

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

Mayor Benton called the meeting to order.

Reverend John Lee, Mt. Olive Missionary Baptist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approval of Minutes of the Regular Meeting on March 16, 2009.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve the Minutes of the Regular Meeting on March 16, 2009.

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

Mayor Benton presented the Florida Community Development Association 2008-09 JAMES E. HUGER DISTINGUISHED SERVICE AWARD to Dorina L. Jenkins, Assistant Director of Community Services.

Ms. Dorina Jenkins, Assistant Director of Community Services, said she thanks everyone and it is an honor to receive this award.

Mayor Benton proclaimed April 12-18, 2009 as NATIONAL COMMUNITY DEVELOPMENT WEEK. Dorina Jenkins, Assistant Director of Community Services, and Sadie Cooper, Program Specialist, were present to receive.

Ms. Sadie Cooper, Program Specialist for Community Services, said the City's Community Services Division will be hosting a CDBG Festival on Saturday, April 18, 2009, from 10:00 a.m. to 3:00 p.m. in celebration of National Community Development Week. The purpose of the festival is to showcase CDBG funded projects and programs. The celebration will take place at North 15th Street & Avenue D to North 13th Street. The streets will be blocked off. There will be performances by local youth groups, tours of the CDBG-funded projects, refreshments, vendors, and social service agencies will also be on site. The public is invited. The celebration will also be in collaboration with the Keep Fort Pierce Beautiful Great American Clean-Up and Lincoln Park Main Street. They are also soliciting volunteers and teams for the Keep Fort Pierce Beautiful Great American Clean-Up. If anyone is interested in being a volunteer for the clean-up, applications are available in the Community Services Office.

Ms. Dorina Jenkins, Assistant Director of Community Services, said she would like to thank the Mayor and Commissioners for their continued support of the Community Development Block Grant Program.

Mayor Benton said he thanks them both, because they have done a lot of work to bring home a lot for this community.

Mayor Benton presented a proclamation in honor of SARA ROUNDTREE FLETCHER, St. Lucie County Black History Maker in Education.

Ms. Sara Roundtree Fletcher said she wants to thank everybody for honoring her for 61 years in education and she has enjoyed every moment of it.

Mayor Benton presented a proclamation in honor of JUDGE RALPH L. FLOWERS, St. Lucie County Black History Maker in Government.

Judge Ralph L. Flowers said he wants everyone to know how appreciative he is to receive this honor from such a prestigious body. The only thing he can say is thank you.

Mayor Benton presented a proclamation in honor of CAPT. PATRICK K. DUVAL, St. Lucie County Black History Maker in Government.

Mayor Benton said he thanks Capt. Duval for a lifetime service and also for breaking down a lot of barriers.

Capt. Patrick K. Duval said he worked hard helping to serve in this County and he loved every minute of it until his retirement.

Mr. Curtis Boyd said he resides at 1211 South 11th Street. Initially he would like to congratulate everybody who just received these awards, particular Judge Flowers and Capt. Duval. He literally grew up with Judge Flowers and Capt. Duval. Capt. Duval and his father, Bill Boyd, were partners at the Sheriff's Department since he was a toddler. He wants to update everyone on what has happened since the last meeting regarding what is being called the Governor's House. Demolition was denied. And the instructions he received basically, he knows the City received, were that himself and the City were to work together to find a resolution. There was a spark of hope within a few days after that. He spoke to Mr. Ward, Director of Fort Pierce Redevelopment Agency, who advised him that he already had the money set aside to move the house, he had a lot in Edgartown, a proposal from Brownie, and everything was on go. A few days later he was told that the City was not going to take his donation and follow through with this until he had gone to court and received a demolition permit. He just wants everybody know he has done his part. He doesn't know how else they can work together. He doesn't know that after another year of fighting in court and somebody authorizing the expenditure of another \$50,000 or so of taxpayer's money that at that point he is going to be willing to donate the house. He thinks it is time that they come to their senses. They say they want him to work with the City and they worked it out. If they really meant it, he is still going to donate it.

Mr. Stanley Robinson said he is located and resides at 9404 Port Side Drive in Morningside. They have a lot they have been dealing with now for about three years trying to sell it to the Department of Redevelopment. Somehow they keep getting addresses crossed up with 436 and 438 Douglas Court. They are under contract to sell this land to the City of Fort Pierce. He is asking the City consider waiving some fees that have incurred on this lot so they can go on with their transaction.

Mayor Benton said this wouldn't be the appropriate time. This is Comments from the Public. Has he been working with the Community Development or with the FPRA on this?

Mr. Robinson said he has been working with...

Mayor Benton said he would suggest he talk to Mr. Ward. If it is on the Consent Agenda, then they will be dealing with it later on this evening.

Mr. Robinson asked so he just sits around and waits?

Mayor Benton said it is going to be a long night. Either way he will be notified.

Mr. Robinson asked he will be notified by the City?

Mayor Benton said he will be notified one way or the other.

Commissioner Becht said he is not going to be able to talk if it is on the Consent Agenda, so that is why he came up now.

Mayor Benton said right, there will be no discussion. The discussion is right now. But if it is on the Consent Agenda, it is not a public hearing. The comments Mr. Robinson has made is basically his comments. If he waits until the time they vote on it, he will not have any input on their discussion on this, unless one of the Commissioners invites him up.

The next item on the Agenda was Public Hearing on Application for **Waiver of Distance** submitted by Kevin Nelson for a 2-COP license to sell beer and wine for consumption on premises in **Lazy Daze Grill at 2553 South U.S. #1**; said property zoned C-3, General Commercial Zone.

Ms. Diann Ploetz, Planning Specialist, said the applicant is requesting a 2-COP license to serve beer and wine for an on-premises consumption. The establishment is located within 1,600 feet of three licensed establishments: Publix, Italia in Boca, and Sabal Palm Liquors, but no churches or schools. A total of 144 notifications for the waiver were mailed to property owners located within 500 feet of the property. As of today, a total of 19 responses have been received - 15 of which approved and 4 opposed. At their March 10, 2009 meeting, the Planning Board voted unanimously to recommend approval of the Waiver of Distance. As the proposed establishment does not appear to adversely affect community health, safety, or general welfare, and meets the criteria, Staff recommends approval of the Waiver of Distance for a 2-COP Alcohol Beverage License for the

proposed establishment.

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 Alexander, seconded by Commissioner Sessions, to approve the Application for Waiver of Distance submitted by Kevin Nelson for a 2-COP license to sell beer and wine for consumption on premises in Lazy Daze Grill at 2553 South U.S. #1.

City Clerk Steele said there is a request by Staff that any motion for approval will be conditioned upon the business tax being paid.

Commissioner Alexander asked say that again?

City Clerk Steele said they don't have a business license. Commissioner Alexander asked why would this be in front of them without a business license?

Commissioner Coke asked how could this even come in front of them? How can they be operating a business without a business license? And how can they apply for a Waiver of Distance without a business license?

Mr. David Carlin, Assistant Director of Planning, said it was brought to their attention on Friday that this particular establishment has another business that has been in operation and, as Ms. Steele pointed out, fees that need to be paid. So staff has requested that the applicant pay his fees prior to the Planning Department signing off for the Waiver of Distance. This was brought up at the last minute as far as the outstanding payment.

Commissioner Coke said she understands and appreciates that, but they should not be relying on Ms. Steele's memory. They had an incident last year, not with the City but the FPRA, where they paid somebody's rent who did not have a business license. She would have thought then the first checklist on every single thing they have would have been to insure the people are operating legally. Is there no place on these applications to insure that they have a current business license?

Ms. Ploetz said the current business license would be at the location on North 2nd Street. This one is for Sabal Palm Plaza. They haven't opened up yet in Sabal Palm.

Mayor Benton said they are relocating.

Commissioner Coke said but the current business license has not been paid is what they are saying.

Ms. Ploetz said right, on North 2nd Street.

Commissioner Coke asked do they not have some place on all these applications where they as responsible members of government verify that these people are operating a legal business? Part of being a legal business is to have a business license.

Mr. Carlin said it could very well be that the classification system they have on file only does it by address; so if a new address comes up, it may not link the two together. He does not know how Ms. Steele was able to present that information. She may be able to shed some more light on that. But they can certainly make sure that any future subsequent applications, they have a different process in place to minimize these types of things.

Commissioner Alexander said he is looking at the application saying a person's name and address is 208 North 2nd Street. It is not for Ms. Steele to recall, it is the application.

COMMISSIONER ALEXANDER WITHDREW HIS MOTION.

City Clerk Steele said they could postpone any action to the next meeting and then staff can report whether or not they had brought their licenses up to date.

Commissioner Becht said he shares the frustration of his fellow Commissioners of this sliding through the cracks. He thinks the easier way to solve this with less of their time involved is to direct Staff to create a system or some kind of policy where this doesn't happen again, but move for approval and condition that upon payment of the appropriate business license tax and fees.

Motion was made by Commissioner Becht, to approve the Application for Waiver of Distance submitted by Kevin Nelson for a 2-COP license to sell beer and wine for consumption on premises in Lazy Daze Grill at 2553 South U.S. #1, conditioned upon their paying the appropriate business tax prior to the issuance of the Waiver and in no event less than 15 days.

MAYOR BENTON RELINQUISHED THE GAVEL TO MAYOR PRO TEM SESSIONS AND SECONDED THE MOTION.

City Attorney Schwerer asked that motion was for payment of the outstanding business tax at the current location and payment in full of the intended location, both locations, is that correct?

City Clerk Steele said they would transfer the existing license to the new location.

Commissioner Coke said she is not going to be able to support this because they can't transfer a business license if it is not current.

City Clerk Steele said that is why they need to have it paid.

Commissioner Coke said she just has some concerns. Everybody who operates a business knows they need a business license. A renewal notice is sent out every single year. If they want to

be in business, they have to play by the rules. She would not hesitate to support the motion at a future date once all of this has been accomplished. She also requests that Staff bring some form of change in their research so they ensure they are not granting further business privileges to people who are operating outside the legal realm.

Mayor Pro Tem Sessions said he has a problem with it from setting a precedent standpoint. This individual doesn't have a business license, so he doesn't think they would be obligated to grant what they are requesting today. He just doesn't want to set precedence from his standpoint.

Those voting in favor of the motion were: Commissioners Becht and Benton. Those opposed: Commissioners Alexander, Coke, and Mayor Pro Tem Sessions.

MOTION FAILED TO PASS.

MAYOR PRO TEM SESSIONS RETURNED THE GAVEL TO MAYOR BENTON.

City Clerk Steele asked do they want to postpone this application until the next meeting?

Commissioner Coke said after they get everything paid up, they can apply again.

The next item was Public Hearing on Application for Waiver of Distance submitted by Margarita Kellen for a 2-APS License in order to sell beer and wine in sealed containers for off-premises consumption from Walgreens #4391 at 2501 Virginia Avenue; said property zoned C-3, General Commercial Zone.

