wants to show them something that dramatically points out a difference in the City's thinking and the County's thinking. If they look at another project as depicted on this aerial to the immediate east, they are going to see there is one way in and one way out. He doesn't know how many home sites are in there, but there is no inter-connectivity either to Christensen Road in the back or to Devine Road on the south. So there is a different philosophy. He doesn't know who is right and who is wrong, but he likes the City's better with the inter-connectivity and he appreciates staff reenforcing that, because he thinks in the long run it is going to help them with their traffic management. But this other project, they eventually he thinks will inherit into the City and they are going to be burdened with the downfalls of there being one way in and one way out. Who owns what he is going to call the out-parcel to the south and west there fronting on Selvitz Road? Does this applicant have an ownership position on either of those out-parcels?

Mr. Jeck said they wish. They tried, but there were unwilling

sellers. So no, there is no connection at all between the ownership of this subject property and the neighboring property.

Commissioner Nelson asked Mr. Boggs said those streets in back would be 16 feet wide?

Mr. Boggs said these rear alleys.

Commissioner Nelson asked that is where the garages are, right?

Mr. Boggs said correct.

Commissioner Nelson asked will it be one-way or two-way?

Mr. Boggs said it is a one-way circulation system.

Commissioner Nelson asked it would be an inconvenience to make it two-way by making it a little wider? The width of one-half side of a normal street is how much?

Mr. Boggs said a normal street is 24 feet, sometimes 26 feet. What they have done is used basically an industry standard for alleys. It is a technical standard that is a 16 foot wide paved section, typically with a valley curb on the side and each rear-loaded garage driveway attaches to that section. It is usually almost always a one way.

Commissioner Nelson said he envisions having people put out their refuse in the back by way of a 90 gallon can, or dumpsters?

Mr. Boggs said single family through that means. The townhomes, through a mass collection using a dumpster.

Commissioner Nelson said so they have some pretty big trucks going through there, the emergency vehicles possibly, and definitely their refuse collection.

Mr. Boggs said that is correct. But at each corner they are accommodating the correct radius for the movement of the larger vehicle.

Commissioner Nelson asked do they envision the refuse collection coming in the back or the front?

Mr. Boggs said in the back. At Abacoa and Pointe West and some of the other projects they have studied, it is in the rear. The service is always in the rear in the alley.

Mr. Jeck said he would like to ask for some specific points of feedback if they will. But one of the issues that staff has brought up is the location of this lake. By the way, there are no lakes existing on the property. There are some low quality wetlands on the property, but no lakes. The lakes they see here are lakes that will be created as part of the process. They have it here on Selvitz Road and the City code frowns on that and prohibits that. They think it is a good thing for it to be there and would like the Commission's input. Because if the City doesn't want it and it is against the code, they are not going to ask for it. But if the Commissioners agree that it is a good feature that they might choose to use, then they would like to stay with it. But he would like the feedback from the Commission on that.

Commissioner Becht said they had discussion in a previous meeting where staff brought it to their attention that they had adopted an ordinance that prohibits the detention area from being located in the front of the project. And that was in response to what he

would call a substandard developer who put in the detention area and didn't maintain it or provide any means for it to be maintained after he went down to Costa Rica fishing. He asked staff that evening if there was a way they could modify the ordinance or perhaps modify the property owner's documents to insure that it stays a lake. If it is truly is a lake, it is a lot prettier; and in terms of buffering the subdivision from Selvitz Road and buffering Selvitz Road from the subdivision, it makes a lot of sense. So if the developer can address the concern or help staff address the concern that it is not going to become an unsightly dry detention pond, then he thinks they might be able to get over the hurdle and leave a real lake there.

Commissioner Alexander said he is assuming that they are going to have some type of homeowner's association in this area here. Is that something they can maybe address with the Homeowner's Association to be assured that lake stay a lake?

Mayor Benton said he would think it would be a priority on their part, it is an entrance to their community.

Mr. Jeck said it is standard development practice and certainly intended on this to have Homeowner's Association documents which enforce the maintenance of the common area, which that would be. On top of that, it is always required by the South Florida Water Management District that they have a whole set of rules in the Homeowner's Association documents requiring the maintenance by the Homeowner's Association of the drainage facilities and the lakes and the retention areas, so there are multiple protections there. And certainly they would want to do it anyway, because that is a positive feature and they want it looking beautiful, it is what keeps property values up. They want to have the mechanism to do that and to assess the homeowners to pay for that.

Commissioner Alexander asked is it the staff recommendation?

Commissioner Coke said Mr. Schwerer can put it into an ordinance.

Mr. Recor said staff can simply identify what the ordinance provides. He can tell them from a policy perspective, they don't see there being an issue with the detention facilities being located adjacent to the right of way provided that there are mechanisms in place to insure its maintenance in perpetuity.

Mayor Benton said he wants to bring up a concern he has. He has spent quite a bit of time in the last few months down in that area of Midway Road, Selvitz Road, and Christensen Road at lunch time and from 4:00 p.m. to 6:00 p.m., and the traffic is just insane. He knows the County is talking about improvements to Midway Road. He doesn't know if they have any improvements planned for Selvitz Road. So before they come back in front of the Commission, hopefully they will have some answers. But he would have a very difficult time right now allowing another 1,000 plus cars - he doesn't know how many trips a day they are talking about - into those intersections until there are big improvements to those roads. Because right now they can sit at some of those intersections for 10 or 15 minutes to get to a light.

Mr. Jeck said that certainly is not acceptable traffic planning. But they have had several meetings with the County staff on road improvements and are developing a list of the things the County thinks they need in order to make this road work well and that they can contribute their fair share to. Mr. Boggs spoke about a couple of those, including dedications and turn lanes and working on intersections and contributing to that. So they will do everything the County asks them to do to address that situation that meets

their requirements and they are more than willing to do that.

Mayor Benton said he knows the County is talking of and looking for ways to fund widening of Midway Road. Hopefully by the time this comes back in front of the Commission, the County will have made plans or have already moved forward.

Commissioner Coke said it is on the plan.

Mayor Benton said but the money is not there.

Commissioner Nelson said he is troubled by that one way street in the back. It would really tickle his fancy if they were to have two ways there. They will have some swales or something to address the drainage in that area?

Mr. Jeck said right. There are curbs on either side of the alleyways. The alleyways, really that is not a traffic pattern area. The alleyway is really just for the residents to get into their garage. There will be the street system which serves the normal traffic, visitors, and whatnot. So the alleys are really not intended to be high traffic areas.

Commissioner Nelson said he is just concerned about that guy or lady who has had a few drinks and going the wrong way down there and trying to get home at night, it causes a lot of problems. He will just leave it and say he prefers two way streets, but any way they can do it at that is fine. When they think about parking and people trying to do routine maintenance on their vehicle in the back of the house, he is concerned about that.

Mr. Recor said he is sure the applicant appreciates the specificity of the comments he is getting tonight, the very technical nature of the comments. That is what this process is for. Staff tells applicants all the time, the level of feedback they get is based on the level of information that they provide. He would like to bring them back to just a basic fundamental conceptual issue regarding this property. It is a big piece of property in an outlying area in the City. It is a large development that is going to have significant impacts in terms of their comprehensive plan, significant impacts on community facilities. They have heard from the Fire Department and they have heard from the School Board. There are significant impacts transportation-wise. So he guesses what he is saying is, the development community is not waiting for the City to get their Comprehensive Plan revised. Developers are out there and they are going to push the envelope continually to see what they can get approved. The Commission has heard him talk before as they have undertaken this Comp Plan endeavor, preserving the various qualities of life. And he likened it to when he considered moving to this community, what drew him here personally. They have an opportunity now to maintain the status quo with R-1; or if they feel like they are getting a better product by way of the PUD process, certainly give a green light to the concept and say, go for it, listen to what they are telling them and then bring back something specific. If they don't, however... Staff believes this plan has potential, but they are saying they believe that they should maintain the status quo. Allow staff to get the Comp Plan updated and work within the existing rules, because what they are seeing is not worth the discretionary approval that is being requested of the Commission. With that said, that is the kind of feedback that is really important to the applicant tonight in terms of deciding how they move forward with the project as opposed to the very specific, it's a done deal, just take it for granted that this is what is going to come back. If they have issues with the fundamental concept, now is the time to give that change in direction.

Commissioner Coke said she was trying to avoid speaking because she would much prefer speaking to the applicant than the applicant's attorney, but that always seems to get her in trouble.

Mr. Jeck said the applicant is here.

Commissioner Coke said she already told him the problems she has. She will address them once again. The only point she will disagree with Mr. Recor on, she doesn't think they want to maintain the status quo. She thinks this Commission has spoken as a whole for several years now that throughout their entire community they want to raise the bar. They want to raise the bar of their housing stock, the quality of jobs, and give people more to do here. They all have stood behind that concept. Her concerns with the project are the same as they were this afternoon. The thought of a 50 foot lot size just makes her claustrophobic. She is on a 70 foot lot with an 8 foot setback and she gets a little claustrophobic at times. She forgets what their side setbacks were, but they seemed really small to her. She thinks when they look at the area where they have multifamily housing, there is green space; but when they look at all that area that is single family, even though they have tiny lots, there is not green space there. Her concern is, even if the garages are in the back, there is no room there for a lawn and a little garden and trees and there is no place for two kids to stand around and throw a baseball or play horseshoes or bocce or anything else. Bocce, her Italian is showing. She doesn't see any green there. So those are her concerns. In addition to that, she will tell them all that she spent last week 25 minutes to get from Edwards Road to Midway Road. It was beyond comprehension.

Mr. Jeck said those are valid concerns. This is new urbanism. Commissioner Coke can say she doesn't like this and that is the feedback they want, don't come to the Commission with new urbanism because they don't like it, and they will change their plans. But the thought is, the density right now is 4 units per acre, so they are just slightly above that. But the concept is to move and collect green space and make it useable. Instead of giving everybody a yard and having a bunch of single family homes with their yard, it is to collect the green space and create some big green spaces. This green space is the width of a football field and the length of three football fields here. It is big open green space. This other green space is 200 feet wide. They collect those little green spaces they could have spread all over and they concentrate it in the areas where the kids can go and play a full baseball game or a full football game. They have these big greens spaces in between the multi-family. Again, they are collecting the green space and that is the concept of this. If the Commissioners don't like that concept, then that is feedback they would like to hear; but if they like that concept, that is how to deal with it. They reduced the lot sizes in order to create that collective green space, the common areas where people can congregate. That is the whole purpose of moving the streets up to the sidewalks, to let people congregate and get to meet each other.

Commissioner Coke said she guesses she just has a little selfish outlook. She likes to see the big green spaces and larger lots. He asked for her opinion, so there it is.

Mayor Benton said he will agree with Commissioner Coke. He knew somebody who built on a 60-foot by 100-foot lot that had a very difficult time finding a house to fit on there. He likes a little space from his neighbor. That would be a selling point if those lots were maybe 75-feet by 125-feet or 85-feet by 95-feet or something even bigger with a little bit of room so their neighbor is not breathing down their back.

Mr. Recor said the additional feedback that staff would like to provide is, conceptually while they agree with it, he thinks what they would like to see is those open space areas incorporated throughout the development and not everything necessarily laid out at right angles, but rather have these open spaces that are connected. Right now it seems... He hears what they are saying, that it is 4.2 dwelling units per acre, but it has a look and feel of being way too dense.

Mayor Benton said that concept would really work if it were closer to downtown. He always looked at that area as being closer to the fringe of the City Limits. And that higher density out there, unfortunately 25 or 30 years from now that is going to be one big city, he guesses. That is not what he was hoping would happen here.

Mr. Jeck said one of the thoughts of why this might work in this area is they do have industrial right here and then they have single family down there. And traditional thinking is, they create something kind of in between, in between. And that is what this, a little higher density, a little more concentration, to kind of create a good transition.

Mayor Benton said when they discussed this before, basically to him it was a break from coming out of Port St. Lucie, because Port St. Lucie is on the other side of Midway Road and is going to have that high density and probably a lot of development like this. The buffer is going to be that industrial area, that they are going to come into the main part of Fort Pierce. If this was on the north side of that industrial buffer, he would have some real big concerns. But to him, this is just Port St. Lucie North really. They look at Tradition, they look at Abacoa. There is a little bit more green space there, but that is about it.

Commissioner Coke said maybe if they broke that green space up and divided it among the neighborhood it would look better.

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

City Attorney Schwerer asked is this project part of a CDD (Community Development District) that is being proposed to be created?

Mr. Jeck said he is being told it is part of an application for CDD.

City Attorney Schwerer said so one is proposed. Besides requiring assessments on the residents for the maintenance of the water features, the lakes, and the green space, does he know what is being proposed?

Mr. Jeck said he is sorry, he has not been involved in the CDD in any capacity whatsoever, he hasn't seen it. So he doesn't think he can answer that.

Mr. Recor asked as the Commission considers this Conceptual Development Plan, would the significance of it being a community development district for their purposes be...?

City Attorney Schwerer said it could be significant. He didn't want to go too far in depth since the Mr. Jeck wasn't able to answer the questions. But some of their concerns were: Who is going to maintain the water features, how those are going to be maintained, the other green space areas. Typically a CDD is a separate type of entity that assesses the residents almost

homeowners, but it is more of a quasi-government type entity that does that. So it is significant that perhaps at some point in time they look at what is being proposed for the CDD and the type of process it will be following for any questions concerning maintenance of this particular project and any of its amenities, including drainage, as he understands it.

Mr. Bud Boudreaus said that is correct. Do they have the application that was submitted?

Mr. Recor said yes.

Commissioner Nelson asked did they get a copy of a letter from the School Board?

Mr. Jeck said yes, and he is prepared to address that if they would like him to do that.