Ms. Diann Ploetz, Planning Specialist, said the property owner/applicant is requesting approval for a 2-APS License to serve beer and wine for consumption off-premises. The establishment is located within 500 feet of two churches. The Seventh Day Church is adjacent to the west and Indian River Presbyterian Church is across South 25th Street to the east. A total of 35 notifications for the Waiver of Distance were mailed to property owners located within 500 feet of the property. As of today a total of three responses have been received, all of which opposed, with no responses from the two churches. At their March 10, 2009 meeting, the Planning Board recommended approval of the Waiver of Distance. As the existing establishment does not appear to adversely affect community health, safety, or general welfare, and meets the criteria, Staff recommends approval of the Waiver of Distance for a 2-APS Alcohol Beverage License for the existing establishment.

Mayor Benton asked is Orange Blossom Estates within 500 feet for notification? Because they are in the County, he is wondering if they would have received letters. They are outside the 500 feet?

Ms. Ploetz said yes.

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.

Mayor Benton asked did Staff look at the Minutes from the original approval of this Walgreens? He knows there was discussion about them coming forth one day with the liquor store and its proximity to the churches and the residential area and the college. If he recalls correctly, that was not in their plans. He thinks he was the one who asked the questions. But that was many years ago. There was a pretty lengthy discussion about that site and the pine trees on it, if anyone recalls.

City Clerk Steele said the current Planning Staff was not here. And she does know what the Mayor is talking about, because the first thing she did when she saw this application is she went to that file to check, because she remembered there being discussion. There was no condition placed on this Walgreens about the sale of alcohol.

Mayor Benton asked there was discussion, but just no conditions?

City Clerk Steele said there was discussion, but most of the discussion centered around the pine trees. There was a little discussion about whether or not they might open up the alcohol sales. But there was no condition placed by this Commission on the sale of alcohol from this location.

Mayor Benton said it just surprises him. They just opened a new Walgreens on U.S. #1 and closed the liquor store there; but now they are going to almost a residential neighborhood next to a college and churches.

Commissioner Becht said and the County Administration Building.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Application for Waiver of Distance submitted by Margarita Kellen for a 2-APS license in order to sell beer and wine in sealed containers for off-premises consumption from Walgreens #4391 at 2501 Virginia Avenue.

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

Ordinance No. L-77 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 23, **HISTORIC PRESERVATION**, ARTICLE V, CERTIFICATE OF APPROPRIATENESS; CREATING SECTION 23-43(a) IDENTIFYING A **MATRIX OF ADMINISTRATIVE REVIEW** FOR CERTAIN TYPES OF APPLICATIONS; AMENDING SECTION 23-43 DELEGATION OF REVIEW AUTHORITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-77 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 Coke, that Ordinance No. L-77 be passed on second and final reading.

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

Ordinance No. L-79 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REMOVING ARTICLE IV, PROTECTION OF SEA TURTLES, SECTION 4-61, LIGHTING ON BEACH, FROM CHAPTER 4 OF THE CODE OF ORDINANCES; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ESTABLISHING ARTICLE XIV, **PROTECTION OF SEA TURTLES**, SECTION 5-375, LIGHTING ON BEACH; AMENDING ARTICLE I, PARKS & RECREATION, SECTION 12-9, FIRES, COOKING & DISPOSAL OF GARBAGE, BY CREATING SECTION 12-9(e), PROHIBITING CAMPFIRES SEAWARD OF THE PRIMARY DUNE FROM THE FIRST DAY OF MARCH THROUGH THE LAST DAY OF OCTOBER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-79 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 Sessions, that Ordinance No. L-79 be passed on first reading.

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

Ordinance No. L-80 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, REPEALING CHAPTER 4, ANIMALS AND FOWL, ARTICLES I, II, AND III; CREATING AND ESTABLISHING A NEW CHAPTER 4, **ANIMALS AND FOWL**; ARTICLE I (GENERAL) TO INCLUDE DEFINITIONS AND PROHIBITIONS, ARTICLE II (ANIMAL CONTROL) TO INCLUDE PUBLIC NUISANCE, ANIMAL CARE, RABIES CONTROL, LIMITATION ON NUMBER OF CATS AND DOGS, AND OTHER REGULATIONS; ARTICLE III (REGISTRATION) TO INCLUDE PET REGISTRATION AND BREEDER REGISTRATION REQUIREMENTS; ARTICLE IV (IMPOUNDMENT) TO INCLUDE IMPOUNDMENT PROCEDURES; AND ARTICLE V (ENFORCEMENT) BY ESTABLISHING CIVIL INFRACTION PENALTIES, ENFORCEMENT PROCEDURES, AND APPEALS PROCESS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was pleased on first reading and read by title only.

Chief of Police Sean Baldwin said the Police Department is tasked by ordinance with supervision of their animal control efforts. They have been working on considering a pet

registration or pet licensing ordinance similar to what the St. Lucie County adopted in 2007. In doing this work they have actually gone through their entire animal control chapter and completely rebuilt it to address a number of problems that he will point out as he goes through his opening statement. He wants to point out a few things in terms of what animal control is in terms of the resources it requires in order to do the job, because it is very important to this discussion. Calls for service for animal control issues are the number one call for service answered by the Police Department. Of course, their Police Officers are answering multiple types of calls, so he doesn't want to give them the impression that is the largest load on the Police Department, but it does make up a significant percentage of the Police Department's work. All of that work is handled by three full-time animal control officers. The cost of that is about \$150,000 a year. And in this year's budget is \$277,000 they pay to the Humane Society to take care of animals they pick up. In 2008, the Humane Society received 2,637 animals from their jurisdiction, which is significant. This demand for resources over the years is just climbing and increasing, so they have to do something to bring this under control. He thinks what he is proposing will do that. The revisions address a number of concerns that their Animal Control Officers have had. The existing ordinance is dysfunctional, he guesses that is the best way to describe it. It is very difficult to enforce some of the provisions and some of the enforcement just isn't worthwhile. They have gone through and addressed all those. They have worked very closely with the City Attorney's Office, the City Clerk, the Humane Society, several animal advocates from the community, and even polled veterinarians in putting this together and trying to develop strategies that will do two things: One is to improve the standard of care for animals in their community, and secondly reduce the public cost of impounding stray animals which is extremely significant. They started this procedure with discussion about adopting a similar ordinance to what St. Lucie County did in 2007. But they ran into some conflicts with the ordinance. All of that has been resolved in the work that is presented to them today. The Commission just considered Ordinance No. L-79 which simply moved the protection of sea turtles into another chapter. Ordinance No. L-80 is the one that contains all of the animal control changes. Ordinance No. L-81, which will come next, simply deletes some conflicting enforcement provisions, so that is more administrative in nature. If they will go through Ordinance No. L-80, he just wants to touch on some of the highlights so the public is aware of what they are doing here. Article I, General, provides definitions and some general regulations. They have gone through and added a number of definitions that will help clarify and support the ordinance provisions and help their Animal Control Officers in doing their job. There are new definitions for breeder, domestic animals, fowl or bird, harbor, livestock, microchip, public nuisance, shelter, and sterilized. Again, those support all of the provisions that are to follow. Article II, Animal Control, consists largely of what their ordinances were before with some modifications. He wants to point those out for the record and for the public. Section 4-2 has been clarified to restrict all animals and fowl that are not normally

kept as pets. They had some things that were not clear in the previous ordinance and they have cleared that up. Section 4-20 maintains their public nuisance ordinance, but it makes it easier for their officers to enforce. It addresses problems like dogs that continually howl and bark and cause a public nuisance. Section 4-24 greatly improves the standard of care for animals in their community by requiring sufficient shelter and placing some restrictions on tethering of animals. Sections 4-27 and 4-28 retain requirements for rabies vaccinations completely separate from the pet registration process. That is important because they have two different goals. Section 4-30 limits the number of domestic animals that can be kept in a household to five, so it is five per household. Then finally, in every single section of the ordinance in the last paragraph they will find what the violation is - a Class A, Class B, or Class C violation. Those are graduated depending on the seriousness and those are more in line with the realistic fines. Article III, Registration, may cause the largest amount of discussion here tonight. What is presented to them is a differential registration process, which is two different fees for registration - a lower fee which is \$10 for spayed or neutered animals, and a higher fee which is \$75 for un-spayed or un-neutered animals. The purpose for that is very deliberate and it is to encourage their residents to spay or neuter their animals. They are doing that to reduce the number of stray animals and animals the Animal Control Officers are having to deal with, unwanted animals and animals that are ultimately going to the Humane Society and may be put down. It is modeled after the St. Lucie County ordinance; but they had some language issues and some other issues, so it is not exactly identical to St. Lucie County's. It has all the same elements as St. Lucie County's ordinance. They should note, St. Lucie County in the first year of operations collected \$53,000 in their pet registration. They have given him an updated report. Since then they have registered well over 3,000 animals, have collected \$70,000, and they have spayed or neutered over 300 animals as part of the process. By any measure of whether or not that is successful, he thinks anybody would call that successful. He wants to point out that the differential registration program is endorsed by the American Veterinarian Medical Association, which is an important part. They polled all of the local veterinarian offices in the area. They have actually done it a number of times over the last year and a half as they have been working on this. There was some initial resistance to the process. It appears now that all the veterinarians are comfortable and supportive of the program that St. Lucie County first adopted. There were one or two vets who expressed some concern about the lifetime registration because it may cause some confusion about the need to take an animal for regular vaccinations and care. There was another veterinarian who had some issues with releasing the medical records. But of course, they would not ask the veterinarians themselves to release the medical records, that would be done by the owner where appropriate. He does need to point out the major difference between what is proposed to the Commission and what was adopted by the St. Lucie County Board of County Commissioners is that the ordinance as presented to them tonight does not have the lifetime registration option. St. Lucie