Commissioner Nelson said he wishes he would. He is particularly concerned about the fact that they are talking about the developer would pay some \$65 million for school construction that the impact fees will not cover and they are also going to provide the land. Is that true?

Mr. Jeck said what that is in reference to - and he thinks it is a very poor analogy actually - a project that has 7,000 acres with 25,500 residents. He doesn't think that is a good analogy for this project whatsoever. This project at 122 acres is far below the minimum size of a project that the School District according to its own rules has set as a standard from which they would ask there to be a school site on. It is below the School District standards and policies on the number of students it is going to produce. As for a school site, it is the wrong location for it in their opinion because of the lack of frontage, and there are a lot better sites in this area than this site for a school site. That being said, they did have a meeting on Friday with the School Board Chair and with Marty Sanders, and discussed with them the fact that this developer would be happy to contribute a fair share of anything... They even came up with some ideas on how to address their needs. One of their needs is housing shortage for their teachers. Actually at the suggestion of the Chair of the School Board, they are very much interested in donating home sites to be given to the School District so they could use them for their teachers. They have also discussed the property right across the street, which is County-owned property and is a perfect site for a park and a school, and they talked about assisting the School District with that site. So there are other options that they think are much more attractive to everyone in terms of how the Developer can contribute their fair share to the needs of the School District. What he found a little disturbing was, from the City's perspective, Fort Pierce has been behind the growth in this County. St. Lucie has grown like crazy while there was no growth going on in Fort Pierce. Other parts of the County have grown like crazy and all those have contributed to the School District's challenge in meeting that growth. Now finally Fort Pierce is starting to grow and experience some of that prosperity these other places already had happening. Fort Pierce is the last ones on the block and they are getting hit with the problems of the School District that have been building for growth everywhere but here. He just thinks for the purposes of the City, they need to keep in perspective that this is not a problem that the City is causing. This is a problem that has been around for awhile and caused by a lot of other growth other than is what happening in this City.

Mayor Benton said they consider that learning from the mistakes that were made to the south of them and they don't want that to

happen here.

Mr. Jeck said certainly not; but they do not want to pay for their mistakes either.

Commissioner Nelson asked they are going to continue to work with the School Board to resolve those issues?

Mr. Jeck said absolutely.

Mayor Benton said if this is approved tonight, they hope that by the time it comes back that all these items are dealt with when it comes to concurrency with traffic, schools, parks. They are going to be meeting with the County on April 10th. They need to locate regional parks in these areas, something that hasn't been done yet. They will probably looking for commitments from developers.

Commissioner Coke asked do they need a motion or was this just for feedback?

Commissioner Nelson said he thinks they have given the developer a certain amount of feedback. There is a requirement that he needs to do some further refinement of his project and further coordination.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to accept in concept the Conceptual Development Plan submitted by Midway St. Lucie LLC for The Meadows, a rural village project to be located on 123 acres on the east side of Selvitz Road, north of Devine Road and west of Christensen Road.

Commissioner Nelson said hopefully they will come back with a little better project in the near future.

Commissioner Alexander said he just wants to know if the City is going to be suffering from the School Board's decision to make the boundaries at Midway Road when they have schools just south of this project. This is not the only project that is going to come in that area and they don't include those in the numbers in the radius of not only that project, but the radius of the school. Now they have a school right south of Selvitz Road and Midway Road. Are they telling him that these individuals here can't come in because they have a boundary in their County separating one just right across the street?

Mayor Benton said he hopes that is not the case. He believes what they have said is within...

Commissioner Alexander said when he started seeing the date they are going to call out Lawnwood Elementary and that is all the way back up to Virginia Avenue versus maybe less than a mile on Selvitz Road to the Elementary School. Again, the City doesn't need to punish developers coming into this community to make Fort Pierce beautiful. He just wanted to make that comment because he hopes that is not what this is.

Mayor Benton said he hopes not either. He just knows in the past the impact fees that have been in line for some time just aren't making it, not even close. And they keep getting further behind the 8-Ball. He thinks the Developer heard a lot of their concerns; and hopefully by the time this comes back in front of them, that they have addressed those concerns - schools, parks, density - and they can go from there.

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

Mayor Benton said he would ask that City staff send a letter to the County explaining this was mainly for input for the new developer, it wasn't approving a site plan.

The next item on the Agenda was Application for Subdivision Review - Preliminary Plat - submitted by Buccaneer Development for **Elm Creek Estates**.

City Clerk Steele said there is a request by Andrew Speranzini of Jeck, Harris, & Jones LLP, to postpone until the City Commission meeting scheduled for April 17, 2006. So they need a motion to that effect.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to postpone consideration of the Application for Subdivision Review - Preliminary Plat - for Elm Creek Estates until the City Commission meeting on April 17, 2006.

Those voting in favor of the motion 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. (Public Hearing held on March 6, 2006. Action postponed to March 20th.)

Mayor Benton said they had the two Public Hearings. Are they having a third one?

Commissioner Becht said someone from the public appeared (on March 6th) and said they had not gotten a copy of the ordinance. He doesn't know if it was the Treasure Coast Builders Association or Chamber of Commerce, the Landlord's Association, or the Realtor's Association. He thinks that is why they postponed the final reading.

City Clerk Steele said they actually did hold the Public Hearing. They just postponed action on it to allow the two weeks to receive additional comments. Generally it is up to the Commission to reopen the Public Hearing if they wish.

City Manager Beach asked has the Commission, specifically Commissioner Becht, received input in regards to those questions he had? Does he know what they have done since then?

Commissioner Becht said no, he doesn't know what has been done.

City Manager Beach asked will Mr. Alcorn please describe where they have been with this issue since the last meeting.

Mr. John Alcorn, Director of Building & Code Enforcement, said on February 23rd they sent a copy of the proposed ordinance to the Treasure Coast Builders Association. Then on March 6th they had the second reading. They sent a follow-up to the Treasure Coast Builders Association on March 9th. They met with the St. Lucie Property & Homeowner's Association, including County Commissioner

Paula Lewis, on March 8th and explained the ordinance. They sent a copy of the proposed ordinance to members of the St. Lucie Property & Homeowner's Association on March 9th. They received a reply from a member regarding an error in the document, so they passed that along to the City Clerk and the City Attorney to deal with just a typo error. They sent a copy of the proposed ordinance to the St. Lucie County Landlord's Association on March 9th. They sent one to the St. Lucie County Chamber of Commerce on March 9th. Staff met with the St. Lucie County Landlord's Association on March 15th. The only issue they spent time discussing was the underground wiring requirement that is in there. They believe they satisfied their request on that and explained that in detail and they seemed satisfied. The staff also met with the South Beach Association on March 16th on various issues.

City Manager Beach said he believes that was essentially what the Commission had requested. His understanding is, they have not received any formal feedback from any of those agencies or entities in that regard. So he believes they have had it circulated, which was the intent of the Commission.

Commissioner Becht said that was his intent. He thanks Mr. Alcorn for doing that.

Commissioner Nelson asked could Mr. Alcorn point to him in this document how they address the emergencies? He was very much concerned with the fact that in the event of the emergencies like a hurricane when a tree knocks down a power line and they have to have power restored in short order of time, how are they going to handle that? He is envisioning that the storm has been there and it knocked the line down; and now they have to put up a new mast, they have to get a contractor, they have to go under the ground to go up to the pole it came from, and it is going to take it an inordinate amount of time. They might go to the Utilities Authority and ask them to in fact reinstate the one above ground that would be unsafe. How do they envision that?

Mr. Alcorn said that is a good question, because the same question was brought up at the Landlord's Association meeting. They would authorize a temporary power line to go across the ground or wherever it was until they got their trench dug at a later time in these certain emergencies, so they could get power restored to those individual properties. But realize that over the long period of time, once they got it in the first time, it would not happen in future years, so this would take care of it eventually. But they would work individually with each one.

City Manager Beach asked is he anticipating something like a temporary construction service put in, or something of that nature?

Mr. Alcorn said whatever it is they have to do, and each one may be different, so they can accommodate the people and get their home powered up quickly. They don't want to delay it.

City Attorney Schwerer said Ordinance No. K-412 at Section 5-1.107.3 addresses temporary power. It reads: Temporary Power. The building official is authorized to give... His point is that the issue of temporary power is something that is covered by the ordinance specifically, so it addresses Commissioner Nelson's question.

Commissioner Nelson said he checked that also, but it is for Temporary Structures and Uses.

City Attorney Schwerer said it provides that temporary power is authorized by the Building Official for the purposes expressed

therein. So there is authority in the code for the issuance of a temporary power installation where a more permanent one has not been installed.

Commissioner Nelson said he is grasping at this. He saw during the last hurricanes at least three instances wherein a tree had gone down and busted a line and tore the service away from the house. The people called the Utilities Authority to fix it and they wouldn't fix it because the tree hadn't been removed, and basically they were without power for a long period of time. Fortunately these people didn't have to go under concrete and roads, but it took them an inordinate amount of time to get the power back on. What he is asking for is specific coverage of incidents like that so they can insure the public that they will have power back in a reasonable length of time. It is a real task to even put up a mast.

Mr. Alcorn said whatever it takes to get them powered up quickly, they want to do that. That is the intent. This is something the Commission wanted for the long range benefit of the City. But on the short term where there are hurricanes, they will do what they can to get these things working, even if it means changing something in the weeks or months ahead.

Commissioner Nelson said this is saying the building official is authorized to issue a permit for temporary structures and temporary uses, and such permits shall be limited as to time of service, but shall not be permitted for more than 180 days.

Mr. Alcorn said that is six months.

Commissioner Nelson asked he is authorized to grant extensions?

Mr. Alcorn said yes. So it gives them plenty of time to solve the problem.

Commissioner Nelson asked because they are in a hurricane environment, can they possibly put in something that addresses the fact that they might need these types of extensions due to hurricanes or disasters of that nature?

Mr. Alcorn said he thinks the more they put in there, the more they limit themselves. Right now he thinks the powers are quite broad and staff can solve the problems that come before them as it is written. He doesn't think they want to restrict that or limit it more.

Commissioner Coke said if they put in hurricane and they have a tornado, they are in trouble.

Mr. Alcorn said or just a tree that falls on it.

Commissioner Nelson said the English language, he knows Mr. Alcorn is from out of town, but they have a language here that they can touch on - et al and et cetera and all that kind of stuff. At Section 5-1.105.3.1 it talks about Action on Application for permits. What he is trying to get here is something they talk about contractual agreements and getting power back to the schools and things of this nature. What about hospitals or malls or other areas that need emergency power?

City Manager Beach said the turn-on schedule in this community is defined by Fort Pierce Utilities Authority. It is designed specifically to work in a sequence that deals with life, safety, and health issues in a sequence. As an example, the FPUA's first order of business is to restore power to hospitals. Their second

order of business is to restore power to government facilities and to support services facilities. Their third order is something else and their fourth order is something else. So that is very well defined.

Commissioner Nelson asked where is that defined?

City Manager Beach said in the Fort Pierce Utilities Authority Emergency Management Plan.

Commissioner Nelson said they are supposed to be making these laws to affect all of their people to include the Utilities Authority, include the hospitals, include the average citizen. Is that right?

City Manager Beach said yes. The intent behind FPUA's policy is to impact the largest number of people and those facilities that deal with life and death issues. Which is why the hospital is the first one they try to get reconnected and police stations are the next thing they try to get reconnected. Special needs.

Commissioner Nelson said what he is saying is, that is not included in this document.

Mayor Benton said it doesn't have to be.

City Manager Beach said it is included in another document.

City Attorney Schwerer said this is the Building Code.

Commissioner Nelson said they are making these laws to affect the average citizen out there. Certainly he is amenable to breaking out defense rating for their key entities like their hospitals, their schools, etc. But he thinks the average citizen should know that.

Mayor Benton said he thinks they found that out in the last three hurricanes, when the FPUA put power back the way they did. Did Mr. Nelson get any complaints that hospitals weren't first, or nursing homes, special needs facilities?

Commissioner Coke said they did have a problem with the morgue, but the U.A. has added that to the list.

Mayor Benton said he thinks by the third storm, they had everything pretty well down pat. He got most of the calls if there were any problems.

Commissioner Nelson said his biggest concern with this is the fact that when these trees knock these power lines down they have to have a contractor come in there to restore it. It is going to take many days for the contractor to get there and then for the U.A. to come in and inspect. Going underground, when they hook up a mast, a change-out of service, the cost factor would triple, as opposed to the normal pole above ground.

Mayor Benton said then they won't have to do it over again. But if they have a tree, it could happen with every storm, they would go through the same thing.

Commissioner Nelson said there is an old saying, lightning doesn't strike twice in the same place.

Mayor Benton said he wouldn't say that. Where was Mr. Nelson a couple of years ago?

Commissioner Coke asked did he miss Hurricanes Frances and Jeanne

and Wilma?

Ms. Marcia Baker asked does the public get to speak?

City Attorney Schwerer said no.

Mayor Benton said they have had two Public Hearings. If the Commission would like to open this for public discussion...?

Commissioner Alexander said so be it.

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

Ms. Baker said first she would like to thank the Mayor and Commissioners for reopening this as a Public Hearing. The devil is in the details. The impulse to have the utilities underground and the costs and the conversations and so forth are all very well and good, but they fail to take into account a couple of very important details. She discussed with some people and Mr. Alcorn the question of insurance. Mr. Alcorn did not understand her points about having a property insurance consultant on items like this and the items that are going to follow. Let her explain to them why. The Commission is proposing an unfunded mandate. The cost of replacing a downed power line is paid for by Fort Pierce Utilities Authority. It is not covered in anyone's insurance policy until it goes actually into the house. The cost of putting in the underground line is going to be placed on the property owner. It is not insurable. There is not an insurable cost, it is not covered in anyone's insurance policy. Plus, she had a brief discussion with the people from the Fort Pierce Utilities Authority who indicated to her that nobody discussed this subject with their Engineering Department. It is not just a question of putting in a trench. She has a three page document here from Florida Power & Light for the process of putting in an underground line. It includes having to have a survey. They have to have a right-of-way dedicated. They have to have the legal rights all put out. The estimate is a year for somebody to put in an underground line. That is assuming they can get all the legal paperwork done beforehand. That is in the best of all possible situations where someone wishes to have a power line put in underground, has the money to pay for it - because their insurance won't - and they own the property that it is on, and they can get all this work done. It would be six, seven, or eight months before the work can actually be done, and just the paperwork alone will take that long. Now they get to the point of houses that are older homes with older electrical systems. So they have an underground line coming into a new service line and they have to rewire the entire house, because that is what the electrical code calls for. Once they update and upgrade one portion of the electrical system and the service line, they have to bring the whole property up to the code. Who is going to pay for that - a home owner, a business property owner? She is in the business of property and casualty insurance, so she is familiar with some of these things, not only as a home owner who has been devastated by hurricanes. When the hurricane came, BellSouth buried her telephone line. No problem. They didn't need the right-of-way because they had the permission. They were right on her property. But to get a buried power line, if she went today and wanted to have a power line buried, she would have to go through three pages of legal work before she could even get permission. And a gentleman from the Fort Pierce Utilities Authority indicated it takes about a year. Nobody spoke to the Engineering Department at the Fort Pierce Utilities Authority. Nobody consulted anybody other than themselves. She realizes everyone is overworked and understaffed, but the devil is in the details.

Mayor Benton said he would have to address that taking a year. He did it himself and it didn't take him a year. But he basically went from above ground to putting it underground and they came out and inspected it. He didn't need any easements.

Commissioner Coke said when she put hers underground, she didn't need the easements or anything else.

Mr. Alcorn said he thinks that is typical. He thinks her reference was to crossing someone else's property or public property or something like that, which is not typical. He thinks what they are talking about here is typical where they have the pole that is on the property line and then into their property.

Commissioner Alexander said he is sick and tired of being sick and tired of misinformation. So why is it that they all didn't refer or concur with the Fort Pierce Utilities Authority? Why has Fort Pierce Utilities Authority given out this type of information to the average person who picks up the phone and calls?

Mr. Alcorn said he thinks they are answering the questions that are asked, but it is the wrong questions that are being asked.

Commissioner Alexander asked so does it take a rocket scientist to ask a question about underground electricity now, right? Is that what he is saying?

Mr. Alcorn said no, this is a very simple thing. But if they ask the question, if power has to be brought from another part of the community over to their house, underground for that entire area, then it is true, they have to get easements and whatever. It may in some cases require an additional pole to be placed at their property line.

Commissioner Alexander said he is asking Mr. Alcorn why is the City of Fort Pierce and the Fort Pierce Utilities Authority can't be on the same page when they are passing out information?

Mayor Benton said he brought this to the U.A. Board.

City Manager Beach said this is a Commission initiative. It is not Mr. Alcorn that knows the answer to that.

Commissioner Alexander said he asked a question. He is expecting an answer.

City Manager Beach said he gave him an answer.

Commissioner Alexander said he didn't hear him because he wasn't listening. He is listening to Mr. Alcorn.

City Manager Beach asked did he hear him say that Mr. Alcorn is not the person that would answer that question?

Commissioner Alexander said he doesn't think Mr. Beach wants to go there. He just told him he didn't hear him because he was talking while he was talking. He doesn't listen when he is talking. He asked a question. This lady said she called the Fort Pierce Utilities Authority and they gave her one set of information. He is just asking a question. It is not only Ms. Baker that might call. Anyone may call. Because again, those costs are going to be incurred by the property owner. No one mentioned how much it costs to do underground. Does anybody got any idea what it might cost them?

Mayor Benton said he can just say the reason why he brought this

up, and he did bring it up to the Utilities Authority Board that the City was looking at doing this, because it was something he thought they had learned from these storms. He put it underground himself and it cost him less than \$500. But he did it himself except for running the wire through the pipe. The cost of the pipe, digging the ditch, he did himself. All they were talking about was taking the post out of his roof. It required a permit, but he was putting an addition on his house at the same time. All they did was take it from over ground to under ground. It was very inexpensive. But he didn't have to deal with what his neighbors had to deal with, being without power for several days and then dealing with a contractor hook it back up, and possibly going through this again, again, and again.

Commissioner Nelson said he probably didn't articulate what he was trying to say initially, but he thinks Ms. Baker did in fact amplify it and was able to discern what he was trying to say and Commissioner Alexander did the same thing. The Mayor was fortunate that he was able to do it himself and the minor amount of work. But even now when they go out and dig in their own yard, they ask them to call the U.A. or somebody to get a site location for the things under ground. They have a lot of stuff under ground now - the cables, the gas, the water, and all this. If they don't check and get permission to dig down there, they are subject to hit something and it is going to be detrimental to a lot of people in a lot of situations. On Avenue D there right by the Police Substation just recently a truck came along there and knocked down the mast on one of the buildings there, riding down there on Avenue D. Just to put that underground would have required them to get the location of all the gas, to go under the ground, underneath the road, and then come up the side of the post where it came down from, and reinstall it. He guarantees them it is going to cost more than \$500 to do it. It is going to take an inordinate amount of time to do it. He is not sure they ought to figure out a way to extract this portion at least for emergency purposes out of this ordinance so they can further study it. Otherwise, he thinks they are going to be in fact, as Ms. Baker pointed out, be putting on an unfunded mandate that might affect many aspects of a homeowner's responsibility. He is not sure the people he represents can in fact endure that. He guarantees the majority of the people are going to have all these broken masts and everything that need a replacement are going to be up in the areas he represents because of the structure of the houses there. Some of them are just barely off the ground now, they can touch it with their hand when they walk in the yard. So there is a great possibility they will have this problem.

Commissioner Becht said he wants to try to break this down into bite size pieces. Some people were concerned about the provision of temporary services during the hurricane. He thinks Mr. Alcorn has correctly stated that a temporary permit can be obtained to get temporary power. So the issue of getting power to a house after a hurricane is the same situation they had before - it is not going to cost them any more money, it is not going to cost them any less money, it is not going to take any longer, and it is not going to happen any faster. It is the same. The ordinance doesn't affect that. What the ordinance is going to affect is any new or replacement utility service is going to have to be put underground. They talked about this at a couple of meetings. And what Ms. Baker said, if he understood her correctly is that she got information from Florida Power & Light, not FPUA but FPL. So FPL does have a more extensive lengthy process than FPUA. And he is very happy to say that FPUA is more efficient. He has contacted FPUA personally to do the underground utilities. He got quotes from FPUA without himself having to dig the ditch because he doesn't have two teenage boys he can put to work like the Mayor did. The FPUA now has a

contractor that will come in and do that at a reasonable fee - trenching it, putting the PVC in, and pull the wire. That part is like under \$500. That is a big long stretch with the way his house is set up. And his house is 1950's and there is no need for upgrades of utilities at his house, no interior wiring has to be changed unless the meter is changed. So the fear that they are going to have to redo the inside of the house is unwarranted unless the meter is changed. So let's deal with what they are talking about here. They have been talking about raising the bar. Now they are dealing with, that is not so easy. The change is going to affect people, it is going to hurt people. But it is not going to render them powerless during the hurricane. So let's wipe that issue, the hysteria, off the books. They are not talking about that. Before they start talking about they are going to redo all the wiring in their house, understand that is not going to be triggered unless the meter can on the outside of the house is done. The Mayor has real experience under \$500. He got real experience under \$500. Commissioner Coke has some experience, but he doesn't know if she gave a dollar figure. So the hysteria over this is thousands of dollars is just hysteria until they come back and can show him that it is really going to cost that money. This is part of raising the bar and he is in favor of it.

Commissioner Nelson asked neither the Mayor or Mr. Becht had to go under a 60 foot wired street, did they?

Commissioner Becht said nor will anybody else.

Commissioner Nelson said he can take them to place right now where he would have to go under a 25-foot driveway and a 50-foot wide street to get to a pole on the other side of the street to run service back to his house.

Mayor Benton said because that is public right of way, he would imagine it would be at the Utilities Authority's expense to get it across the road, under the road. It is the FPUA responsibility to deal with public right-of-way. He would then have to deal with it from his property line to his house.

Commissioner Coke said she will respond to that, because when she put the utilities underground at her house, the Utilities Authority at their expense brought a pole to the property line, because the other pole had been across the street, and they put it to the property line and then she paid for it from the property line into the house. That is her number one point. Now she is going to make the rest of her points. She thinks it is important to remember that this was generated by the Commission. This whole initiative was not generated by Mr. Alcorn or Mr. Beach or anyone else on staff. This is something the five Commissioners sat here and discussed. She thinks a large part of the concern - and she is going to have to call over to the Utilities Authority tomorrow and discuss with Mr. Boudreaux - is for the FPUA to say they never heard of this, because six or seven months ago the City received from the Utilities Authority a great big thick package saying what the pros were, the cons were, the training that would be involved for their personnel to service this, how it would be more cost effective, etc. So for the Utilities Authority to say they were never brought in on these discussions... Perhaps Mr. Boudreaux personally wasn't, but she guarantees them that City staff had gone ahead and gotten the research necessary from someone at the Utilities Authority, because the Commissioners got a great big package from the FPUA outlining everything that needed to be done. Again, she doesn't think this is going to be something that is going to keep utilities from being turned on any sooner after a crisis, a hurricane, or otherwise. She doesn't think they are going to have to rewire their house. And she thinks that the cost

factor is something if they need to look at later on to address some assistance program, then they can look at that later on. However, she thinks this is something that is going to assist all of their citizens because the sooner they get all of the wires put underground, the sooner everybody is going to live with power more often.

Commissioner Nelson said he doesn't want to beat this dead horse.

Mayor Benton said it is too late.

City Attorney Schwerer said this horse is underground now.

Commissioner Nelson said he would rather they defer this to their technical people - the contractors, electrical people, the contractor licensing people - and get reaffirmation from the U.A. He feels real uncomfortable with this thing because he does feel that it will cost the property owners a significant amount of monies to do what they propose here.

Commissioner Becht said they sent it to the Landlord's Association, they sent it to the Treasure Coast Builder's Association, they sent it to the Chamber of Commerce; and they have given their feedback.

Commissioner Nelson said but it hasn't gone to staff and their contractor licensing people.

Mr. Ed Hill, 4806 Elm Avenue, said he is not opposed to the underground, but he has some concerns. He has three houses that he rents. He talked to an electrician about replacing one. The power pole is 15 feet away from the house maybe. He says probably about \$1,800.

Mayor Benton asked is that FP&L?

Mr. Hill said yes.

Mayor Benton said he is in the County.

Mr. Hill said but this was a private electrician, not FP&L. The electrician tells him that is about what it would cost to have him do that. He guesses that would include the \$300 something Florida Power & Light charges for whatever they do. Another concern he has is temporary power. If the power comes down and they say temporary, temporary may be six months. He talked to three different electricians or companies to try to get his power underground. They say they will get with him. Now for six or eight months or maybe a year he has been trying to get three different electricians to come through and tell him what it would cost to do this, and they don't show up or they are too busy. Apparently the new construction is a lot more fun to do than the older stuff. But temporary for six months, if everybody is down...

Mayor Benton said what they normally do, like after these hurricanes, if someone has applied and has a permit, that is all they ask. Normally they would give extensions because the property owner has shown that he is willing to do it if he has that permit.

Mr. Hill said but that temporary is no more than six months. With a lot of people out of power, he is saying the electrician may not get there. That is basically what he is saying.

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

Motion was made by Commissioner Becht, seconded by Commissioner

Coke, that Ordinance No. K-412 be passed on second and final hearing.

Commissioner Nelson said he thinks they ought to have their contractor license people look at it and he thinks they ought to have the U.A. look at it again.

Those voting in favor of the passage of Ordinance No. K-412 on second and final reading were: Commissioners Alexander, Becht, Coke, and Benton. Those opposed: Commissioner Nelson.

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 second and final 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 had some discussions with Mr. Alcorn and correspondence with him and he has been very kind enough to respond to her concerns, but they do not have an agreement on certain things. She will try to limit her comments to the area of insurance. The State of Florida has something called a Valued Policy Law. This is something that is kind of complicated but she is sure Mr. Schwerer would understand what this is. Basically what it says is, if a person has an insurance policy and their insurance policy is \$100,000 for their house and the house is considered a total loss, that they get the full \$100,000. Now a total loss is considered if a municipality condemns a house and says it has to be completely rebuilt by whatever their standards are. However, in the courts the standards in the community had to be considered reasonable. In the cases she has seen, the formulas that have been used have been 50% of assessed value, or 50% of the value of the existing building, or 50% of an estimated value. What is an estimated value? It is not replacement cost. Replacement cost is the figure that is used by insurance companies - and she has sold enough insurance policies - to determine what the current replacement cost of a property is. If it were completely lost and demolished, what it would fiscally cost to replace it. This is an arbitrary and very mutable figure, it changes as building costs go up. The proposal to change this from assessed valuation to the actual cost of replacement cost, which would affect not only the value of the building but the value of the items that are being replaced, would be in effect to wipe out all depreciation, wear and tear, and the normal assessing methods. It would be a nightmare to try to administer, because replacement cost cannot be just taken out of a hat. The normal thing that is used in most cities for instance, Stuart uses assessed valuation, 50%. Some of the cities use 50% of assessed value, that is the standard for most of them. Some of them say 50% of the total square footage, which is another reasonable computation. But most of them say market value or assessed value. Market value is not the same as replacement cost or replacement value, it is two completely different figures. Although Mr. Alcorn in one of his correspondence to her said she was comparing apples and oranges, she is not. She is saying they are talking about completely different concepts of evaluating not only the value of the building but the value of the cost of the necessary improvements or repairs. The shorelands zoning area that is being referred to later says 50% of assessed valuation or market valuation. Most of them say assessed valuation. She has not seen

anything anywhere in the State of Florida - in any state codes or in any municipal codes - that refer to replacement cost or replacement value when dealing with these issues. She would like to strongly urge this to be shot down because they are going to create a nightmare both legally and logistically and financially for the citizens of Fort Pierce.