County's ordinance has a lifetime registration option; so instead of paying \$10 per year, residents of St. Lucie County can pay \$25 for a lifetime registration, and that only applies to spayed or neutered animals. He presents this to the Commission without the lifetime option because he believes the annual registration fee is a better way to meet the goals of the program. Besides reducing the unwanted animal population, one of the major benefits of the registration process is that the Animal Control Officers will know where these animals belong so the citizens of Fort Pierce don't have to pay \$118 to take that animal to the Humane Society. If the animal is wearing the registration tag and they have an updated address, they can take the animal home and it won't cost anybody a dime. That is important. He thinks that information needs to be updated annually so they insure that they have the most current registration. However, should the City Commission decide they want to adopt the lifetime registration fee like the St. Lucie County Board of County Commissioners did, he has provided optional language for the ordinance (in his memorandum dated March 26, 2009), so that would have to be included in any motion and they would re-draft the ordinance for the second reading. Another section in Article III, just like St. Lucie County, requires that breeders register at a cost of \$100 per year. Article IV, Impoundment, controls impoundment and how they impound dogs and cats and other animals and quarantines, that kind of stuff. He wants to point out that owners of impounded animals will be required to pay a \$50 impound fee to cover the cost associated with picking up the animal, plus \$118 impound fee which is the cost to the Humane Society. This is actually presently in their ordinance. It is not enforced and it is something they need to start doing. It is his belief that the taxpayers in general should not be paying for people's dogs to be impounded. He does want to point out that there are two things in the ordinance that help them avoid impounding animals unnecessarily. One is the pet registration process. If the animal has the registration tag on, it will be taken home, not to the Humane Society, so they avoid the fee. The second thing is that it puts in some provisions for microchipping. All animals that are adopted out of the Humane Society will be required to be microchipped. The Animal Control Officers will carry the microchip readers. When they find an animal, even if it doesn't have the registration tag, if it is microchipped, it will be taken home if they have the current address. So they can avoid all of those fees to both the owner of the dog and the citizens in general. Article V, Enforcement, really cleans up all of the problems the Animal Control Officers had with enforcing the provisions of the ordinance. It provides a new schedule of fines. The fines are actually less than what St. Lucie County charges for similar violations, but they feel the fines are sufficient in order to do the job. It is a sliding scale based on the severity of the offense. It also provides a brand new process for collecting these fines. By Florida Statute, all animal control violations citations have to go to County Court in order to be heard if there is an appeal. There is no choice about that, they have to do that. Of course that costs their citizens countywide a significant amount of money. They have put in place a procedure for collecting the reduced fines internally and screening cases before a hearing is

scheduled, to make sure they have sufficient evidence to support the charge and they aren't standing over in court with cases they know they are going to lose anyway. Finally, it adds \$5 which is provided by Florida Statute to provide training for their Animal Control Officers. He just wanted to point out again that City Attorney Rob Schwerer's staff worked on this ordinance with them hand in hand and they signed off on the proposed ordinance after some final adjustments were made on March 25th. If they adopt this ordinance, it will be effective 90 days after it is adopted, which will allow staff the time they need to put all the administrative processes in place - how to register, who to call, and all of that - and do some public education so that everybody knows what is expected of them after the ordinance goes in place.

Commissioner Coke said her first concern she is going to express is the last time they talked about this, she thought they all agreed that yes, they would look at revising their animal licensing ordinances, but their first step before they burned a lot of the Chief's time and City Attorney's time is going to be to have some public hearings to hear what the public wanted, didn't want, agreed, disagreed with so they weren't spending a lot of money on the Police Department and the City Attorney's Office writing an ordinance that is going to then need to be revised or is not acceptable. Her second concern is when they look at people who have existing animals. The last time they had this discussion, she happened to be down at her vet's office for the umpteenth time during the course of the year. The girls in that office were very concerned. They had a lot of elderly people who had their dog eight or nine years and the dog hadn't been fixed. Obviously it is probably beyond the age of when it is going to have puppies. They are calling the vet's office saying now they are going to have to turn their baby into the Humane Society because they can't afford \$75 a year for a license. Do they have any provision in here that is going to grandfather-in dogs that are already in homes that responsible pet owners are taking care of? She is going on record as saying all of her animals are fixed.

Chief Baldwin said that is addressed in here. There are animals that are too old to undergo that surgery. The veterinarian could make the determination that the surgery is not worth the risk to the animal and they can certify that the dog should not be spayed or neutered, and then that person will pay the reduced fee.

Commissioner Coke asked what about the person who 91 days from now, before there is any funding that is going to be from collecting from these ordinances, what about that person who has a three-year old dog or two-year old dog and is barely eking by, but the dog is the source of entertainment for the family and the children, and they can't afford several hundred dollars? It is almost \$300 to get a dog fixed.

Chief Baldwin said he actually had some discussions with Mr. Southard from the St. Lucie County Department of Public Safety and some other people involved. Administratively what they will do is, people who want to get their dog spayed or neutered

before they are registered, they will issue a temporary registration that is valid for 30 days, give them a coupon to go get their dog or cat spayed or neutered at a reduced cost.

Commissioner Coke asked what will the reduced cost be?

Chief Baldwin said they have not calculated that. Right now St. Lucie County is doing it for free. The City could do that for free. But the County is rethinking that. He believes what they are trying to do is like a \$25 co-pay. In other words, the animal owner would pay \$25 and the revenue that is generated from the pet registration process will pay the balance of that. Actually that is something he needed to discuss with the Commission. It is important for him to make sure this program pays for itself. So within the ordinance it says that the registration fees will be used to pay for the program first. After that, all fees will be used for education and the spay/neuter program. Adoption of this ordinance also allows the City to apply for grants from the State in order to enhance and broaden their spay and neuter program. His understanding is they will be eligible to receive a grant of \$25,000 every other year through the State of Florida's vehicle licensing program. So there will be funding available. The question is, as they consider this and they set this up administratively, do they want it to be free or do they want it to be a co-pay? His understanding is that is one of the recommendations that is going to go back to the Board of County Commissioners based on their experience with the process.

Commissioner Coke asked do they address some place in here...? There are some people who buy a full breed dog with no intention of ever breeding the dog; however, a lot of kids get into going to shows and showing their dogs after they train them and work with them, and they can't show a dog if it has been spayed or neutered.

Chief Baldwin said he is not real familiar with the regulations as far as showing. He is sure if it is one of the AKC shows, that probably applies. But it wouldn't apply to any local shows that he is aware of. He is just not sure about that.

Commissioner Alexander said as he reads the Chief's memo, it says presentation to the City Commission as soon as possible. He thinks at the last meeting they had as a Commission concerns about their children. He has this saying about the animals versus children - children win out every time. He is not against anything about spay and neutering dogs. But what his problem is, when they have fowl, what do they mean by fowl? Is it the same definition he has as chickens and peacocks? Are they telling him they are about to start with their peacocks and chickens in the City of Fort Pierce? Again his concern is animals versus children and calls for service, he understands that. But he has a concerns about the young people of this community. They are just about to start their summer program with these children. To him, that should be foremost. He thought they already budgeted for the Humane Society for the year 2009. So any recommendation coming from him would be to table this until they get into their budget hearings and know

where they are coming and going.

Chief Baldwin said he is 100% with Commissioner Alexander and a partner in taking care of their children. He mentioned at the beginning that they are spending over \$400,000 to take care of animals and they are not doing a good job of it. A lot of that money is wasted. He thinks with passage of this ordinance, this City will free up those resources. Of course, the Commission ultimately decides where the funding goes, but maybe they may have more resources in order to do the things they want to do for this community.

Mayor Benton said the number of dogs that are running the streets of Fort Pierce pose a threat to those kids.

Commissioner Alexander said it should be less now with all these dogs collected.

Mayor Benton said with the ones they have collected, the numbers haven't slowed down. That is one reason why it is in front of them. When he was first put up here on this Commission, the City was spending somewhere around \$80,000 a year toward these animals going to the Humane Society. That was 14 years ago. Now they are up to \$277,000 and the number one call to the Police Department. They are looking for a solution to bring those numbers down so the Police Department can get back to doing the job they do best and not have to deal with the unwanted and uncared for animals out there, putting the burden on the taxpayers. When Chief Baldwin was saying the additional cost for animal control, that means a burden to the taxpayers of the City of Fort Pierce, because they do pay County taxes too, is well over \$500,000 a year. The County is paying more than they are and Port St. Lucie too. Somehow they have to start making people responsible for their animals. He does feel for the people who can't afford to have their animals spayed or neutered or license them. He feels the discussion that is in front of the County now is to allow people who can't afford it, through the license plates they can get \$25,000 every two years, but those animals can get a free spay and neuter for people who can't afford it and the licensing should be free. If people can't afford it, they are not going to go down there and license their animals. But this is a responsible way to lower the number of animals that are on the street. They haven't heard of any other solutions. He knows this is proved in a year and a half the County has been doing it to be successful. They have waited that long. He sat through that meeting for four hours that night. It is a lot easier when the laws in the County and the City, especially when one street is the City and one is the County, resemble each other, either the County or the City could enforce them. He thinks a lot of this makes sense. He just thinks some numbers have to change so the people who can't afford to have their animals spayed or neutered or licensed. And the lifetime registration is very convenient. He thinks those are the ones that should be changed. He thinks this is just one step in a direction of getting that number down for the taxpayers.

Chief Baldwin said Commissioner Alexander mentioned the fowl -

the birds, chickens, and peacocks. Yes, the definition of fowl or bird does include peacocks or chickens or any other animal with wings and it does prohibit those animals with the exception of birds that are normally kept as pets - parakeets, cockatiels, cockatoos. There are several of them named in the ordinance. He knows there has been some discussion about making the registration free and he encourages them to discuss that. Of course, he will take whatever direction they provide for him. But he thinks making it free defeats the purpose of the ordinance in that it doesn't raise any revenue in order to provide the spay and neuter program.

Mayor Benton said he is only saying free for people who can't afford it, if they fit into a guideline where they are indigent or something, or if they have senior citizens on a set income, and he thinks they would have to come up with an income level. For some of those people, it would be a hardship. It just makes sense, they don't want to create a hardship. He knows there was a concern that it is an additional tax. Some people can't afford it. But with that \$25,000 grant through the State from the license plates, his understanding is, he doesn't even think they can use that up in a year. It sure would keep the veterinarians busy. So he would think it would be a win/win.

Chief Baldwin said one last comment on the cost issue. Under the current ordinance it is \$5. Under their current ordinance it is not free. There are going to be expenses with this program. They are either going to have to have a position here who is intaking this and providing letters and notices of when registrations are expiring, or they are going to have out-source it. His recommendation is going to be that they out-source it. There is a cost involved with that with every registration. So if it is free, understand they are going to significantly reduce the amount of money that is available for the spay and neuter program.

Commissioner Becht asked did the Chief or somebody say that this ordinance is substantially the same as the County ordinance?

Chief Baldwin said he wants to make sure they don't misunderstand him. The pet registration...

Commissioner Becht said the differential part is substantially the same.

Chief Baldwin said yes, that is substantially the same.

Commissioner Becht said but the rest of it is not.

Chief Baldwin said no, the rest is not.

Commissioner Becht said let's get into that. In the definitions they have "confined" as being physically preventing an animal from leaving the premises of its owner or keeper. Does that include an electric fence?

Chief Baldwin said yes, that would include an electric fence, as long as the dog is properly equipped.

Commissioner Becht said he is not sure that technically meets the requirements of what he is saying, but his interpretation tonight will be used later, he thinks. On leash or lead, it says a leash not more than six feet in length. He has seen several in the pet stores and he thinks his wife has a leash that allows the dog more than six feet to do whatever it needs to do. Why is there a length on the leash? Does it really matter?

Chief Baldwin said he thinks it does matter. If they have a dog on a lead that is 50 feet long and they are walking through a public area, they are not really controlling that animal.

Commissioner Becht said there is a requirement that a shelter be built for an animal. Would this include like a cat that is actually kept outdoors?

Chief Baldwin said he will see the definition of shelter there and what that requires.

Commissioner Becht said he has read it. Is that what is intended?

Chief Baldwin said they do need to provide shelter for their animals. That is one thing that is lacking in their ordinance, there is no requirement to provide for the basic needs of the animal outside. It can be tied to a tree and left outside - they see that - there is no shelter, there is not adequate ventilation.

Commissioner Becht asked if somebody has an outdoor cat that hangs around and they put the milk out once a day or whatever, there is no shelter provided for the cat if it just sleeps on the front porch.