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

Commissioner Coke said it was her understanding when she and Mr. Alcorn had this discussion previously, that the change in verbiage here was going to assist citizens rather than hinder them by allowing them to keep structures up that normally... If they were using the assessed value, assessed value is always less than appraised value or market value or current value. So that was her understanding, that the purpose of this was to assist the citizens. Also, that it was to bring them concurrent with the current Florida building codes. Is she correct in that or not?

Mr. John Alcorn, Director of Building & Code Enforcement, said the second part he will address first. What they have are four different evaluations they have to do. One is the nonconforming use, one is nonconforming structure, one is the coastal flood requirements, and one is the building code. It has been a nightmare for them in the past. They would like to take all these and make them consistent so all four are identical. That is what is before them. He is going to give them an example on the first one to show that somehow when they talk about zoning... It is not insurance, he thinks Ms. Baker was talking about insurance prior. The example he is going to give will prove that 50% of the assessed value... If they take the property at 1753 Seaway Drive, the size is 1,000 square feet of living space constructed in 1958. The current assessment is \$11,700. The replacement value according to the definition which is in the code that they just adopted previously is \$88,030. That is the replacement value and that is based on the current data of \$88.03 per square foot which is updated twice a year. So if a storm damaged this house, it would have to comply with the current regulations, if the cost of the improvements amounted to... If they don't change the code, currently it would be 60% of \$11,700. So if \$7,020 worth of damage were done on that house, it would have to comply with the current zoning. If they pass this as proposed, 50% of \$88,030 equals \$44,015. This he believes is a benefit to the homeowner. He thinks they have a far higher number to reach before they have to comply with the code by going with the replacement value rather than the assessed value.

Ms. Baker said he is mistaken. That is her house Mr. Alcorn is talking about. The \$11,000 assessed value that Mr. Alcorn referred to was the assessed value that was made with the adjustments made for the fact that they were out of the house for half the year, where they reduced the assessment on the house because they weren't in there, and because they lost a pool structure and so forth, and they deducted that from the value of the house. If hypothetically they were going to use the current correct assessed value, it would be without those adjustments, because those adjustments are just like the homestead exemption which doesn't really affect their assessment. It was a deduction from the values because of the fact of the hurricanes and they were out of the house. The current statutes says 60% of current replacement cost. Hypothetically speaking, if they took a home that was really assessed at \$11,000 as many homes in some parts of Fort Pierce are because they are older homes, and if it maintains damage of 30%, 40%, or 50%, the damage itself would be based on the assessed value. If they lose a roof on a house that is assessed at \$11,000, that roof is

assessed at maybe \$1,500 because it is also as old as the rest of the house. So the apples and oranges thing doesn't work. And the formula that Mr. Alcorn is using, he means well, but he does not understand the way the assessment is being done in the City; and he does not understand the fact that if they are going to assess a building at x-dollars, that the contents and the value of what is lost or damaged is also assessed at the same valuation. So that is that. She is trying to be patient, but what she is trying to say is, the way this has been phrased is not in accordance with the state laws on insurance, on building. It is not in accordance with any other municipality. There is no other municipality she has found that uses replacement cost, current 100% replacement cost, as a basis for this. It is going to cause a nightmare legally. They think they have problems in Tallahassee now, wait until this goes through.

Commissioner Coke asked can they get an opinion from the City Attorney on whether or not this is compatible with Florida Statutes?

City Attorney Schwerer said he is not understanding Ms. Baker's issues. She is talking - he is not going to say apples and oranges, that was Mr. Alcorn's phrase he guesses - but she is talking insurance terms. What this code does is, it is very simple, it is a one line amendment. They are talking about amending Section 22-101 which now reads that no structure devoted to nonconforming use which is damaged may be reconstructed unless the damage to the structure does not exceed 60% of the assessed value at the time of the damage. Ms. Baker is not a lawyer. Ms. Baker does not understand. The property owner is not allowed to contest the assessed value. They have just been through three court cases with Mr. Alcorn and his own staff where people were attempting to contest the assessed value because they were not allowed to rebuild. They said no, they can't consider this, they must do that. Ms. Baker is saying she can argue with the Property Appraiser to change the assessed value. She can't. It is whatever is the last published value. So this paragraph says very simply, no structure devoted to nonconforming use which is damaged can be reconstructed unless the damage does not exceed 50% of replacement value. That is plain simple straight forward. What they are changing here is the standard. This Commission is authorized to adopt any standard it wants. Some standards are more liberal. If they want to adopt a standard that would prohibit people in storm damage situations to rebuild a nonconforming structure, then by all means follow her advice and go back to assessed value, because their citizens won't be able to rebuild. It is that simple. Now if they want to establish a standard whereby it conforms with the rest of the codes, the building code in particular, and other codes, then deal with replacement value. This changes it to 50% of replacement value. He can't argue with Mr. Alcorn's math except make it a little simpler, use \$50,000 of a \$100,000 figure. But it clearly says that they can rebuild the structure if at that point in time the damage does not exceed 50% of replacement value. So they are allowing their citizens a much higher value to reach the threshold where they won't be allowed to build. Then they put in here the definition of replacement value which is right out of the accepted standard codes that Mr. Alcorn deals with. This is the new Florida Building Code, it is adopted statewide, and it is uniform in its application. That is the standard they are adopting. If they want to adopt a different standard, tell staff and they can do it - make it more restrictive or make it more broad.

Mayor Benton asked isn't it up to the insurance companies to know the local codes? If they are going to write a policy, shouldn't they know this information?

City Attorney Schwerer said they should, but insurance has nothing to do with this. People buy insurance, if they buy replacement value and their home is a total loss, they have a builder tell them what it is going to cost to rebuild it, and they get that. If they insure it for \$150,000, that is all they get. The insurance has nothing to do with this provision. It is absolutely unconnected. They are setting a standard whereby they are allowing their residents to rebuild a fire or storm damaged house. They are allowing them to rebuild at a higher level. They are not going to clean out all the nonconforming structures, they are going to let them rebuild. It is a benefit to the community. The Commission can set the standard at whatever they want.

Commissioner Nelson asked going from 60% to 50%?

City Attorney Schwerer said from 60% of assessed value to 50% of replacement value. Assessed value is always low on the tax rolls, so it is 60% of a much smaller number.

Commissioner Nelson said he is dealing with two things - percentage of damage, and assessed versus replacement. He thinks he likes replacement. He just went through one of those himself. He got replacement and it is in his policy. But he is not sure as to where he stands on this 60% versus 50%. Convince him why he should choose 50% versus 60%?

Mr. Alcorn said they discussed this with Assistant City Attorney Jim Walker at length and they spent quite a few months working on this. The reason they chose the 50% is because of State law dealing with the Florida Building Code setting it at 50%, so the City would not have two different numbers, one at 50% and one at 60%. So a nonconforming use, a nonconforming structure, the Florida Building Code, and Flood Plain FEMA regulations would all be at 50%, rather than some at 50% and some at 60%. That is why they chose the 50% number. But they did take a higher value. Let's say they have an old house that is run down. If this applies, they are talking about replacement value of a brand new house. So it really works to the benefit of the homeowner.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Ordinance No. K-413 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-413 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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 second and final 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 Nelson, that Ordinance No. K-414 be passed on second and final reading.

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

Ordinance No. K-418 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 5-308(r); MODIFYING DEFINITION OF "**SUBSTANTIAL IMPROVEMENT**" BY PROVIDING REPLACEMENT VALUE AS BASIS FOR ASSESSMENT OF NEED FOR REPAIR, RECONSTRUCTION, OR IMPROVEMENT OF STRUCTURES ON COASTAL BARRIER ISLANDS; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Benton declared a Public Hearing on Ordinance No. K-418 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Ordinance No. K-418 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-418 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing on Amendment to Florida Community Development Block Grant Program Disaster Recovery Initiative (CDBG DRI) Plan to assist with the construction of the **Human Development & Resources Centre** public hurricane shelter.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve the Amendment to the Florida Community Development Block Grant Program Disaster Recovery Initiative (CDBG DRI) Plan to assist with the construction of the Human Development & Resources Centre public hurricane shelter.

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

The next item on the Agenda was Mr. Robert A. Miles, Public Sector Personnel Consultants, to present **Position Classification & FY 2006 Compensation Plan.**

Mr. Robert A. Miles, Public Sector Personnel Consultants, said each of the Commissioners have received a copy of the presentation that he would like to go through this evening. They were retained by the City to do a Comprehensive Position Classification & Compensation Study. There were several goals of their work. One of those was to identify the work that is actually being performed by the City of Fort Pierce employees, to review each position classification, to review the classification structure, as well as the City salary plan. They also conducted a Comprehensive Salary Survey of approximately 60 benchmark jobs, and those are jobs that are common to the City as well as other organizations and private employers. Then they took all this information and recommended an updated salary plan for Fiscal Year 2006. At the beginning of the

project, each City employee completed a position description questionnaire which is an approximately eight page document where they describe the work that they do: Critical tasks, working conditions, minimum requirements, additional questions if they were supervisors. They then reviewed that information and interviewed approximately 125 incumbents, and then classified all the positions accordingly. When they looked at the non-represented or non-union employees, excluding police, there are approximately 277 employees. 94% of those positions were correctly classified or required only a modification of title. The other 6% of those job classes, they recommended reclassifying those to another class to better describe the work that is being done. He has a sample, what they call a Schematic of Occupational Job Titles. What they have done here, and this is for the entire City organization, is group jobs by job functions, job families, and then set forth those job titles within those job groups. He has just a couple of examples. One is the Clerical Support Group. He has an example how they consolidated a number of job classes based on comparable levels of responsibilities where they took Administrative Secretary, Secretary II, Senior Records Clerk, Senior Records Clerk II, and a Technical Service Specialist, and asked why don't they just generically refer to these as Office Support Specialists. The jobs are essentially the same and also it will provide the City more management flexibility. The salary survey, what they did is identified what the City's relevant labor markets are for the different types of occupational groups that they employ. First they looked at the City's executive and senior management group. This group of jobs they refer to as being size sensitive. What they mean by that is they looked at other cities population from 30,000 to 50,000 throughout the State of Florida, but they drew a line basically through the center of the State using the I-4 corridor and looked at any cities from 30,000 to 50,000 along that I-4 corridor and south, because they really do have a different cost of living as they go north of I-4 and north of Orlando than they have here in central and south Florida. For non-executive job classes - labor and trades, clerical, and police - they focused primarily on the Fort Pierce/Port St. Lucie metropolitan statistical area and other public and private employers in that area such as the Utilities Authority, Sheriff's offices, City of Port St. Lucie, the Counties of Indian River, Martin, and St. Lucie, and then some other cities such as Palm Beach Gardens, Riviera Beach, Melbourne, Stuart, Sebastian, West Palm, and Vero Beach. When they looked at those larger communities, they did not look at the senior management jobs because they are size sensitive. One of the things they do that is very different from their competitors, for a salary survey they didn't send out a survey instrument. They actually collected the complete salary plans from these public employers - salary plans, organizational charts, job descriptions, etc. They do the job matching and they feel like they get a lot better data in that method. Then what they do is compare salary structures mid-point to mid-point. It takes away variances for seniority, longevity, and that sort of thing. They feel it gives them the fairest comparison. He has a Salary Survey Example, what that looks like. When they are looking at what is comparable, they say anything that is comparable or competitive is within plus or minus 5% of market. They have a couple of example job classes. A Community Response Officer, they looked at what their current mid-point was which was \$30,234, and then what they extracted from the survey was \$38,445, which was a difference of \$8,200 or roughly 21% below market. Then he has the equal signs that go across the example. Anything that is above that are those jobs that were below market, anything that is between them are those jobs they deemed comparable, and then there were a handful of jobs that were above market. So over all, 38% of the jobs they surveyed were competitive, those were within that plus or minus 5%. However, 62% of the jobs they surveyed were below market. One

thing to keep in mind when they talk about it, they are comparing structure to structure. When they say that a job they surveyed is below market, that does not mean that the employee's salary who is in that job class may necessarily be below market. So they take the results of the salary survey and the results of the position classification process. They then recommended a permanent salary structure. Of 100 salary ranges, they are a uniform 50% wide from minimum to maximum and 2.5% between mid-points. What this does, it enables them to align the city's jobs and those benchmark jobs that were surveyed as closely as possible as they can to the survey midpoints. They then reviewed their work with senior management to make sure they were on target. And where they are this evening is, they are seeking policy direction. Not only are they presenting this overview of the Position Classification & Salary Study, but also traditionally April 1st is when salary increases are given to non-bargaining employees, where two kind of tie together. What they are recommending is that the City adopt a flexible policy to establish its salary structure in 100% of the market. Again, keeping in mind that market is within plus or minus 5% of the prevailing rates. What is very different about what they have done is, this is a market sensitive approach. As they have surveyed these public as well as private employers, they are going to see different movement in different job classes based on supply and demand for people in those jobs. It is a very market sensitive, market driven approach. So they then aligned all those jobs to that permanent Salary Range Table and that is where they start getting into some costs. One of the first costs they have is the cost of bringing any employee who is in a position whose current salary is below the recommended minimum of the new structure. In their information package on Page 17, they have the first of three options. Their first option - and again, this is adopting the new structure at 100% of market - this is non-represented employees only, was for 7% across the board increase effective April 1st; and even after that 7% across the board, they would still have employees whose current position is below the minimum of the recommended structure, so there would still be 37 people who are below the minimum.

Commissioner Coke said before they get into looking at all these cost alternatives, her concern is every page here says base salaries not including benefits. Unless she knows their benefits are comparable or are better than these other places, benefits have to figure into the salary study.

Mr. Miles said yes, they do and they don't, and he will explain why. When they get into the public sector and start looking at other employers, benefits are generally quite comparable. Everybody has 11 or 12 holidays.

Commissioner Coke asked when he was doing all this work, did he do a comparable study of their benefits to everyone else's?

Mr. Miles said no, they did not.

Mayor Benton said especially when it comes to insurance. Insurance is so expensive today. He doesn't know what the other cities do, but he would hope they are in line if not better. But it is hard to compare unless they add in benefits.

Commissioner Coke said she thinks benefits are part of the whole salary package.

Mr. Miles said it is. And what they are really talking about is the concept of total compensation. That is not the work they were retained to do. When this process was done four years ago, it was pretty much the same. He thinks what they did that was different

this time is they actually got into the job classification structure. But they did not look at benefits, that is an additional piece at an additional cost.

Commissioner Coke said which now will be even more costly to go back and do it all over again rather than having done it at the same time.

Mr. Miles said no, it really isn't. It is the same cost one way or the other.

Commissioner Coke said then her next question, she already knows the answer to that, but she is going to ask anyway. While he was doing this and he was looking at all these different cities, for instance a Human Resource Department that may have 15 employees and Fort Pierce may have 2. Did he do any kind of personnel needs study or assessment of this City versus like-sized cities?

Mr. Miles said no. Again, that is another service that they provide that is additional...

Commissioner Coke asked did he call Mr. Beach and say maybe he should be doing these two things at the same time? Because she is kind of feeling like they are lost now.

City Manager Beach said they are not lost. They have the information that they contracted to obtain. The answer to her earlier question in terms of the benefits, his answer was that those benefits in the public sector are very similar. That is the reason that wasn't recommended and wasn't pursued. They can either accept that... His experience has been that yes it is very similar, but that doesn't mean that is her experience or somebody else's experience. They can either accept that information or they can change their methodology and look at it a different way.

Commissioner Alexander asked did he not misunderstand that this is not the first time they have done this for the City?

Mr. Miles said it is the first time they have done it for Fort Pierce. They did a similar study for the City of Vero Beach three years ago. Again, it was this same exact methodology. They did not survey benefits.

Commissioner Alexander asked is this the first time that the City of Fort Pierce has done it?

City Manager Beach said no. This is probably the third time since he has been here. Mazella Smith is saying in the last ten to twelve years, this is the third time.

Commissioner Alexander asked all that they are asking now, is that incorporated in the first two or three? So it is not a question tonight then, not of this gentleman?

City Manager Beach said Mazella Smith is indicating that was not incorporated in the other studies.

Mr. Miles said basically what he is presenting this evening in conjunction with City staff are three alternatives for their non-represented group. They are all essentially the same except for the amount of the across the board increase. What they are looking at are three alternatives - 7%, 9%, and 11%. Keeping in mind what was done for the police bargaining unit within the past two months, because when they increase those police salaries. And again, they also surveyed positions in that bargaining unit as well as their management positions in the Police Department. When they increase

the rank and file salaries without taking comparable action for management, what they end up with is compression.

Mayor Benton asked when they are talking 7%, they have 37 non-representative employees below base. With 9%, they have 33. And at 11%, they have 27. What happened, did they get rid of people to make...?

Mr. Miles said no. As they increase the amount of the across the board increase, they reduce the number of employees who are below minimum. When they are just looking simply at plan implementation costs, it ranges from \$91,720 to \$58,214 with those across the board increases.

Commissioner Nelson said he has a basic question. Are people underpaid or overpaid?

Mr. Miles said it varies by the job that they hold. When they look at the jobs that were surveyed, 62% of those were underpaid.

Commissioner Nelson asked so there are some who are underpaid and there are some who are overpaid?

Mr. Miles said yes.

Commissioner Nelson asked they can identify those?

Mr. Miles said yes.

Commissioner Nelson asked to what extent are they competitive with the surrounding cities in the area he dealt with?

Mr. Miles said they are looking at a sample where over 60% of the jobs they are not competitive. If they wanted to generalize, they would say that the City is not competitive.

Commissioner Nelson asked they are not competitive, meaning they need to increase in certain areas?

Mr. Miles said very much so.

Commissioner Nelson asked is there a disparity between the bargaining people versus their non-bargaining people?

Mr. Miles said no, not at all. The jobs were all across the board. Some of the department heads were very low. In the Salary Survey Example on Page 11, their Community Response people were very low.

Commissioner Nelson asked the Code Enforcement is very low?

Mr. Miles said yes, over \$8,000 below market.

Commissioner Nelson asked he did not consider the benefit package in any case?

Mr. Miles said no. This is consistent with their experience throughout the country as well as his personal experience working in five different cities throughout the country. Benefits are pretty much the same.

Commissioner Nelson asked going back to the bargaining versus non-bargaining, did he look at what they just gave the bargaining people?

Mr. Miles said yes, he did.

Commissioner Nelson asked there is a disparity between those?

Mr. Miles said he is not sure he understands his question.

Commissioner Nelson said Mr. Miles recommended 7%, 9% and 11% increase. He thinks in their bargaining units they went up from 13% to about 23%.

Mr. Miles said 13% to 18% he believes. Even with that 13% to 18% for Police, those jobs are still behind market.

Commissioner Nelson asked they did not include any benefits in those?

Mr. Miles said no.

Commissioner Becht asked how do they get a hold of the hard data?

Mr. Miles said they will be here within the week. He has had some family issues. Ordinarily, all that would be available as they speak, and he has been out of the office and traveling.

Commissioner Becht said he is sorry to hear that. Has he ever made a study where they found that the employer was overpaying its employees?

Mr. Miles said sure, but it is rare. Fort Pierce has been proactive in doing this sort of study after only three or four years. Generally what happens, usually when they are brought in this sort of study hasn't been done in eight to ten years. They were also given a copy of what was done three or four years ago. They are using a slightly different market model for the market model that was used at that point in time. And he really feels like the market model they have presented is much more indicative of where they both hire people from and lose people too.

Commissioner Becht said he would just like to see the hard data when it is available. Is staff expecting the Commission to take any action tonight?

City Manager Beach said the reason this is on the agenda this evening without that data is that they are at a point in the year where they typically deal with the non-union staff. Those adjustments are typically effective always effective April 1st. This has been the practice of the Commission for the 11 years that he has been here, and he thinks it was started even beyond that. The theory behind it was not to confuse the bargaining process with the unions, with what they did for the non-union personnel. So the reason it is in front of them this evening is that if they are going to take action and have it effective April 1st, that action needs to be taken this evening. However, if the Commission wants to postpone taking action until they get this information, they have that flexibility.

Commissioner Nelson asked make it retroactive?

City Manager Beach said they can do that if they choose. His input to this is, he thinks some percentage adjustment overall is going to be necessary and it is going to be appropriate. He thinks the details of how that takes place is something that is going to be determined by the managers once they get the details of this study, because the details of this study gets right down to the positions. And then management staff has to analyze where people are within those positions and determine whether or not they are low or high or wherever they are.

Commissioner Becht asked has Mr. Bergalis looked at this? Does he agree with the cost of these proposals? Because he didn't see his signature anywhere, nor has he heard from him yet.

Mr. George Bergalis, Finance Director, said he hasn't really looked at it that thoroughly to agree or not agree.

Commissioner Becht said he doesn't have the hard data and he doesn't have Mr. Bergalis signing off that the cost of the 7% increase is going to be a specific dollar figure.

City Manager Beach said let him re-ask that question of Mr. Bergalis. He doesn't know if he understood what the question was. It had to do with the cost associated with these proposed adjustments of 7%, 9%, and 11%.

Mr. Bergalis said those were generated from the Finance Department.

City Manager Beach asked so he is familiar with those figures?

Mr. Bergalis said he is familiar with those, yes. What he was referring to is, he thought the question was about the report that the consultant had presented.

Commissioner Becht said he is glad he clarified that. Because what he is looking at is, when this report says \$357,000 roughly for a 7% increase, he doesn't know if that number comes from Mr. Bergalis or it comes from Mr. Miles. It was just clarified that number comes from Mr. Bergalis.

Mr. Bergalis said yes.

Mr. Miles said it comes from the City's payroll files.

Mr. David Recor, Deputy City Manager, said in addition, that number also includes cost of benefits as well from their Finance Department.

City Manager Beach said that isn't just the raise. That is raise plus benefits.

Mr. Bergalis said let him make sure they understand that includes some of the cost of benefits, not all the benefits.

Commissioner Coke said she sees now they have broken this down to two Agenda items, 18(a) and 18(b). If they are looking at the Pay Study only, for instance the 7% cost would be \$357,417 annually. However, then she thinks to get a more realistic view of what they are doing here, they have to take that 7% and add it to the 7% under Agenda Item 18(b), so they are now looking at \$587,000.

Mr. Miles said no.

City Manager Beach said he didn't understand the question. However, the figures are for a six month period. Is that correct?

Mr. Bergalis said he doesn't know what they are looking at, so he can't comment on it.

Commissioner Coke said obviously they don't either.

Mr. Recor said the City Manager is correct. The figures that are quoted in Item 18(b) - the memorandum from the Administrative Services Director - are for six month implementation. Six months of the current fiscal year has passed. April 1 represents a six month mark.

Commissioner Coke said so actually then, they are looking at \$357,000 in the Salary Survey - Agenda Item 18(a) - for six months plus \$230,800 in the Memorandum - Agenda Item 18(b) - for six months.

City Manager Beach said no. Let him get Mr. Recor to explain it to them. What he needs to explain is the reason the one figure is not the same as the other figure.

Mr. Recor said the costs that are presented in the consultant's recommendation represent the cost of implementation of the three alternatives that are being presented tonight for 7%, 9%, and 11%. The costs that are being recommended in the memorandum by staff are the actual costs that are generated by the City's payroll for non-represented employees for six months.

Commissioner Coke said if he thinks she understood that any better...

City Manager Beach said what the consultant has provided them is an adjustment that includes bargaining positions other than Police.

Mr. Miles said that is not correct. What is in his presentation this evening is non-bargaining.

City Manager Beach said Mr. Miles has estimated a figure of \$265,697 for a 7% rate. The memo from staff estimates the 7% cost at \$230,862.

City Manager Beach asked why is there a difference between the \$265,000 and \$230,000? That is the question.

Commissioner Coke said no, Mr. Miles has 7% is \$357,417 in his paperwork.

Mr. Recor said let's allow the Finance Director to explain how they determine the cost, because it is based on the total cost of the...

City Manager Beach said all they really need to know is why there is a difference in Mr. Miles cost and what they have in the staff memo. That is what they need to understand.

Commissioner Alexander asked what he needs to know is, why do they different figures from what he has?

Mr. Recor said he doesn't believe he does have different figures.

Commissioner Alexander said he just heard Commissioner Coke say \$230,000 and he doesn't see that in his papers.

Commissioner Coke said that is on Agenda Item 18(b), the memorandum. She doesn't think they have enough information tonight.

Commissioner Alexander said just let them all be on the same page.

Mayor Benton asked what about the Teamsters?

City Attorney Schwerer said that is coming back to the Commission.

Commissioner Nelson said he would think that they would be in a better position to act on this if they were to re-look at this, address the benefits associated, tie that in, look at the bargaining and the non-bargaining, and of course identify where they are in fact overpaying or underpaying people, and look at the total cost of 7%, 9%, and 11%. Is that asking too much?

Mr. Recor said they have those figures and those are represented by the figures that are given to the Commission by the Finance Director in the memorandum, Item 18(b).

Commissioner Nelson said they don't have it all in that context he is trying to put this thing. He is talking about benefits for both bargaining and non-bargaining, when he is talking about people who are underpaid and people who are overpaid, and what that total cost is going to break down for each one, 7% through 11%. What he wants to do, he wants to be competitive. He wants it to be fair and equitable to everybody like they did for the bargaining people. He wants to be fair and equitable for the top management as well as for the lower level workers, be fair about this whole thing, and what it is going to cost him.

Commissioner Alexander asked they are here tonight for non-bargaining, right?

Mr. Recor said yes, that is correct.

Commissioner Alexander asked are they going to accept this tonight? And then they can critique what they need to do from the information they obtain, so Mr. Bergalis has a chance to get back to them on where they are at now?

City Manager Beach said what he wants to do is to make sure that the City Commission understands very clearly and specifically what is being proposed. He doesn't want them to approve or accept anything that they are not comfortable with. But he would encourage them to think about how much of the details they want to engage in; because once the analysis comes in that they will all be given, someone has to go through every bit of that and make a lot of decisions, and that somebody is usually the Department Heads along with Finance Department for the payroll, to make sure that every position is paid the way it is supposed to be paid under this study. That is not something the Commissioners will be engaged in. But at the same time, they have the 7%, 9%, and 11% adjustments in front of them this evening, and they have two sets of figures on those costs. So far he hasn't heard an explanation that the Commission has accepted about why there is that difference.

Mayor Benton said he would agree, because they are talking \$34,000 difference here on 7%. So maybe what they need to do is have this brought back to them at the next meeting, as soon as they can get information provided to them to clear this mess up.

City Manager Beach said he doesn't think they have a mess. He thinks they just don't have an adequate explanation. Now if anybody wants to tackle that explanation, Mr. Bergalis or Mr. Recor.

Mr. Bergalis said no, thank you.