Chief Baldwin said he thinks they are getting right to sort of core of this issue, that they should not be letting their animals roam free through their neighborhoods. They have to keep their animals under restraint or things happen. Animals are animals. He understands what Commissioner Becht is saying, there are probably a lot of people in the City who let their cats roam free.

Commissioner Becht asked if it is a neutered or spayed cat, he is wondering what are they accomplishing? Maybe he is missing the point.

Chief Baldwin said cats that roam around can cause damage, can become a nuisance to other people. Again, the Commissioners are the ones who are going to make the decision. In his opinion, he believes their animals need to be restrained.

Commissioner Becht asked someone has made a decision that they don't want dogs and/or cats on their beaches or parks, even if they are on a leash?

Chief Baldwin said that is in the current ordinance, that is no

change. There has been some discussion by the Citizens Parks Advisory Committee they formed about trying to provide some public place for animal beach access; but he doesn't know if that has been resolved yet.

Commissioner Becht said Section 4-30, he is not sure what is intended, but he is seeing all kinds of problems with Paragraph (a): It shall be unlawful to own, harbor, or keep more than five domestic animals four months or older at any residential or commercial property. He doesn't understand the reason for including the limitation of residential and commercial property. If he has industrial property, he could have more than five domestic animals?

Chief Baldwin said if there is a difference between commercial property and industrial property, then they will need to add industrial property.

Commissioner Becht said they get into trouble by even starting to define it. They have the exceptions in Paragraph (b), so he doesn't think they really need to say residential or commercial property. They can't keep more than five domestic animals, period. That would be his recommendation, if that is what this is intending to do.

Chief Baldwin said that is the intent.

Commissioner Becht said the differential, it would be his preference that they do add back in the lifetime registration. He heard what the Chief said, if they are going to go with differential. There are a lot of people in the public that want to talk about this, so he will wait until they weigh in.

Commissioner Sessions said the Chief said earlier that it is costing the taxpayers how much on a yearly basis in terms of what they are giving over to the Humane Society?

Chief Baldwin said the expenses for the Police Department are about \$150,000 a year. \$277,000 is what they have budgeted for the Humane Society this year.

Commissioner Sessions said if they are going to remain a viable operating municipality, he thinks it is imperative that they create innovative cost saving measures, especially during these economic times. This certainly seems to be a method of doing so. He does have some concerns about placing a burden on those who are not financially able to pay some of the more healthier fees and costs. He noticed that the Mayor mentioned maybe in some cases they can waive some of those fees and costs. But if they are not willing to do that, maybe they can come up with a sliding scale based on individuals income where they could determine what would actually be owed from them based on their income. Another thing that comes to mind is, he hears what the Chief is saying and it sounds good and he hopes they could obtain the objective and that is to be more cost efficient. But does he have any projections in terms of what he sees this will save them from a standpoint of next year if they were to adopt this? How soon will he see some results and what will those

results be?

Chief Baldwin said he is almost afraid to answer that question because he knows he will be held accountable. He thinks they could save \$100,000 next year if they adopt this and fully implement it. He thinks they could net \$100,000 by implementing this. They are actually trying to put some things in process with the Humane Society in how they handle animals and check them in. He believes they can see a significant decrease in the public investment in animal control over the next year. It is going to be difficult. He is basing that on the County's experience and the success they have had. That is his estimate. Commissioner Sessions also mentioned the free or reduced...?

Commissioner Sessions said a sliding fee scale.

Chief Baldwin said he is going to suggest that maybe a better way to do this, at least in his mind, is to not change the ordinance, to have the \$10 annual fee, and then set up a fund that would provide grants to people who meet certain requirements. They could do that by resolution and set aside x-percent of the revenue in order to provide money to that fund or set aside some money that comes from somewhere else in order to get the process started. And then maybe they can see what the experience is, how many people qualify for that grant or that fund, and maybe they could use it to even cut it in half so it matches what is existing. So they would provide a \$5 grant to people who meet a certain income. The language he saw in a memo from Mr. Southard was if a family is at 125% of the poverty level, they would get a reduced registration cost. That is something for them to consider, an idea he had as they were generating this.

Commissioner Coke asked when they talk about the number of animals the City pays for that go to the Humane Society, in his professional opinion, if the Humane Society were not located within the City limits, would they be charged for less animals? Does he not think a lot of people just bring the animals some place close and drop it and the City gets charged?

Chief Baldwin said several months ago they were asked to take a real hard look and audit what they were being billed. They have actually seen a savings in that because in a couple of places they were being billed for Fort Pierce addresses that... Every animal that comes in, the person has to give their address, where they are bringing it from. If it is within the City of Fort Pierce, the City pays for it. If it is from unincorporated County, the County pays for it. They had a couple of billings where they were paying for a Fort Pierce address in Indian River Estates or some place that wasn't in the City. They have actually saved several thousand dollars because of that. They are now every month auditing the bill so that does not happen.

Commissioner Coke said she appreciates that, because Lakewood Park, Orange Blossom Estates, and Indian River Estates, those all say Fort Pierce, but they are not. Her question was more along the lines of, there are a lot of people who just take their animal some place close to the Humane Society and drop it

off, they don't bother to go in, and then those animals are considered strays in the City of Fort Pierce. She is assuming they are paying for that?

Chief Baldwin said if the animal is picked up by one of their Animal Control Officers, yes, they are paying for that.

Commissioner Coke said the last she heard they had 50 licensed dogs and cats in the City of Fort Pierce. They have all expended a lot of time and effort and energy and taxpayer dollars moving forward on this with the assumption that they are looking to do something to have animals treated better. Her biggest concern with this is, if they have responsible pet owners who take their animals to the vet every year, who spay and neuter every single animal they ever have, provide shelter, they provide a nice three-bedroom house with a king-sized bed, the whole nine yards, those people are going to remain responsible pet owners. Those are probably the 50 people who have licensed their animals in the City of Fort Pierce. How do they expect the other 2,000 animal owners to get on board? Now they have to take their animal to the vet for \$200 or \$300 a year for updated shots, then they have to go to City Hall and apply for a license, and they have to remember to renew their license next year after they go back to the vet. She doesn't know how they expect to get people on board. When she was a kid growing up, in the summer months the Police knocked on the door if a dog barked and they asked to see the license, and they went through every single neighborhood. They don't have the manpower to do that and certainly they have other problems that are more pressing. She doesn't see how they are expecting to put another layer of bureaucracy and government in and have people follow it, when the only people following it now are the ones who are responsible pet owners.

Chief Baldwin said the only thing he can do in order to answer that is point to St. Lucie County's experience. They found at least 3,000 people who were willing to abide by the law and do the right thing. The other part of this is that the enforcement process is solid. If they do not register their animal, they will be fined \$100. They will spend 90 days educating the public and making sure they understand what their responsibility is. After that 90 day period, they will start citing owners of dogs and cats that do not register their animals. He is very comfortable with the enforcement process they have in place. The renewals will come if they out-source this. There is one particular company he has already looked at that does this around the nation. If they out-source this, every owner of an animal who needs to re-register their animal after a year will get a notice of that need to re-register. So they can actually keep track of the notice they have given out so people are reminded. Also, just allowing the veterinarians to do this on their behalf, when he looked through the list of registrations from St. Lucie County, most of them are being done at the veterinarians office. He feels comfortable saying they will have more than 50 animals registered under this process than he was answering Commissioner Sessions question about how much they are going to save.

Commissioner Coke said she appreciates that. Their goal certainly is to not only save money in what they pay out, but to make their animal's lives healthier. Every time she walks through the door of the vet it is \$200 or \$300; and if she brings more than one of them there, it is a mortgage payment. Now they are going to add another charge on top of that. People scrape together the money to go to the vet, they can't license the animal unless it has been to the vet and had its shots on an annual basis. She has concerns with all the costs involved, especially in the economic time they are living in.

Chief Baldwin said there is no doubt there is cost involved. There is no way to hide the fact that this is an additional fee. But he can tell them this, somebody is going to pay for these animals that are running around this City. It is either going to be the taxpayers at large or it is going to be the owners of those animals. But somebody is going to pay for those animals. Their problem with stray and feral animals that are running around this City is significant. He doubts that they can go too far in this City without seeing a stray dog or a feral cat running around. They need to bring this under control. This is the only way he knows how to do it. There are some communities across the state and the nation that are being even more aggressive - if they have a dog or cat, it will be spayed or neutered, period. If they want to get that aggressive, he would certainly support that; but he doesn't think their community is ready for that. He thinks this is a nice interim step to get there. The bottom line is, when they talk about having the license be free, somebody has to pay for it. The City is paying over \$400,000 a year in order to take care of this. He thinks this is the solution they are looking for. It is the best one he can find in all the research he has done.

Mayor Benton declared a Public Hearing on Ordinance No. L-80 in session and asked if anyone in the audience wished to be heard.

Ms. Sally Ann Bergquist, 9 Del Prado Street, Port St. Lucie, said for several years she has volunteered and helped support Dogs & Cats Forever's no kill shelter, United Way for Animals, and SPCA of the Treasure Coast. So she can stand here before them this evening as a well-qualified enlightened witness to the problem of uncontrolled growth of the unwanted pet population here in Fort Pierce, Port St. Lucie, and St. Lucie County. Please consider that no disease or epidemic kills more dogs and cats than shelter euthanization. Uncontrolled growth of an unwanted pet population costs multi-millions in tax dollars yearly across their country, but still results in multi-millions of animals being killed yearly at shelters. Because of this, animal shelters locally and throughout their country realize that they will never be able to stem the flow of lost money and lives, and asking for government intervention through the implementation of updated legislation. Recent studies report that intact unsterilized animals account for two-thirds of all animal control expenses. The International City/County Management Association's guide for local government recommends communities enact differential license registration ordinances that help fund local spay/neuter for pet-owning citizens as a preventive pro-active policy in helping to reduce these

significant costs. Differential license registration for pets is now widely accepted as a fair and accepted solution to this very costly problem every community must address. It has been a bitter failure locally and throughout many other communities that thought they could adopt a different way out of this problem or build enough shelters to house all the discarded dogs and cats until new homes can be found. They can't and they never will. Communities are now implementing differential license registration policies and are funding spay/neuter instead of more new animal shelters and lethal injections. The most effective community license registration programs earmark collected fees for spay/neuter programs for low income pet owners who can't afford it, which also promotes local veterinarian support as well. But there is hope. United Way for Animals has been pledged \$3,000, a donation from someone in the community. And United Way for Animals is going to match that \$1,000, making it a total of \$4,000, and pledge it to the City of Fort Pierce to start a spay/neuter fund program component of the differential registration ordinance. They are so confident that this ordinance will be effective in its mission that they consider it a worthy investment of charitable dollars. Lastly, regarding additional grant monies that are available for spay/neuter programs, one aspect that is not well known is the State of Florida issues a vehicle license plate. People buy this plate, monies go into a fund, and there is a grant application. If they pass this ordinance, there is no reason why the City can't match up with all these other communities in Florida that are doing this. So they really have to think pro-actively. They cannot let the status quo remain.