Commissioner Coke asked does anybody know about the Project Recommendations on Page 20 of Mr. Miles information? Are those reflected in any of these studies or figures he has given the Commission?

Mr. Miles said yes, they are. The only thing that jumps out on those Project Recommendations is, when they are looking at these across the board increases, that with those across the board increases, some of their employees current salaries would exceed the maximum of their recommended salary range.

Mayor Benton said that is why they need the hard data.

Mr. Miles said no. Can he continue for just a moment?

Mr. Recor said if the consultant could finish his presentation, he would provide them some recommendations on how to deal with those situations.

Mr. Miles said what he is recommending is that those salaries only be increased to the maximum of the recommended salary range and any dollars above that would be paid as a one time lump sum bonus. That preserves the integrity of the salary plan and it also allows them to essentially treat everyone the same.

Commissioner Nelson said they shouldn't have too many people that are overpaid.

Mr. Miles said no, there is just a handful.

Mr. Recor said he would be glad to explain to the Commission the dollar figures.

Mayor Benton asked does he want to attempt the discrepancy between the two?

Mr. Recor said let's not even characterize it as a discrepancy. He can't speak to the payroll that Mr. Miles and the consultant firm used to calculate the cost. He can only attest to the validity of the numbers that their Finance Department used, which is their current payroll for non-bargaining positions for 12 months including benefits divided by two, because six months of the current fiscal year has passed. That is the cost of implementation of the 7%, 9%, and 11% alternatives. They can take that to the bank. Those are the numbers they can rely on.

Mayor Benton said those are the figures in Agenda Item 18(b), the memorandum from Mazella Smith.

Mr. Recor said he doesn't know what base payroll the consultant used to determine his implementation cost. He does however know the figures that Staff used to give the Commission the hard data to make their decision on tonight.

Commissioner Nelson said he is ready to send it back.

Commissioner Coke said they will believe Mr. Bergalis.

Commissioner Nelson said he just expressed himself a few minutes ago and he sticks to that. And to add on to that the fact that they ought to send it back to the consultant and staff to come back with the data they requested.

Commissioner Coke asked when they are looking at these three different alternatives they have given her, in a nutshell one sentence answer, can he tell her if they go with the 7% raise, how competitive is that going to make them - somewhat, not at all, or it varies? And the same question with 9% and 11%?

Mr. Miles said somewhat on 7%, more so with 9%.

Commissioner Coke said more so is not an option.

Mr. Miles said it is the truth.

Commissioner Becht said he hates doing this because he thinks some of the employees are going to delay getting their bump. But based on the information they have tonight he would that they delay this until the first meeting in April when they can get accurate

figures. He is doing that because he has figures in the information presented by Mr. Miles - and he heard what Mr. Recor said - but he has this information that tells him the cost of an 11% raise is going to be roughly \$950,000 for a year; and he has the memo which tells him it is going to be \$785,000 for a year. He thinks they need to get consistent information and accurate information.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to postpone this Agenda item until the first meeting in April.

Commissioner Alexander said he knows they just got through going through this ordeal with their fine Police Department. Are they going to be looking at what was given them versus non-bargaining employees? Has that been incorporated in the figures?

Mr. Recor said they have been used for comparison purposes.

Commissioner Coke said she has one more thing and it is related. Fort Pierce is growing in leaps and bounds. And her concern is, she thinks it is very important at some juncture in time, and maybe this is the juncture, to have a Personnel Needs Study done. Because she doesn't want to see Ms. Steele's department operating with six people when she should have eight people. At least then if they know where they should be for a city this size, then they can at least start planning and working accordingly; rather than at the end of the year when they get the budget time, somebody coming in saying they need three more employees. Well, it is nice that they think that, but she would like some concrete basis of comparison to say yes they do, based on a city of this size, or no they don't.

Commissioner Nelson said it was mentioned in the study that he consolidated some positions which might lend some credence to that.

Commissioner Coke said they didn't have a Personnel Needs Study done, which she thinks is something that is important.

Commissioner Becht asked could Mr. Beach get back to them with a Personnel Needs Study, and tell them whether it is warranted or not?

City Manager Beach said yes, they can look at some options for how that may take place.

Commissioner Alexander asked they are doing now presently a Space Needs Assessment, right? So surely all that can fit in one report to the Commission.

City Manager Beach said there can be some general assumptions and guidelines developed based on per capita figures and things of that nature, so there is a methodology available to deal with it.

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 Ms. Angela Campbell, representing Downtown Business Association of Fort Pierce, Inc. request \$1,000 in Public Funds for promotion of the St. Patrick Day Celebration.

Ms. Angela Campbell said she is the Treasurer of the Downtown Business Association, 100 Avenue A, Fort Pierce. This past Friday on St. Patrick's Day, downtown was filled with the sounds of celebration. Families from all over St. Lucie County enjoyed an Irish Fair and live music from the likes of Will Sweeney and the

Celtic Sensations, Irish Bagpipers, and a local favorite, The Celtic Rogues. The Downtown Business Association brought out over 20 vendors - face painters, pony rides, live music, and even green beer. They would especially like to thank Jon Ward and the City of Fort Pierce for allowing them to exhibit the new trolley. There is a lot of excitement about it and folks can't wait to see it start running regularly. The numbers aren't all in, but one merchant told her it was nice to hear her customer talking about happy things for a change. The City's support of events such as this St. Patrick's Day Celebration uplifts the spirit of their community. Another merchant noted that Friday sales were higher than the week just before Christmas. This is promising news in an area that has long been down in the dumps. Events like these bring people to their area, showing that new face of Downtown Fort Pierce. She would respectfully request that the Commission consider the application for the public funds to partially fund their expenses for the annual Downtown St. Patrick's Day Celebration.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the request by the Downtown Business Association for \$1,000 in Public Funds for promotion of the St. Patrick's Day Celebration.

Commissioner Becht said the registered agent for their corporation, they need to get that changed; and they need to get it done fairly quickly.

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 Appointment to the **Code Enforcement Board**.

City Clerk Steele said this was postponed from their last meeting; and since that time they learned that one of the applicants did live outside of the City, so his application is no longer in consideration. So they just have one vacancy and they have two applications, Delores Hines and Philip Gates.

Commissioner Alexander said he would submit Delores Hines.

Commissioner Nelson said he agrees.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-14

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING OR REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD FOR A TERM COMMENCING MARCH 20, 2006 AND TO EXPIRE SET OUT HEREIN."

City Clerk Steele said this Resolution is for the appointment of Delores Hines.

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, that Resolution No. 06-14 be adopted.

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

The next item on the Agenda was Submittal of Applications for Appointment/Reappointment to **Special Master**.

City Clerk Steele said Mr. Blandino was the only one who has

applied, so there will be a resolution on the next Agenda with his name for reappointment.

Mayor Benton asked could he ask their Code Board or some of their Code Enforcement people if they would ask Mr. Blandino to remove the ATM machine from his property? It has been there for many years and it hasn't been in use and it really looks bad. It is a shame that a Special Master has something like that on his property.

Commissioner Becht said it is his dad's property.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-21

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **123 SOUTH 11TH STREET** AS A **HISTORIC PROPERTY** AND A LOCALLY SIGNIFICANT SITE."

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 06-21 be adopted.

Commissioner Coke said on the Designation Form on Page 3 it says: What are the current conditions of the property? And there are four boxes - Excellent, Good, Fair, Poor; and all four boxes are checked. She doesn't know if the yard is in excellent shape and the roof is falling in, or does anybody have an answer to that?

Commissioner Alexander said there is a picture.

Commissioner Coke said she knows. But do they see what she is saying. She doesn't know if the yard is in excellent shape and the roof is falling in. Does anybody have an answer to that? This is supposed to be a rating of the property.

Mr. Tim Harrington, Interim Historic Preservation Officer, said this was prepared by Anna Brady. He thinks that was just an oversight. He thinks it should have been checked off as Good and leave the rest of them blank.

Those voting in favor of the adoption of Resolution No. 06-21 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-22

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **702 SOUTH 9TH STREET** AS A **HISTORIC PROPERTY** AND A LOCALLY SIGNIFICANT SITE."

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 06-22 be adopted.

Commissioner Becht said he is missing something. What is the architectural significance of the exterior of this structure? He appreciates that the owner has asked for a designation as a historical structure, but he has never seen anything more bland than this.

Mr. Tim Harrington, Interim Historic Preservation Officer, said that is why they call it Minimal Traditional. He thinks that is

why it was overlooked when they surveyed the Oakland Park District, it looked so plain and nobody could see through the vegetation. But once they got up close to it, they saw that the craftsmanship, the joinery, and especially the interior had a lot of detailing that was quite nice. This is kind of the precursor of the ranch house or split level starting in the early 1940's.

Commissioner Becht said he is going to have to take his word for it.

Those voting in favor of the adoption of Resolution No. 06-22 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-23

"A RESOLUTION FOR ASSISTANCE UNDER THE **FLORIDA INLAND NAVIGATION DISTRICT** WATERWAYS ASSISTANCE PROGRAM." (Jetty Park Improvement Project, Phase I - Park-like setting on top of the South Jetty.)

Mayor Benton said he talked to some folks on what they are looking to do out at the Jetty and there is concern about the ability to fish if they put railings up. What has happened is, along the bridges they basically have taken the ability to fish on the bridges away from the public. This would make it very difficult for people to fish on the Jetty. He is all for the improvements, but they haven't had a hand rail or railing out there before; so as far as he is concerned, they don't need it now.

City Manager Beach said he doesn't know if it is a question of need. He thinks it an attempt to improve the safety of it and the aesthetics of it. But clearly if they did anything or proposed any type of design that inhibited the very purpose of the Jetty, that would be a bad design. He would just assume they are going to take that into consideration as that design moves forward and this Commission will see that design before it goes forward.

Mr. Hector Arias, City Engineer, said it is not going to be the same height of the rails over there on the bridge. It is going to be lower.

Mayor Benton said but if they put a railing where people can't get through. When they are fishing, if they want to get closer to the water and if they have to net a fish, where the concrete is now it would be very difficult to do that unless they had breaks in the railing where people could get through it. He is just relaying the concerns that fishermen have had out there.

Mr. Arias said they will take that into consideration.

Commissioner Becht said looking at the alternative, it is to decline to submit the application and pay the full \$205,000 from City or Marina funds. But the application to FIND says that the total cost is in the neighborhood of \$500,000. Which is correct?

Mr. Arias said \$448,000 is the total cost. The \$205,000 is actually the alternate amount. FIND is going to give them the difference. This grant is solely for design and permitting.

Commissioner Becht said he understood that. He just didn't know which figure might be correct.

Commissioner Nelson said he noted they are talking about some

20,000 visitors per year at that area. They only have two bathrooms out there with one stall each in the man's side and the woman's side. Could they not improve that somewhat by adding additional facilities?

Mr. Arias said he thinks the bathrooms are going to be included in another project which is Phase II for the Park, not for the Jetty.

Commissioner Nelson said there is a dire need now. He was out there, he saw people lined up to try to get in there. They know that women require more bathroom facilities than men. And one just simply doesn't cut it.

Mr. Arias said he understands all that. Commissioner Nelson is 100% correct. But this grant is only for the top of the South Jetty. There is another phase which is going to be the Jetty Park which is another project that is in the South Beach projects. There was a presentation that was made to the Commission in a Workshop before. A bathroom is not included in this project.

City Manager Beach said bathrooms are not part of this project that they are asking them to pass this resolution on this evening.

Commissioner Nelson said he understands that, they are asking for this as opposed to asking for a bathroom.

City Manager Beach said no. The redesign of the Jetty Park will include those types of facilities.

Commissioner Nelson said if somebody does something in their pants out there, it isn't going to be his fault.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 06-23 be adopted.

Those voting in favor of the adoption of Resolution No. 06-23 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-24

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, FOR ASSISTANCE UNDER THE **FLORIDA INLAND NAVIGATION DISTRICT** WATERWAYS ASSISTANCE PROGRAM." (Dredging of the Internal Basin of the City Marina, including Moore's Creek Basin area.)

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 06-24 be adopted.

Those voting in favor of the adoption of Resolution No. 06-24 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-25

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, FOR ASSISTANCE UNDER THE **FLORIDA INLAND NAVIGATION DISTRICT** WATERWAYS ASSISTANCE PROGRAM." (Replacement of Fuel Tank, Fuel Lines, and installation of Diesel Pumps at the City Marina.)

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-25 be adopted.

Those voting in favor of the adoption of Resolution No. 06-25 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mayor Benton to discuss format of City Commission Agenda.

Mayor Benton said don't worry about this item. They have moved the Consent Agenda to the end and he hopes it will take a few minutes off the meeting.

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

Commissioner Coke said she would like Item 28d (Bulletproof vests for Police Department) removed for discussion.

Commissioner Becht said he would like Item 28g (Roundabout at intersection of Sunrise Boulevard and Ohio 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. (Approval of Minutes - Item moved to beginning of Agenda.)
- b. Approve piggyback City of Fort Meyers Bid for purchase of one Petersen **Trash Grapple Loader** for Solid Waste Department from Atlantic Truck Center in the amount of \$89,934.00.
- c. Approve purchase of replacement **Playground Equipment** by the Public Works Department from Gametime c/o Dominica Recreation Products in the amount of \$49,672.77. (Pioneer Park, Rotary Park, North 10th Street Park, South 29th Street Park, and Goodwin Park.)
- e. Approve purchase of **Simmunition Training Equipment** for the Police Department from Blauer Tactical Systems for \$2,486.60 and from SRT Supply for \$5,440.00; Funds from Law Enforcement Trust Fund.
- f. Approve amendment to **Professional Services Contract** with Jeffrey Handley from \$9,600 to \$12,345; and amend ending date from November 28, 2005 to December 12, 2005.
- h. Approve waiver of \$3,071.01 of Code Enforcement Board interest, penalties, and fees against **1231 Avenue D**, requested by Debra Butler (heir of Ruby Johnson & Bernice Carter) upon payment of \$4,612.20 in 60 days.
- i. Approve Specific Authorization #1 to contract with CAPTEC Engineering for Additional Services related to NRCS (**Natural Resources Conservation Service Emergency Watershed Protection Program**) for Virginia Avenue and Moore's Creek canal bank erosion.

The next item considered was Item 28d, which had previously been removed from the Consent Agenda: Approve purchase of nine **Bulletproof Vests** for Police Department SWAT Team from Special Products Group in the amount of \$17,128.00.

Commissioner Coke said she is looking to be educated this evening, because when she read this it said the vests they are currently using have expired. She didn't understand that.

Commander Katherine England, Fort Pierce Police Department, said the Kevlar systems that are used only have a certain shelf life before the material starts to break down, so it is necessary to replace them. Also the body sweat and the heat and other elements do break the material down.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve purchase of nine bulletproof vests for the Police Department SWAT Team from Special Products Group in the amount of \$17,128.80.

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

The next item considered was Item 28g, which had previously been removed from the Consent Agenda: Approve proposal by Burkhardt Construction for construction of proposed Roundabout at the intersection of Sunrise Boulevard and Ohio Avenue in the amount of \$578,046.25 and establish total project budget at \$750,000.

Commissioner Becht said he thinks all of the Commissioners have received correspondence from some ladies who were upset about the design. Mr. Arias spent a great deal of time and energy trying to design this so it works. Is there any way to design it without these two driveways exiting or entering off the roundabout?

Mr. Hector Arias, City Engineer, said no. The only way they can design that is to move that roundabout out of the intersection.

Commissioner Alexander said he got these calls also. But as he read this over and over, they are here tonight just about the funds, right?

Mr. Arias said that is right.

Commissioner Alexander asked the drawings and designs will be coming back? They will be able to critique that at that time?

City Manager Beach said he doesn't believe so. He believes this design has been laying on the shelf for many years.

Mr. Arias said the project is ready to start construction 30 days from today if this is approved.

Mayor Benton said for the record, he got a letter that was mailed to him today from Marilyn Storman, who is a resident on the corner who is opposed to this.

City Manager Beach said he just wants to add something to the discussion and to the Minutes. If they will recall the budget message that was sent to them this year, there was a paragraph in that budget message that talked about construction projects that they were proposing to fund from the General Fund. In that paragraph it said that the Commission should evaluate these projects as they are ready to be funded and also take a look at the General Fund to make sure it has the capacity to fund those projects. They all know that they have made some serious financial commitments over the past year with their retirement, improvements, and with the Police Union salary adjustments, and he was advised today that the Teamsters have also approved that contract, so that is behind them. Those are some very heavy General Fund account responsibilities. This project is about \$750,000. What he is going to ask that the Commission do is to authorize Staff to move forward with this, paying for it from the General Fund; but he would like for them to consider at the time they sell the waterfront property to Catalfumo (for Marina Square), that they

take the proceeds from that sale and reimburse the General Fund for whatever money they spend on this roundabout and replenish the General Fund. They don't have to make that decision tonight, but that will be his recommendation at the time, because he does have concerns about the General Fund in the next five years.

Commissioner Nelson said they shifted the funding for this project to 2nd Street some time ago and they have several other projects that are funded that are not being constructed. But he thinks the City Manager's approach is sound in this and he would support him.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve proposal by Burkhardt Construction for construction of proposed Roundabout at the intersection of Sunrise Boulevard and Ohio Avenue in the amount of \$578,046.25 and establish total project budget at \$750,000.

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 Deputy City Manager to give update on the **Comprehensive Plan Rewrite**.

Mr. David Recor, Deputy City Manager, said in their packet is a copy of the scope of services that was included in the contract and provided some additional details. The first Public Workshop was held February 25th at Forest Grove Middle School on South 25th Street. The public workshop was not very well attended, it was in a more rural, less populated sector of the City. The second workshop was held March 11th at White City Elementary School. As they would expect, it was very well attended. Lots of vocal feedback was provided. The next workshop is planned for Area 3 and Area 4 and is on April 8th at 9:00 a.m. at Westwood High School Media Center. This is an area that is affected by the North Jenkins Road Planning Initiative that the County has undertaken. City Staff continues to work with the County's Growth Management Department in coordinating efforts in that area. Just last week City Staff met with several of the big large land property holders in that area, reviewing the differences between the County's future land designations and how the City expects and sees that area to grow. There is an additional public workshop scheduled for the remainder of the City excluding Hutchinson Island on April 22nd. Calvin, Giordano & Associates has met with City staff to discuss the Transportation Element as well as the Stormwater Management Element. Also, looked at the right-of-way standards for all roads within the City - streetscape, sidewalks, bike lane improvements - as well as adopting stricter Level of Service standards for Fort Pierce. Calvin Giordano has received some preliminary feedback from the Department of Community Affairs regarding the School Siting Element. DCA has requested a minor text change that will allow schools in every zoning district or land use classification. That is something that is going to be required as part of Senate Bill 360. They still have not received written confirmation from DCA on the methodology for moving forward on the Comp Plan with these issues outstanding from 1999.

Commissioner Becht said he got Mr. Recor's email today about the... He didn't call them Architectural Review Guidelines, he called them something else. But they will have those in the next 30 days and he is grateful for that. In regard to the Comp Plan, something they have less control over, it would help him and he thinks it would help the City overall if Mr. Recor and the appropriate representative from Calvin Giordano would attend a Harbor Advisory Committee meeting. That is a group of very active and vocal and passionate Port folks. If they could bring them into the process now, it will save time later. If the Commission doesn't think it

is necessary that Mr. Recor go, he is just looking for the Calvin Giordano scapegoat that they can send over there to let him understand what these folks are looking for.

Mr. Recor said he did receive a message that Commissioner Becht wanted staff to attend. He cannot attend, he has a conflict simply because he is involved with Leadership St. Lucie. On the Thursdays that they meet, it happens to coincide with that date. He will definitely have staff attend.

Commissioner Becht said Mr. Beach has been. What he is looking for is somebody from Calvin, Giordano & Associates to go over and explain to them what they have done and what needs to be done.

Mr. Recor said let him also tell them, just so they can hear it from staff, that is Jamie Gentile has resigned from Calvin, Giordano & Associates. He was the Project Manager on the Comp Plan. They have assigned two of their junior Planners or call them senior Planners in their organization to continue the momentum and keep this moving forward. But they did lose the Project Manager from Calvin Giordano. He left the organization.

Mayor Benton asked he isn't coming to work for the City, is he?

Mr. Recor said no, he is not.

Mayor Benton said he does have a request for that workshop on the 8th of April at Westwood. If they would put up a sign or something to notify the public about the Joint Commission meeting with the County Commission on April 10th. They have a joint meeting with the County to discuss that area. They should notify the public because they should be at that meeting if they are that concerned.

Mr. Recor said they will provide notice.

Mr. Michael Jacquin, Paul Jacquin & Sons, said he actually has three issues. The first topic is **One Marina Place** (north of Avenue A and west of Indian River Drive). He would like to just give a quick history where they have been since February 8, 2005. Generally a lot of questions have been asked of them. At the time of that meeting they were approximately 10% to 15% completed with the design documents. After that meeting they went full tilt in developing design documents and it took approximately eight months. The reason for that is, after they had the meeting on February 8th, they had to do code review, life safety, and then get with the mechanical, electrical, plumbing, and structural engineers to make sure that the building was able to be built. So there was a quite lengthy process that they had to go through. Once that took place, they go into developing the condo documents. What that consists of is they have to hire a surveyor to take the floor plans and so forth and map it out. It took approximately two months to do that. Once that occurs then they give that information to an attorney who completes the condo docs, approximately a month. They send that to the State for review and it takes an additional month to two months. That leads them to where they are currently today. Another component, something that goes along consecutively is, after the documents are completed and given to the surveyor for the condo docs, they can begin the actual building permit process. So that is kind of a quick overview where they are at to date and the process it takes to get here. With any major projects, there are a lot of hurdles they have to cross through to get to this point. Just some interesting points. The condo docs from the State were approved March 7th, just two weeks ago. At this time they have approximately 65% reservations for those condominiums. The other thing too is, they are just in the process of moving the project out of the permitting and all the other areas into the sales and

then into construction. That is just how the time frame goes through. What he has here are some sales folders. (Mr. Jacquin gave copies to the Commissioners.) Presently the developer has spent hard monies, generally referred to as soft costs, somewhere in the neighborhood of \$700,000 to \$800,000 getting to this point. The reason he is here and talking with the Commission is that they received a letter from the City. Some time after February 13th they came in possession of this. He is leading up to this letter and why he is here tonight. This is a letter from Marc Meyers of the Building Department, Deputy Building Official. The first two items in the letter he would just like to skip because he is short on time. So he will go right to Item 3 which states that it has been brought to their attention by the Planning and Zoning Department that the City Commission approved the site plan for this project on February 7, 2005 and their current site plan has expired per City Ordinance Section 22-58(j); and if the project is still going to be built, please submit a new site plan to the Planning and Zoning Department for review and approval. He is sorry, he was trying to do this in advance so they would at least have time to review it, but he understands there are some procedural issues. He tried to agenda this, but he understands he needed to have it in a week ago Monday to make it to the Agenda. (Mr. Jacquin submitted a copy of the Site Plan.) It is his understanding that there wasn't time to present it to them. He just wanted to bring it here so he could get some clear direction. Basically, the February 8, 2005 letter they received basically states that approval is subject to and conditioned upon the final acceptance of a Development Agreement. On or about the meeting of February 8, 2005, they presented a Developer's Agreement. He will let Mr. Tierney come up and kind of go through some of his discussion in respect to what happened with that.

Mayor Benton said he doesn't want to cut him off, but he doesn't know whether this is appropriate. This is comments from the public. This is a presentation to extend a site plan. That is what he is getting at, he believes.

Mr. Jacquin said no. He is just generalizing where he needs to head from here because he has a different interpretation than what staff does. He is just presenting it to them as information. They don't have to make a motion.

Mayor Benton said he knows Mr. Jacquin is just a contractor, but he knows of three developments on the beach they have approved and within six months they are starting construction. So he doesn't know why it took this development so long to get the same paperwork or whatever they needed to get going on.

Mr. David Recor, Deputy City Manager, said he talked to Mr. Jacquin on the phone and they have had a very amicable discussion about where things are. He described to Mr. Jacquin the status of the plan, that it needs to go back to the Planning Board for them to make a recommendation to the Commission. He has committed to get him on the next available Planning Board Agenda. But Mr. Jacquin would like to be able to come to the City Commission. Procedurally they can't do that because the site plan doesn't have life. Now if he would like to appeal that determination, he can appeal that determination and the Board of Adjustment can make a decision as to whether or not that determination is right or wrong. But that is the determination he made as the administrator of the land development regulations.

Commissioner Coke asked just for a point of clarification, do they not have a procedure where if the site plan is about to expire and things have not progressed the way they should, that prior to the site plan expiring, a month or even a week beforehand they can

apply for a site plan extension?

City Attorney Schwerer said let him clarify. The code allows an applicant to make a request to extend a site plan, but the request must be made before the expiration. That request is directed to the Commission. They have had several of those in the past. There is a procedure, there is a code that actually allows that.

Mr. Recor said he thought she meant staff notifying the applicant.

City Attorney Schwerer said no.

Mayor Benton said but if it is after the expiration date...

City Attorney Schwerer said unfortunately the application has to be made before the expiration of the site plan and they need to deal with it before the site plan expires.

Mr. Jacquin said he has a rebuttal. Staff expressed to him prior to December... And that was what the other project was he was going to bring forward to the Commission. He actually wrote a letter to staff in regards to the other project that also applied to this. When he had conversations with them in respect to the fact, what does he need to do to extend the site plan, is everything fine? He did what they had expressed to him, which at the time was basically submit for a building permit of some nature and that will activate the site plan, verbatim is what the Planning Department staff told him to do. So he felt like at that point he was following procedures of what staff had expressed to him. So he is kind of at a loss. He is just showing them what he has here, but he also had been told by staff something else. Now he understands through the code and through Mr. Recor what their procedures are now. But all he is asking for is a little bit of leniency in respect to the fact there are circumstances. If they would have known in December, they would have dealt with it then. They would have written a letter and it would have been brought back to them and it would have been handled procedurally. But now that he found out after, it is kind of hard for him to deal with it, especially when he was told something... He is kind of injured in some respect to that. He is not throwing the mercy of the court or nothing along those lines, but that is something ...

Commissioner Alexander said he just wants Mr. Schwerer to respond to that comment Mr. Jacquin just made.

City Attorney Schwerer said he has spoken to Mr. Jacquin's attorney about this and provided what guidance he can. Mr. Recor is absolutely correct, once the site plan expires, it no longer has life. Unfortunately, this Commission cannot breath life into it, they just can't do that. Procedurally it is out of their hands. If Mr. Jacquin wishes to contest the fact legally or factually whether the site plan is expired, that can be done through an appeal. Mr. Jacquin probably can do that. He did look at the code and he thinks it is still timely to file one if they wish to file one. It depends on if it is an issue dealing with whether a valid building permit had been applied for and was in existence, or whether it was a site plan issue, it goes to one of two Boards. He can file that appeal, that appeal will then go to the Board, and then that Board will make its determination; and then there is a procedure for him to appeal that decision if he is not happy, or it may get resolved at that level, or he has an alternate of applying for the site plan to be re-reviewed basically as a new plan. Unfortunately, as he has explained to Mr. Jacquin's attorney, there just isn't any relief the Commission can give under these circumstances based on the code. It is just the way the code is written. If it is an appeal process, there is a separate procedure

for that. Of course, if he chooses to present the site plan as a new site plan, it comes to the Commission anyway for review. And whether the Commission chooses to approve the same one they approved more than a year ago, that is up to the Commission.