Ms. Pam Stephenson, 325 North FFA Road, said the differential license ordinance that they are asking the Commission to pass is very simple. It will significantly reduce the number of unwanted dogs and cats that are turned in to the Humane Society shelter only to be euthanized and it will save taxpayer dollars. Currently the City of Fort Pierce pays the Humane Society \$118 for every animal turned over to the shelter by City Animal Control or turned in by its owners. Approximately 10,000 animals are taken in to the Humane Society shelter each year and 6,000 of them are euthanized. The City of Fort Pierce spends close to \$500,000 a year on animal control and animals turned over to the Humane Society. This ordinance will allow stray licensed animals to be returned directly to their owners, bypassing the \$118 shelter fee. It is much more humane to not allow those puppies and kittens to be born, than to kill them when they are no longer wanted, if they ever were. This ordinance is not meant to punish people, but to give them an incentive to have their pets spayed or neutered. Many good-hearted responsible people just need a reason to have their pets altered. When she instituted a rule at her boarding kennel that she would not board any dogs that were not altered, many pet owners said to her that they had been thinking about it or just hadn't gotten around to it, and those people made appointments with their veterinarians and had their dogs altered because they had an incentive. Anyone who breeds dogs or cats is a breeder, whether their animal is purebred or mixed. They sell their animals anywhere from \$250 to \$1,500 each, according to their local paper. Hundreds of purebred dogs end up in shelters.

Those breeders need to shoulder some of the responsibility by buying a breeder's license. Passing this ordinance is a win/win situation. Animals will not have to be needlessly killed and taxpayers will save thousands of dollars. Organizations supporting the passage of this ordinance are: Animal Rights Foundation of Florida, All Pet Rescue, Dogs & Cats Forever, Fort Pierce Police Department, Humane Society of the United States, Humane Society of St. Lucie County, SPCA of the Treasure Coast, the St. Lucie County Board of County Commissioners, the St. Lucie Tribune Editorial Staff, the CV Parry Foundation, and United Way for Animals. In a very short time they collected 655 signatures supporting this ordinance plus 500 who support HB 451 (Florida House of Representatives), the mandatory spay/neuter bill, a statewide initiative. (Ms. Stephenson presented a petition to the Commission.)

Ms. Kim Dean, 5409 Cassia Drive, said she is affiliated with All Pet Rescue. She is here tonight to give them an idea of what they do. They service the four local counties and the surrounding cities. They are a non-profit 501(c) organization which provides safe haven to any domestic animal. They utilize the use of foster homes to care for some of the animals while they are waiting for permanent homes. Also, they are offering services to owners who are no longer able to keep their animals due to foreclosure or some other hardship. And pulling animals from high volume facilities as well. It is just so imperative that they take action in the City to make every attempt to reduce the number of unwanted animals whose initial journey is into the Humane Society and this is also where their journey ends. She is a former Director of a Humane Society. She has been there, has been through it, and seen it. They need to address responsible ownership. They don't need to nag owners, they need to seek their cooperation and educate them. She often has been told that not all animal owners treat their animals quite like she does and she certainly has come to understand that. But providing the basics is not too much to ask. This licensing program is taking those first steps to reduce those numbers. Of course, education and assistance needs to go along with those programs as well. These programs have to integrate with the surrounding municipalities in order to be effective. She knows there has been previous opposition by breeders to this proposal. With all due respect to the breeders, she can tell them from experience that those animals end up in their shelters as well, which costs the City and the taxpayers. So if they are selling an animal and realizing a profit, they should be responsible enough to be a part of this program. Personally they all have struggles, just like any other folks around here. But taking a few dollars and putting those aside each year to support a program such as this, effectively reducing the number of unwanted animals in this City, is good money spent as far as she is concerned, it is a united effort. If she views herself not as an animal owner but a taxpayer, she continues to be appalled that her taxpayer dollars are being used to euthanize healthy and adoptable animals simply because there are way too many. The City will continue to pay its portion of the animal intake into the local Humane Society. And that will continue to increase each year unless there is a concerted effort by local governments, the Humane Society of St. Lucie County, and local

rescue groups to bring this program into fruition and take that first step.

Mr. John Parry said he resides in Fort Pierce. He has listened to all of them over the years. And from listening to them and speaking to many of them privately, he knows they all care about animals. He knows the goal of what they are talking about is something they all want, of that he has no doubt. Over the last decade he has traveled more than he would have liked to conferences all over the east. He has spoken to people all over the world about this sort of thing. What goes wrong with differential licenses? A lot of comments from the Commissioners are comments that are continuous and are good, it shows they have been thinking about this. What goes wrong with differential licenses most often is access to low cost and free spay/neuter for the poor. If they burden the poor, this won't work. The financially challenged, that is where they most likely will find an animal that is intact and tethered and will become pregnant from a stray dog. That is where they are most likely to have a family who thinks they can make some extra money by backyard breeding. That is where it has to be targeted. That is where organizations like Mattie's Fund and the vehicle license plate fund want to target, people who wouldn't otherwise spay or neuter their animals. One thing he has learned through his travels is they need a carrot and a stick. He has spoken to people who have set up massive clinics and they just can't get the people to come in. They all know there are going to be a lot of people who, unless they are motivated with some sort of financial stick... And that is the \$75. This license if they enact it can be the most benevolent of the licenses he has seen for those who don't burden the community and provides one of the bigger sticks. Close by in Palm Beach County, they enacted a \$75 license, but they went to a mandatory. The County around Daytona Beach also went to a mandatory. Two major population centers have decided that this is an area where they can save a lot of money. The State License Plate initiative - he was just in Tallahassee the other day - they wanted to save a lot of money. They saw cutting back on homeless animals as the easiest way to save a lot of money, but they didn't have a statewide method of providing low cost and free spay/neuter. So their plan is to set up some sort of \$5 fee, they are thinking to set up a network of clinics and vets that will do this cheaply. But until that is done, they are not going to burden the poor. This plan they have - to answer Commissioner Alexander's question about children versus dogs - this is very common. The diseases that are caused by un-neutered males - testicular cancer, benign prostatic hyperplasia, acute and chronic prostatitis, perianal gland adenomas, orchitis, venereal tumors, perineal hernia and inguinal hernia. In females - breast cancer, cystic endometrial hyperplasia, false pregnancy, mastitis, transmissible venereal sarcoma. Those are the diseases that the most financially challenged people in their community have to deal with if they can't afford to spay or neuter. Centers for Disease Control says that the number one cause of rabies transmission is un-neutered; and maybe more compelling, that 95% of fatal dog bites come from dogs that are un-neutered. The HSUS just did a study of 20 people. 100% of those people that were killed by dog

bites were killed by intact animals.

County Commissioner Charles Grande said he had a list of all the results they have had at the County and he finds that the Chief in his research has pretty much given them all that information. This is a program that has been very successful for the County. One of the things that hasn't been mentioned tonight, one of the reasons it has been successful for them is actually the Humane Society. This is not a program where the City is going to be out there on their own or venturing out without support. It has worked in the County so far because they have cooperated with the local veterinarian community and they have had incredible support from the Humane Society. The bulk of the licenses that have been sold, weren't really sold by the County directly, but were sold by the veterinarians and the Humane Society in cooperation with the County. The spays and neuters, the overwhelming majority of those are actually done by the Humane Society. It works. The overall goal here is population reduction. Wouldn't it be great if they get out of the euthanasia business everywhere except where it really is a humane situation? Stop killing pets because they don't have too many of them any more? They won't have them roaming the streets. They have an ordinance before them now that their Police Chief is saying is something he actually can enforce. Why? Because he wrote it from an enforcement perspective. Fifty licenses in the City now? They know that doesn't reflect anywhere near the number of animals that are in the City. This ordinance gives them a chance to actually license the animals, know where they are, know who owns them, puts them in control. The County has already brought in excess of \$70,000 in just licensing fees with a great gap in their program while they were getting started. Jack Southard has asked him to come speak to the Commission and let them know that their folks would be happy to work with them to get through the start-up, work cooperatively with them on the spay and neuter voucher program the County has. It works. They have seen the numbers. It gets things done. This is the first reading, so it would be really great to move this along. He thinks there are a few things that need to be tweaked. He thinks Commissioner Becht picked up on a few of them. Those are the kind of things that can be straightened out between the first and second reading. But if they look at what has happened so far where this kind of thing has been enacted and consider the ally they have in the Humane Society, their willingness to work with them, he thinks this is the kind of program that really doesn't have a downside for the City or the people of the City or especially the animals in the City. He hopes they join them in moving forward with this kind of initiative.

Ms. Andrea Nicholson, 1195 S.W. Live Oak Cove, Port St. Lucie, said she is a volunteer with Dogs & Cats Forever. At Dogs & Cats Forever they are very aware of the crisis created by pet overpopulation. Although they have found homes for approximately 800 dogs and cats in 2008, they consistently turn hundreds of people away each week because they have no room. They get plenty of calls from Fort Pierce - owner surrenders, stray dogs, feral cats. She is not just talking about strays. Approximately one-fourth of the animals at the shelter are

purebred dogs ranging from German Shepherds to Chihuahua and everything in between. They can only assume that the same holds true for other shelters, including the Humane Society. They are tired of turning desperate people away, they are tired of turning pets away, and they are tired of saying, no room. If impounding and euthanasia was a viable solution to pet overpopulation, then the number of animals surrendered, abandoned, impounded, and euthanized, and the corresponding cost to the taxpayers, would be going down. But as the Chief pointed out, that is not the case. They urge them to pass the differential registration ordinance and to work toward establishing low cost spay and neuter available to the public.

County Commissioner Chris Dzadovsky said he applauds the City for bringing this forward and trying to mirror what the County has. He would like to thank Chief Baldwin for his effort. He thinks the Chief made a very valid point in that the enforcement issue is paramount to being successful. The reason he has come before them and asks for their support to make this happen is because they do have an enforcement issue with unincorporated County and the City. He thinks it would be beneficial to the citizens to make this happen. Additionally, he would like to respond to Commissioner Alexander. He is right on board with let's make sure they can take care of their children. If this ordinance is passed, they will see success and will be able to take those line item dollars that are budgeted for this type of thing and be able to put them in the programs to help their children and for other issues that are important to the citizens of Fort Pierce and the County. They have spoken in several informal meetings; and each time they meet, they talk about being able to reach each others goals and participate and make it easier for the citizens of the County, which also reside in the City, so they can meet certain situations, whether it be permitting or building or possibly design. Commissioner Coke raised that issue in their last meeting about design standards and things like that. He thinks those are all very important. This is just another step in helping them be able to be successful in that regard. He applauds them for their efforts. He thinks they are going to do a good thing in being able to make this happen. He absolutely thinks that Chief Baldwin is right on board with the opportunity that they are going to reduce the number of animals that will be euthanized and the enforcement issue will be greatly enhanced by having an ordinance that mirrors the County. Actually quite frankly, listening to the idea of bringing one forward for licensing for those who are indigent or low income or in poverty, he thinks that is something he would like to take from their ordinance and take back to his Board to mirror what the City is trying to accomplish. He thinks that is an aspect of their ordinance that doesn't exist and he would like to take that back and make that mirrored ordinance across the County and Fort Pierce.