Mr. Recor said it is important to note as well that if Mr. Jacquin chooses to appeal the determination, it is simply the determination as to whether or not it was correct. It doesn't grant any relief. So what he has encouraged Mr. Jacquin to do is simply make the application, go to the Planning Board, get it back to the Commission as quickly as they can. He would hate to see him spin wheels on an appeal where the ultimate goal is not going to get him what he ultimately wants, because he believes the staff would prevail on the appeal.

Commissioner Becht said Mr. Tierney sat here quietly, which for an attorney is quite difficult. He would like to give him two or three minutes. If he has a way for the Commission to do this, let him know what the way is to do it.

Mr. Steve Tierney, 311 South 2nd Street, said looking at two things, technical aspects of it. What is the actual approval was conditioned upon getting the Development Agreement signed. That Development Agreement was never signed. He had one prepared, gave it to Mr. Trias and Mr. Schwerer. They went back and forth. He went through his billing records to see. In the month of March, maybe six contacts, he revised it a couple of times. Finally on April 14th he submitted it saying he thinks this resolves everything, see if it does and get back to him with any changes. Actually his letter said immediately get back to him. After that time, all he got was various times he called Mr. Schwerer or Mr. Trias. They would not tell him if it was acceptable or not. It never got done. So from a technical aspect, they could say the site plan was never finally approved because they didn't get the Developer's Agreement it was conditioned on. The other thing to look at, the approval was not actually a Site Plan approval. It was a PUR. That is called a final development approval. That comes under Section 22-42. It doesn't come under Section 22-58. So Section 22-58 talks about site plan approval. This was a final development approval under PUR which actually has different criteria than a site plan. He would suggest that the Section 22-58 doesn't apply. There is no time limit under Section 22-42 as far as how long it lasts.

Commissioner Becht asked he is telling the Commission that a PUR survives forever? Is that what he is saying tonight?

Mr. Tierney said he is saying there is nothing in the ordinance that he sees.

Mr. Recor said a PUR is a change of zoning.

City Attorney Schwerer said it is. This is comments from the public. He is not prepared to advise this Commission at all. But he can tell them, he hears Mr. Tierney and he can talk to him tomorrow if they want him to. But the City has a legal position and he will be happy to discuss it. But this is not the time, this is not the forum. It is really not a Commission issue.

Mayor Benton asked can Mr. Tierney call Mr. Schwerer's office and make an appointment? He thinks this is something the attorneys need to hash out.

Mr. Tierney said sure.

Mayor Benton said they could include Commissioner Becht in the

meeting and have three lawyers.

Commissioner Becht said he is not an attorney up here. He is not interested in doing anything to help them unless they can demonstrate that they are ready to go. He talked to Mr. Jacquin until he was probably tired of hearing it, because every time he saw him, he asked - Are you ready to go? Is there any problem with the City? Mr. Jacquin never told him there was a problem with the City when he asked him that.

Mr. Jacquin said not until February 13th they received a letter and then found out there was an issue. There are certain procedural things...

Commissioner Becht said this is a year when he is asking if there a problem, let him know what the problem is, because he wants to see him break ground. So if this Commission is going to do anything, or if he is inclined to do anything, Mr. Jacquin is going to have to show him that everything he needs to get his building permit issued is in this house and it is ready to be stamped and he is ready to turn dirt. If he can't do that...

Mr. Jacquin said just a couple of points he would like to point out. First off, the Developer's Agreement is not complete and it has been a year. That is factual.

Commissioner Coke said but at some point in time Mr. Jacquin had an obligation to continue to follow up. She is sorry, it is getting very late, but she remembers Mr. Jacquin standing up here and telling them all that some other developer was trying to snow the Commission and they didn't know what they were looking at and etc. But now that the table is turned, he wants to say that he as a builder didn't know that the site plan was going to expire in a 12 month time frame? She doesn't think so. And that they didn't understand that if they didn't get something back, they should be sending the City Attorney something in writing that they didn't get this Developer's Agreement done? Or write a letter to the Mayor and copy it to the Commissioners that staff was not doing what it was supposed to be doing for 12 months? He can't turn this around on City staff 12 months later when he in essence dropped the ball.

Commissioner Nelson said he can see all sides here. There is no sense in them being confrontational here. He thinks it appropriate that the lawyers and developer and the contractor all get together tomorrow as soon as possible and iron out this thing and see what they can do to make this project come on line. Can they do that?

Mayor Benton said that is what he asked them to do.

Commissioner Nelson said they all get together tomorrow and have lunch, go to the bar or anywhere they want to go to, and work together to make everybody happy.

Mayor Benton said it is something they won't be able to resolve here tonight.

Mr. Jacquin said he understands that and that wasn't what he was trying to accomplish. He was trying to give them some information. Commissioner Coke asked him a question. He would like to respond. He does have a letter that he did give to staff December 30th in respect to the other project. He won't get into that this evening. But he does try to follow up on things. He did talk with staff and he did write a letter, so he is trying to do what is correct. He is sorry if he offended Commissioner Coke. He is just trying to do what is proper, he is just looking for clear direction.

Mr. Marcus Van Winkle, Soleil Properties, Inc., 738 Delaware Avenue, said he is here to ask the Commission to reconsider an issue that came up at the last meeting regarding property he owns at **1504 Florida Avenue** in regards to fines and liens that were assessed due to infractions that occurred back in 2003. There were a couple of issues that he thinks are important in the case that he doesn't know were properly explained. Originally when the infractions were cited, they fixed them all and had documentation from the then Building Director that those were taken care of. Unbeknownst to them, a year later they received notification that the Special Master meeting had in fact occurred subsequent to that documentation from the City and a fine had been being assessed. They tracked it down. He thinks all of the Commissioners may remember, he has been trying to contact them over the last two or three months. They have gone through the procedure as was outlined that was required regarding going back to the Special Master meeting again, which they did on February 8th of this year.

City Attorney Schwerer said let him try to short circuit this. They have heard from Mr. Van Winkle in his office and they have looked at this legally. He noticed this on the Consent Agenda (March 6, 2006) and he was going to bring it to them at their next meeting. He is going to be recommending that the Commission rescind the action that was taken on the forgiveness of his lien and return it back to the Special Master for a new hearing, because there was a difference in what the staff had recommended at the time of the hearing versus what was recommended at the Commission level, and Mr. Van Winkle did not get an opportunity to address that at the Special Master level. So he is going to be making that recommendation to the Commission at their next meeting, that they rescind their action. He is going to put that on the agenda. Mr. Van Winkle's request will be considered at that meeting.

Mr. Van Winkle asked the same thing he is asking for now?

City Attorney Schwerer said no. It is going to be returned back to the Special Master for another hearing on the fine reduction. So Mr. Van Winkle can address staff's recommendation at that time. The Commission is not forgiving any liens at this point.

Mr. Van Winkle said he understands that. Does he have to go through the same thing as he did on February 8th?

City Attorney Schwerer said yes. He is going to get another hearing before the Special Master.

Mr. Van Winkle asked can he refer to the results of that Special Master meeting? It was already on record.

City Attorney Schwerer said he understands. But staff has a different recommendation to make to the Special Master that may change the Special Master's recommendation, and Mr. Van Winkle has an opportunity to address it at that time.

Mr. Van Winkle asked even though staff at that time recommended to the Special Master...?

City Attorney Schwerer said yes, he is going to have a new hearing.

Mr. Philip Gates said he would like to thank Commissioner Nelson and Commissioner Alexander for their unwavering support of **Visions of Fort Pierce** and for the Lincoln Park Charrette. They were exemplary in their comments that they gave here twice before the Commission. He thanks them very much for their unwavering support of Visions of Fort Pierce. They appreciate the Mayor, Commissioner Becht, and Commissioner Coke for attending the Charrette, very much

so. The citizens got in there, rolled up their sleeves, and worked very hard. They got a lot of good comments. They will have a report within 30 days for the citizens and then at the next Commission meeting they will have the report also. The minutes were taken very detailed and they will have that report. St. Lucie County Commissioners Smith and Coward spoke to everybody who was there and they spoke very highly of the process and what they expected to happen in the future. They appreciate them very much for having been there to participate with the citizens in The Visions of Fort Pierce and the visions they had for the Avenue D corridor. They did have some citizens from other areas in the Lincoln Park area. They took some notes on what they told them and hopefully they can do some workshops for them in the near future in the Lincoln Park District. Again he thanks the Commissioners and look forward to working together with them in the future.

Commissioner Alexander said he has some concerns about **Avenue D**. He noticed some of these orange cones stationed on corners of the street. And he happened to see someone obviously knocked one of them over and it exposed electrical wires. It is like maybe one of the poles that was damaged.

Commissioner Nelson asked at the roundabout at 15th Street?

Commissioner Alexander said he has seen them on the whole Avenue D. He has seen them on several corners. He can't remember where he saw them at. But he noticed the orange cones are sitting over the place of the electrical. And he just thought that was very dangerous, someone could remove those and expose the City to a liability there. He is just looking at wires sticking up out of the ground. Maybe it is from the base of one of those lamps that was damaged in the hurricanes. He hopes not, not that long. He just thought somebody could go through there and kick their toe. He just thought it was a concern.

Commissioner Nelson said those light poles that were damaged by the storm in and around the roundabout on Avenue D and 15th Street, about four or five poles have been knocked down and wires are sticking up there. They need to do something about it.

Commissioner Alexander said that is the same thing he is talking about.

Commissioner Alexander said one other issue that has never been brought back to the Commission, the section on Avenue Q and 29th Street where those properties over there still have **septic tanks** in the City limits. He thought about it tonight as they were discussing the underground electrical. Commissioner Nelson is aware of it, right?

Commissioner Nelson said 29th Street and Avenue Q, about halfway between a block between 25th Street and 29th Street, there are about four houses in there that have not been connected on the sewer system. They have gone before the U.A. asking to be put on the sewer system and it is some exorbitant cost. When they took out septic tanks out at the 26th Street area, they asked why couldn't they do it over here? Commissioner Alexander is right, they need to address septic tank removal in that area between 25th Street and 29th Street on Avenue Q, about four or five houses.

Commissioner Alexander said he is just bringing that up because he thought that all City residents had to be hooked on to the sewerage. If it is not done, it wasn't done then. He just thinks about the expense that it is going to cost those homeowners to do that now. It is not just digging a ditch.

Mayor Benton said that is expensive. He hopes they are not doing what happened to the man on Thumb Point, charging him for sewer while he had septic tank for many years. They actually did that.

Commissioner Becht said he just wanted to tell everybody here how much he enjoyed their productive trip to D.C. and getting to spend a little time with them all out of town.

Mayor Benton said something was in today's paper this morning about a rezoning request in front of St. Lucie County for 67.18 acres, a third of a mile south of Orange Avenue on Jenkins Road (**Whispering Oaks** - Application for Site Plan and Rezoning to PUD). He just felt that before the County moves forward with this, seeing they are having a joint meeting to discuss working together on developments and other concerns. The memo the County sent the City back on February 6th about several developments and this was included on their second page, that the City ask the County to table that until after the February meeting. There is some information from City staff, Kara Wood, if there are any questions. The County did have input from City staff, but they didn't discuss the density. And with the rezoning it would be upping the density from three units an acre to...

Ms. Kara Wood, Urban Designer, said the current zoning is RS-3 at 3 dwelling units per acre and the future land use designation is RM, which is 6.5 to 12 units per acre. The proposed density is 5.62 dwelling units per acre.

Mayor Benton said so they are upping the density. A lot of times they have no choice. But here is one where they have a choice. That has been the City's concern, no improvements to Jenkins Road. He would like to see this Commission get a letter off to the County first thing in the morning - because their meeting is tomorrow night - asking them to postpone this until after their joint meeting so they can discuss it. It would have to be first thing in the morning, that is for sure. That is what he is looking for. Does everybody agree?

Commissioner Nelson said sure, a good idea.

Mr. Jonathan Ferguson said he is representing EH Building Group. He understands the City's concerns and he knows of the Joint Planning Agreement and Staff is now starting to provide comments. But this project has been in the pipeline for 18 months. It would have been approved a month ago, except County staff screwed up the advertising, so they had to postpone it and readvertise. It had to go back to Planning & Zoning for a third time because they screwed up the advertising. He understands the issues; but his request is that they not use this project as the one that they want to bring all the issues to bear, and let it go forward. The County will take into account the City's professional staff comments and will pass those on to the developer in approving it.

Mayor Benton said in his opinion, they have to start somewhere. What they saw with Lennar next door. He has had County residents and relatives of County Commissioners complaining that right-of-ways weren't given up along Whiteway Dairy Road. Being this is going to be the City limits the minute a house is built there and the City is going to get the roads, as County Commissioner Hutchinson says, then it is the City's problem. As far as he is concerned, the County needs to address these concerns before they allow any more zoning changes or multifamily developments, because once it is done, it is too late. When he saw that in the newspaper this morning, City staff might know about it, but the Commissioners don't and they are the ones who take the heat.

Mr. Ferguson said he understands. May he correct the record. The current land use on that property is RM, which allows up to 9 units per acre. The project is coming in at 5.62. The least dense land use category in the City is 5 units per acre. Once they were annexed, they would have roughly the same rights. If they are coming in at the County, they could come in more.

Mayor Benton said then the County made another mistake because they advertised wrong again.

Mr. Ferguson said they are coming for a rezoning to PUD.

Mayor Benton said that is his opinion and he has heard from the City Commission. If Mr. Beach could get that letter to the County first thing in the morning.

There being no further business, Mayor Benton declared the meeting adjourned at 11:10 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