Ms. Lynne Zaklin, 514 N.W. Floresta Drive, Port St. Lucie, said she doesn't have any numbers, she just knows of her experiences with the animals. She has been a veterinarian tech and ran a boarding kennel. From her experience, the more aggressive dogs are the un-neutered dogs. She knows this is supposed to help with money, but it also is a public safety issue with dog on dog

bites and dog on people bites. It will also help with the children being in a more safe place. It comes to a point where people have to be responsible for their own pets. If they want to have an animal, have it as a pet as part of their family, then they need to be able to take care of it - which means getting the license and so on. She would like for everybody who would like to see this ordinance passed, please stand up. (Approximately 30 people stood up.)

Mayor Benton said he sees Mr. Andrews in the back. For the record, it would be nice to hear officially from the Humane Society. He is sure Mr. Andrews job is very difficult.

Mr. Frank Andrews, Executive Director of the Humane Society of St. Lucie County, Inc., 100 Savannah Road, said they are on board with this ordinance and think it is a good idea. There are several things that he thinks the Chief should be commended on. The Chief has done a masterful job of pulling a lot of details together. He thinks a couple of the points he made could be emphasized with one correction. They only charge \$115 and they have not raised their fees for three years and they have waived some other fees. For example, this year the Humane Society paid \$20,000 to an Emergency Veterinary Clinic for after-hour services for which the City is not billed. They still have those darned old pit bulls two years now. The Chief made a couple of good points. Multiple outlets for the availability of licenses will make a big difference. Right now if somebody wants to buy a license, they have to come down to City Hall and this is a real problem. So he thinks multiple outlets would be a big improvement. He thinks his observation about restriction of animals to roam is a valid one. Over 1,300 feral cats had to be euthanized last year because they were either feral or they had been exposed to feline leukemia and spread it. So this is a good idea to control this. He thinks they have learned a little bit from the County how to enforce things and how to work with people. They actually have a part-time person now who interviews anybody who needs help to have their animal spayed. He thinks they could enhance this. They have gotten some grants. For example, they are doing the pit bull free spay thing again shortly. Greg Biffle of NASCAR gave them \$1,500; and they are going to apply that to low-income feline spays this year. Actually they are charging a \$25 co-pay for the County spays, which makes the thing go further. They now have a resident veterinarian on their staff, which is a new thing, they outsourced their veterinary services before. So he thinks they can do more and they will have coverage four days a week. They are approaching 3,000 total spays. Every animal that leaves their facility must be spayed unless there is a good valid reason such as they are too old or sick. They microchip everything that goes out. All of these things ultimately he thinks will have an impact. They are very much supportive of the Chief's efforts.

Mr. Mike Simone, 407 North 6th Street, said he thinks this is a great pro-active start to address a major problem in this City and many other cities. In between the passing of this, if it passes, and the second reading, there has to be some mechanism. For instance, if they find a dog out somewhere in the

neighborhood and they don't know who the owner is, how are they going to...? He understands there is a \$100 fee for the first offense if they did not register their pet. How are they going to track down where these unwanted dogs are coming from? These abandoned dogs or roaming dogs that aren't registered, how are they going to identify who the owners are without getting into...? They can't interrogate a dog - dogs don't talk, cats don't talk. They could still possibly have a problem ongoing because wherever the animals are coming from, when they find them it is already too late and they are out there roaming. Eventually there needs to be a mechanism to be able to - he hates to say it - go into people's backyards. It sounds like kind of an animal police state. But to really put some teeth into this, he just doesn't know how it is going to happen.

Mayor Benton said he thinks what they are trying to do is get a grip on the problem. This can really help out, especially for new people who go in and register their dogs. They know where they live then. If they see them on the street, instead of brought to the Humane Society and getting that additional charge, they can be brought home.

Mr. Simone said that is assuming they participate in the program.

Mayor Benton said that is what they are hoping, through education. It might take a few years for everyone to be educated, but if they can get 50% or 60% or 75% in a few years, it sure will save this community a lot of money and would make people responsible, and a lot of animals that might be put down can then be brought back home. He does know people who have lost their animals because they were picked up on the street; and by the time they went to the Humane Society, it was too late. They would like to avoid that.

Ms. Karen Taylor said she is Supervisor for St. Lucie Animal Control. She wants to let them know they have so far sold over 3,000 tags. People come in every day. They have six veterinarians who work with them. People can buy the tags at the vet, they can go to the Humane Society, or they can do it on line and send it right through the office. They work well with the Humane Society. Their spay/neuter program is working great. All the monies they get from the program goes into free spay/neuter. To give a little insight, when they go out on call, they enforce their rabies and their County tag. They talk to the people, educate them, explain the County tag and what they need to do, what they can do to get the free program. If they do not do that, then they go back and issue citations. The first offense could be \$100, second offense is \$200, then \$300 or mandatory court. She noticed when they go out and talk to the people, even the lower income people, they don't realize what programs are out there to help them. There are low cost rabies clinics that will help them. The Humane Society will help them with the rabies. And if they talk to them and explain to them and know they are getting help, they are really happy to pay the fee for the license. Sure they have some who don't want to work with them and that is when it costs them. But if they talk to the people and educate them, they are willing to work

with them. They are getting tags in every day. She picked up one from the veterinarian today and there were 45 tags from this month. That is not including what they got for their count for last month. People do want to work with them as long as they explain and educate them. She thinks the program will be great for the City. They have worked good with the City Animal Control. She knows it would make it a lot easier if they have the same.

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

Mayor Benton said he knows there are concerns with some of the language in this ordinance. That can be changed before the second reading. His big concern is being able to help people who are less fortunate to have their animal spayed or neutered. If there is a program like the County's with this license plate grant money, he thinks that solves that problem.

Commissioner Coke said in theory she doesn't have a problem with it. The problem she has is, she doesn't think they have enough specifics outlined in here, and maybe they can do that between now and second reading. She thinks they absolutely have to have something definitive in here about the vets that are willing to participate to sell the licenses. What she wouldn't want to see is all of a sudden 30,000 people merging on City Hall to try to purchase a dog license and they would be bombarded here. She also wouldn't want to see all of a sudden a Police Department 90 days from now going out telling everybody their dog doesn't have a license - it may have its shots - but here is a \$100 ticket. She has concerns about that. She would like to have something definitive about the location of where people could get the licenses from their veterinarians and the education program that is going to be put in place so that people are not caught off guard and 100 days from now everybody is being fined and they shouldn't be. She thinks they need to have a very definitive amount that is going to be charged to people, whether it is on a sliding scale for income, and where they can go to get vouchers for a low cost spay/neuter program. And she also thinks they need to look at existing pet owners who have been responsible that have had an animal for 10 or 12 years that has always been to the veterinarian and always gotten its shots. At some point in time they need to look at those people because those are the ones who have been responsible, they haven't had an animal control problem from them, but now they are going to put them into the same boat with the people who haven't been responsible. She doesn't know exactly how to address all those issues. But she is wondering if they couldn't incorporate some of it so that the public will be clearly informed of what will be available to them. She doesn't want to pass an ordinance and say they are going to offer some free neutering and they are going to offer some things at more convenient locations than City Hall. She thinks they need to have those specifics laid out up front. Chief Baldwin said Section 4-52(c) actually lays out the registration. It says, "Registrations must be purchased from the City Clerk, participating veterinarians, animal shelter, or other agents as approved by the City Clerk..." Their goal is - and he believes that every one of the veterinarians in Fort

Pierce supports the program - that their licenses will be available from all of the veterinarians. St. Lucie County has given him a copy of the agreement that is between the County and the veterinarians. They can use that same agreement form so everything is the same, and it is simple and easy for them. He can't speak for the veterinarians obviously. The Humane Society has agreed to do it.

Commissioner Coke asked by the time they do an educational piece for the public, they will have a listing of vets who will be participating in this?

Chief Baldwin said absolutely. This will be available on line, it will be available at the City Clerk's Office, they will be able to mail it in. The whole idea is to make this absolutely super simple for the people who want to comply with the law. In terms of defining the amount, what is going to be available in a voucher for the spay and neuter program, he will draft language if they want him to. His suggestion is to keep that out of the ordinance. The ordinance provides that the money will be used for that program. He will provide them with language they could adopt in a resolution along with the ordinance that would set some guidance for the administration of what percentage will be spent. His suggestion is that they not just give out free spay and neuter to anybody who wants it, because all the money will be gone; but if they could do a co-pay...

Commissioner Coke said it should be income-related. When they talk about using the money they are going to collect from licensing for this program, lets say for instance she has a two-year old dog that has not been spayed or neutered - which she doesn't - and all of a sudden 90 days from now she needs to get a City license, because she has been irresponsible, she never got one before. But in addition to that, now all of a sudden they don't have a pot of money for discounted or free spay or neutering, and she has to come up with the \$200 or \$300 to take the dog to the veterinarian if she hasn't done that, then another \$160 for heart worm pills for the year. And then in addition to that, she needs another \$300 to get the dog fixed. Her point is, the Chief is saying they don't want to define how much it is going to be, but they are going to ask people to within 90 days come up with a whole big chunk of change.

Chief Baldwin said he thinks he can resolve this. He will draft language that will set forth the administrative guidelines and how it is going to be administered and what amount is going to be available and how people will qualify for that. He will take care of that. The County has this experience already and has offered to help him draft this. Maybe they can do the same thing that the County is proposing so they have the same process. He will provide a companion resolution that will go along with this, so that can be adopted at the second reading.

Commissioner Coke said but that money is not going to be available until 3, 6, or 9 months from now.

Mayor Benton said what he would ask the Chief to do before the second reading, if this is approved, that the Grant Writer have

a grant application ready to go out the door to the State for the license plates to help pay for this.

Chief Baldwin said he understands there is going to be an urgent need right away to do this. The County was able to do it. They collected in the first year \$50,000. They spent over \$20,000 in spay and neuter right away, he doesn't remember the exact figures. But they will find a way to do it - they will work with the County, they will work with the Humane Society. They have already heard from United for Animals, they are going to contribute \$4,000 to get them started. He will work out this issue, he will work with the City Clerk and they will find a way to express how they are going to administer it. He understands their concern. The Commissioners are right, they need to make sure they are not placing people in a trap where they have to pay the \$75 for the first year. They will take care of that. He thinks there is a very simple way to address this concern and he will bring it back to them.

Commissioner Sessions said in concept and principle he can go along with it with the anticipation that by the second reading... He can't reiterate enough how important it is that they address those people who can't afford this. It could be by way of a sliding scale or by way of a mechanism put in place where they are entitled to a grant by way of a resolution adopted by the City, so be it. But he is looking for the Chief to come up with something to address those people who are not financially capable of doing this by way of a sliding scale or something. They have to address those people, they can't forget about them, from his standpoint anyway.

Chief Baldwin said what he is hearing, there is a section in the language that talks about residential and commercial property that needs to be deleted by the second reading. He is just trying to make sure he understands what it is he is being tasked to do. He needs to define how they are going to provide for the spay and neuter program, and how people are going to be eligible. Also, he believes he is hearing there needs to be something put in place in order to take care of people who would somehow qualify if they are below the poverty level or something. He will come up with the language in order to reduce the cost of the licensing for them.

Mayor Benton said Commissioner Becht had some questions about some language further on in the ordinance about fences.

Commissioner Becht said the Chief is not going to be able to make him happy tonight. They can talk later. But he won't be supporting the ordinance tonight. The differential part of it, yes. The rest of it, no.

Chief Baldwin said if there is something he can do in between now and then... But he is going to need the consensus of the Commission to make any changes before he brings it back to second reading.

Mayor Benton said this is a solution to that ever rising cost for animals. Knowing their budget, especially in the next few

years being as tight as it is going to be, he is hoping this frees up money to continue some of these programs. They have to look at ways to save here to they can continue some of those programs that keep their kids off the street in the summer and keeps them occupied. Hopefully this is a mechanism to do that. And he thinks it makes the public feel a little safer. One reason why he got started in this was many years ago he was waiting in line for breakfast out at the Captain's Galley and he saw a pack of dogs tearing up a few chickens. He thought this is not the nicest thing to see in his community, especially with a group of people who were waiting in line to eat breakfast. He thinks it is just one step of making people a little bit more responsible and saving the taxpayers money. Hopefully they can fine-tune it and work with the County where their ordinances are similar so they are easier to enforce and they can bring down this rising cost. That is his goal anyway.

Commissioner Coke said she likes the licensing, she likes the neutering, she likes the fact that they may have some way to insure people try to take better care of their animals. Earlier in the evening Commissioner Becht expressed some concern perhaps about having to build a shelter for a cat that pretty much hangs out in a backyard. She is going to support this. But she would like some more input or flexibility with certain things. She has always been one to think that the less government controls in life, the better off they are all going to be. Now they are getting down to, they are going to control spaying and neutering. That she can buy into because she has always believed in that. She does kind of have a problem with buying into they have to keep the cat in the backyard on a leash or in a cage. She is not a big cat person. She has had one cat in her life that hung out in the yard, she came in the house and pretty much did what she wanted. She never went too far away from her food bowl. But that is what cats do. She doesn't see cats as running up and biting people or destroying property necessarily. She hates to see them becoming over-restrictive on things. She doesn't know how much of it the Chief is flexible with. But she thinks there is a big difference between a 120-pound dog running down the street and a 6-pound cat laying on the sidewalk sunning itself. What she doesn't want to see them do is go to such an extreme that there will always be a person in life who likes to abuse the system. She doesn't want to give anybody that excuse to abuse the system. If someone's cat was on the street and she is going to call animal control, then how many calls do they get because the cat was walking on the sidewalk?

Chief Baldwin said he doesn't adopt the legislation, he is just presenting it to them. They can change it however they see fit. His recommendation is to steer clear of making exceptions and allowing animals to roam free. They heard some of the testimony tonight about the diseases that can be spread by animals that are allowed to roam free. There are other issues. That is his professional opinion.

Commissioner Coke said her point is, when they get four 911 calls because there were only four chicken mcnuggets in the basket, how many calls does he think they are going to get

because somebody doesn't like their neighbor and the cat is walking down the street? What she is looking to do is not create more of a problem.

Chief Baldwin said last year it was 5,406 calls about animal control problems and only one call about mc nuggets.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, that Ordinance No. L-80 be amended, taking into consideration the changes discussed; and that Ordinance No. L-80, as amended, be passed on first reading.

Commissioner Alexander said he is willing to support this. But he is letting them know the second reading is coming up and if the changes have not been implemented inclusive of every comment that was made, he won't be supporting it on the second reading.

Those voting in favor of the passage of Ordinance No. L-80, as amended, on first reading were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: Commissioner Becht.

Mayor Benton said they have some work to get it fine-tuned and brought back at the next meeting. This was the first reading. There will be a second one at their next meeting on April 20th.

Ordinance No. L-81 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING ARTICLE XIII.5, SUPPLEMENTAL MUNICIPAL CODE ENFORCEMENT PROCEDURES, SECTION 2-260, CLASSES OF VIOLATIONS; SPECIFICALLY AMENDING SECTION 2-260(b) TO **REMOVE CIVIL INFRACTIONS** FOR WHICH CITATIONS MAY BE ISSUED IN REFERENCE TO CHAPTER 4, **ANIMALS & FOWL**, SECTIONS 4-1 THROUGH 4-48; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Chief Sean Baldwin said this is an administrative ordinance that goes about deleting sections of the code applied to enforcement that are now covered in Ordinance No. L-80.

Mayor Benton declared a Public Hearing on Ordinance No. L-81 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 Sessions, seconded by Commissioner Coke, that Ordinance No. L-81 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-81 on first reading were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: Commissioner Becht.

The next item on the Agenda was Public Hearing on City's **SHIP 2009-2012 Local Housing Assistance Plan.**

Ms. Sadie Cooper, Community Services Program Specialist, said

before them tonight is the three-year Local Housing Assistance Plan which governs the City's SHIP Program that is required by the State for continued funding. There are seven strategies included in the plan; however, funding is allocated to only four. The four that are funded are Housing Repair/Rehabilitation; Purchase Assistance; Foreclosure Prevention Program; and Disaster/Post Disaster/Mitigation/Recovery Program. The remaining three strategies, which are New Construction of Multi-Family Rental Units, Replacement of Site Built Housing, and Land Acquisition, are also included in the Plan if funds become available in the future. The Affordable Housing Advisory Committee reviewed and recommended approval of the Plan on March 19, 2009, subject to public comments.

Commissioner Becht said the title of the program she is discussing is State Housing Initiatives Partnership Program. Does St. Lucie County have a SHIP Program?

Ms. Cooper said yes.

Commissioner Becht asked why are they not trying to partner with them?

Ms. Cooper said the County, City of Fort Pierce, and Port St. Lucie receive their own set of monies each year. They are all responsible for their own jurisdiction.

Commissioner Becht asked does the County ever issue a SHIP loan inside the City limits of Fort Pierce?

Ms. Cooper said yes, from time to time. But the majority of the time they allow Community Services, because they receive the funding for residents within the City limits of Fort Pierce.

Commissioner Becht asked can she get him an accounting of how the County monies for the SHIP program are spent? Are they all being spent in the unincorporated County? Or are they mostly being spent in Fort Pierce? Or are they mostly being spent in Port St. Lucie?

Ms. Cooper said they are mostly being spent in the unincorporated area of St. Lucie County.

Commissioner Becht asked is that a condition of their program, that they have to spend their money outside the municipal city limits?

Ms. Cooper said yes, if that is what is included in their Local Housing Assistance Plan to the State.

Commissioner Becht said he doesn't know if she answered his question or making an assumption.

Ms. Cooper said no, each municipality has to set up their own.

Commissioner Becht asked has she reviewed the County's program?

Ms. Cooper said no.

Commissioner Becht asked if she could find out if those are restricted or if they are choosing to only issue loans in the unincorporated County, he would appreciate that.

Ms. Dorina Jenkins, Community Services Assistant Director, said they can get that.

Commissioner Becht said it seems to him that the three jurisdictions - Port St. Lucie, Fort Pierce, and St. Lucie Village, if it has its own SHIP Program - and the County ought to cooperate with one another and they ought to do this so they maximize the bang for the buck. Section I, Paragraph (H) of the Plan says they are going to do one notice of funding in a newspaper per year. Is that all they do?

Ms. Jenkins said yes, that is all that is required.

Commissioner Becht said that may be all that is required; but he is wondering, are they really getting the information out to everybody they need to get the information out to? How many dollars are they processing through their SHIP Program?

Ms. Jenkins said approximately \$300,000.

Commissioner Becht said he doesn't want to burn all the money in advertising; but placing an ad in the newspaper one time a year doesn't seem to him to be getting the information to the people who might benefit from the program. Is that really the only way he can find out, if he happens to be lucky enough to read the newspaper that one day a year?

Ms. Jenkins said that is just for notice of funding availability. And from this particular advertisement, they do generate quite a bit of applications that they end up with a waiting list.

Commissioner Sessions said he agrees Commissioner Becht. Because he can tell them, a lot of this comes from word of mouth from the employees from the City, that is how a lot of people get the information. Otherwise, if they didn't know somebody who worked for the City in the SHIP Program, they wouldn't know.

Commissioner Becht said that is his point. What he has heard is, unless they know somebody who works at the City, they are going to have a hard time getting into the program. He wants to make sure that everybody, all Fort Pierce citizens, have equal access to this money. They need to do something to defeat that perception. He doesn't know what that is. Whether they put it on the website or they mail letters out to all the churches or whatever they can do to make sure everybody knows this money is available and the deadline for filing their application to get SHIP monies. They have certain requirements. He is looking at Section II, Paragraph A(e), that if the recipient fails to maintain the property as their principal residence, the mortgage becomes due. Tell him how they check up and verify that a person who has received these SHIP monies is continuing to use

the property as a principal residence.

Ms. Cooper said the only time that problem comes up is when perhaps one of the homeowners is deceased.

Commissioner Becht said no, she is not answering his question. The question is, what is she doing to verify that they continue to use the property as their principal residence?

Ms. Cooper said they have a plan in place where their inspectors go out annually and question the homeowners to see if the property is still in good condition; and if there are any problems, to report it to Community Services, because they have at least a one-year warranty on the property or...

Commissioner Becht asked so on every one of these SHIP loans, there will be an inspector report on an annual basis that he has talked to the property owner and verified at the property that it is the principal residence?

Ms. Cooper said yes.

Commissioner Becht said unfortunately he has had professional experience with this, where a recipient died and it was a 15-year term for that particular lady and the loan comes due, which was actually a hardship for the family, an unintended consequence of the terms of the program. Is there any way they could fold-in term life insurance on some of these and at least offer it to the applicants to see if they are interested in getting it?

Ms. Cooper asked could he repeat that question?

Commissioner Becht asked does she know what term life insurance is?

Ms. Cooper said yes.

Commissioner Becht asked is there any way they can fold in an offer to the applicant that if he dies during the term of this loan, here is a reducing term life insurance policy that will pay off the loan for the benefit of the heirs, and it costs the homeowner less than \$100 or \$200 a year for that benefit, if he wants it?

Ms. Jenkins said they can share that information with the applicants once they come in. But with these particular grants, they are in second place, so the applicants are only receiving up to about \$10,000 to \$15,000 per grant.

Commissioner Becht said it would be about \$40 or \$50. The lady he happens to be familiar with, that would have paid off the loan for the benefit of her family and he thinks it would have cost \$30 a year, it would have been nothing. They have a Foreclosure Prevention Program as Strategy 4. Other than giving the people the money, what are they doing, if anything, to assist them with a work out? Do they just hand them the money and say they are on their own?

Ms. Cooper said no.

Commissioner Becht asked what are they doing other than handing them the money?

Ms. Cooper said they take the application and review their financial status and their ability to pay back the monies to the mortgage company, should they assist them. Because if they don't have a job and are unemployed, they refer them to Consumer Credit Counseling for further service. They don't invest any monies in that property because they are going to wind up losing the house anyway. They do a review of the application, they have a certain criteria they review, and they also take the time out to call the mortgage company to see what program they have in place before they even invest any SHIP dollars.

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

Mr. Bill Clancy, President of Savannah Condominiums, said four years back somebody bought a unit there under the SHIP Program, but never moved into it in four years. The bank actually foreclosed on it the 13th of this month. Two years ago he contacted the City about this and nobody did nothing about it. He doesn't know if the City lost their \$10,000, but the Condominium Association lost \$7,000. So nobody is really checking up on these people who are getting this money.

Commissioner Becht asked what is the name of the person he is talking about?

Mr. Clancy said he doesn't know if he can say it now, because he is involved in a lawsuit.

Mayor Benton said he is familiar with this. He believes the City through the Building Department is involved in this also. They have had several discussions with the City Attorney's Office.

Commissioner Becht said he would like a copy of the file. He would like to see the inspector's reports that verified this is the principal residence of that applicant.

Mr. Clancy said he never lived in there in four years.

Commissioner Becht said that is his point. He would like to look at the file, see the inspector's report that is done on an annual basis where the inspector is verifying this is the principal residence of this applicant. Does one of them know who he is talking about?

Ms. Jenkins said yes.

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

Commissioner Becht said in Section III, LHAP Incentive

Strategies, there is expedited permitting process for affordable housing projects. As worthwhile as this is, he thinks it needs to be left alone as a strategy. What sprung to his mind is they ought to have, in these times particularly, an expedited permitting process for anything that will create more than ten jobs. Here they have an expressed strategy per the SHIP Program of expediting affordable housing projects. Yes, that is a worthwhile goal. But right now it seems to him that expediting anything that has the possibility of creating jobs - and he arbitrarily said ten jobs - might also be a worthwhile goal.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPROVING THE **LOCAL HOUSING ASSISTANCE PLAN** AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ACT, SUBSECTIONS 420.907 - 420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Sessions, seconded by Commissioner Becht, that Resolution No. 09-21 be adopted.

Commissioner Becht asked does that include some direction to Staff to try to get the information out to more of the public?

Commissioner Sessions said yes, absolutely.

Mayor Benton asked for more advertising?

Commissioner Becht said he would rather have Staff tell them how they want to do it. It needs to be reasonable. He knows they are flooded with more applications than they can process. But he is telling them there is a perception out there that, unless they know somebody at City Hall, they can't get SHIP money. He needs to do something to alleviate that perception. That is not the reality, but that is the perception. So tell him how they can alleviate that?

Ms. Jenkins said they can include mail-outs to local organizations and churches. However, they do participate in about three to four housing fairs throughout the year where they join in with the St. Lucie County Lending Consortium and St. Lucie County and Port St. Lucie. They are at different events with their brochures and flyers about the SHIP Program.

Commissioner Alexander asked does it cost them anything to advertise on their TV channel?

Mayor Benton said no. That is a good idea.

Ms. Jenkins said they will check into that.

Those voting in favor of the adoption of Resolution No. 09-21 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-82 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-3 OF CHAPTER 22, ARTICLE I, DEFINITIONS, BY ADDING A DEFINITION FOR STUDENT HOUSING; AMENDING SECTIONS 22-26(b), 22-27(b) AND 22-28(b) OF CHAPTER 22, ARTICLE III, SEMI-RESTRICTED USES PERMITTED, BY ADDING SECTION 22-26(b)(4), 22-27(b)(8), AND 22-28(b)(7) TO PERMIT STUDENT HOUSING AS A SEMI-RESTRICTED USE IN THE R-3, R-4, AND R-5 ZONING DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Ms. Leslie Olson, Historic Preservation Officer, said this is an applicant-initiated text amendment to create student housing. This item was heard by this Commission in January and the Commission asked that the applicant make a number of changes. The applicant made certain changes. The Commission did not direct the applicant to change the use from Conditional Use, which requires Commission review and approval, to a Permitted Use, which has no mechanism for review. Due to the significance of the changes, it was determined by Legal Staff that this ordinance required re-hearing by the Planning Board. In February, the Planning Board heard this modified ordinance and recommended approval with eight conditions. Condition #2 required the ordinance to be re-written as an overlay district, similar in scope to the South Beach Overlay. Condition #3 required the ordinance to be rewritten to allow student housing only as a Conditional Use. Condition #6 required that a mechanism be created to insure that the renters of these rooms are actually students. None of these conditions were incorporated into the ordinance as drafted before them this evening. In fact, only one substantive change was made, addressing parking. The majority of the Planning Board conditions were not addressed. The aerial map shows the current IRSC boundaries. This ordinance as drafted allows student housing along with certain retail and service uses. This would include converting existing single-family homes in existing residential neighborhoods into these student housing retail service uses as a permitted use with no review process. Additionally, the ordinance does not address the potential for using commercially zoned properties. The concept of mixed-use student housing with retail and service uses as contemplated by this ordinance could be very useful in these areas, but the ordinance as drafted would not allow that use in a commercial district. Dwelling rentals are currently allowed in the R-3, R-4, and R-5 zoning districts as a Conditional Use. If adopted, this text amendment will create inconsistency with the code, as dwelling rentals are allowed in the subject zoning districts only through the conditional use process. This would permit not only high density rentals as a permitted use, but retail and service uses as well - without the benefit of a conditional use review and approval process - within existing single-family

neighborhoods. In addition, this text amendment is not required for this applicant to use his existing properties, which currently have a land use of single-family residential, as dwelling rentals for a type of student housing through the conditional use process. This is already allowed in the Code. Staff concurs that the area around the growing IRSC campus is not currently zoned in the most appropriate way for a growing college and concurs with the Planning Board that a comprehensive overlay district is needed. An IRSC overlay district should incorporate the needs of IRSC, all affected neighbors and neighborhoods, and developers and stakeholders in an open, collaborative, and transparent process led by Planning Staff. This Staff led process would include outreach through a charrette process which would take into account the needs not only of the applicant, but the existing neighborhoods and the existing needs and future plans of IRSC. The area within one-quarter mile of IRSC, which this ordinance will impact, has a tremendous diversity of land uses including single-family residential, multi-family residential, vacant and agricultural lands, arterial commercial, estate residential, and rural residential. A one size fits all amendment for student housing alone is not the best way to address the diverse needs of this college and the surrounding neighborhoods. The best practice for planning would be to not shoehorn what should be a comprehensive overlay district into a one paragraph definition. Parking standards, maps, and transit plans cannot be adequately addressed in this amount of space. Staff recommends that the Commission direct Staff to create a comprehensive overlay district for this area within a quarter mile walkable distance from the college. The overlay should include a nuanced and detailed plan for integrating needed uses such as student housing, housing opportunities for IRSC staff, retail and service and professional uses, and potential business and light industry incubator zones for spinoff opportunities, as well as specific plans for transit and pedestrian plans for the entire district. The creation of an overlay should involve a staff led outreach and charrette process for the affected community and be integrated into the LDR Rewrite in process.

Commissioner Alexander said he did speak with the representative of this application. The last meeting they had, he thought it was very productive. He wants to know where was Staff at and the entire Commission that they did not consider when they opened the doors for IRSC becoming a State College, that they wouldn't have kids from other states coming into this community? They didn't consider the housing for a college to get that type of recognition? They don't have adequate housing. Is he understanding that right?

Ms. Olson said that is true. The district around IRSC is absolutely inadequate at this point for the growing use of the college.

Commissioner Alexander asked the district around the college?

Ms. Olson said within about one-quarter mile. That is considered a walkable distance.

Commissioner Alexander asked so there is nothing they can do besides prolong it for another year or two years?

Ms. Olson said it is Staff's opinion that in order to do this right, they need to do it comprehensively. They can apply the existing drafted ordinance, but they could open up the possibility for significant problems as it is drafted. There is no mechanism for insuring that the people renting these rooms are students. There is no mechanism for review by the City Commission. They could insert an unlimited number of students, essentially because it would be uncapped by density regulations, into existing single-family residential neighborhood along with retail and service uses. That is just simply not a part of any of the R-3, R-4, or R-5 zoning district.

Commissioner Alexander asked again, where was Staff when this became a State College? Where was input from staff or from any department or from the Planning Board?

Ms. Olson said she agrees. But the fact that they haven't done it yet doesn't mean that they shouldn't do it.

Commissioner Alexander said the fact that they don't have adequate housing, he thinks they should assure these parents that these children are coming into this community within walking distance of this college. But for this one individual to initiate something that was lacking from the beginning...

Commissioner Coke said Staff's idea is probably a wonderful idea; but she absolutely is not going to support it and she will tell them why. They have people who have now spent six or seven months coming back and forth to the Planning Board and the Commission. Had Staff come to the Commission in December or January and said this is how they think they should handle it, they would have gotten her full support. However, when these people went through the process, they met with and got Staff's recommendation. They went to the Planning Board and got unanimous approval other than they wanted to change it referencing Indian River State College to something else. Then they spent another month and came in front of this Commission. The Commission gave them a list of four or five things they wanted to change. They changed she thinks every one of them to what they wanted and had to go back to the Planning Board. Now six months into the process, the Planning Board wants to change all the conditions. Originally they approved it unanimously. Now the Planning Board wants to give them eight new conditions that was not part of what the Commission requested. And now Staff wants to come up and change what could be passed and approved tonight into a year and a half process for these people. Quite frankly, she hates when she hears people talk about the City is not business friendly. She tells them yes, they are - Fort Pierce is business friendly, they are easier to get things through, they can get a permit, they can get a text amendment, they can get whatever they need at the City is faster than anybody else around. And then they do something like this. It is really very disappointing to her. She believes it needs to be a conditional use, rather than a permitted use, which was part of the original submission. Other than that, she is going

to support the text amendment as requested.

Mr. David Carlin, Assistant Director of Planning, said it is important to recognize that this type of change is not something that just happens right off the bat. They like to move these through the system just as quickly as they can. But they have to make sure they cover all the bases and they look at all the variables when a text amendment is initiated, because it doesn't just impact one person, it impacts everyone in the City. Part of the direction they had when they first brought this item to the Commission was to go back and take a look at some other municipalities and some other colleges. They have done that. What they are saying here is that there are some things contained within the text that they think can procedurally be modified and tweaked to be more palatable, a more user-friendly type definition. Some of the things that Ms. Olson identified he thinks are easily accomplished. This could be a temporary fix until they do the LDR Rewrite and revisit this topic again. They can go ahead and make sure their LDR Consultant creates the maps and puts in a true overlay district in place for the college if the Commission so desires. But one thing to keep in mind with regard to the conditional use, that is something they had requested originally and then it was withdrawn out of the proposed ordinance they have this evening. Staff does feel strongly it does need to be put back into the ordinance. So what they have before them is not a true finalized product in the end and they think that should be looked at further. There are other things in there that warrant a little bit more clarification; and that is, removing the parking standards and putting those where parking standards need to go, in the parking requirements. They have looked at other municipalities and they don't include those types of things in a definition and it makes sense. They have those types of things injected inside the actual parking section. Referencing an Exhibit A should be part of the overlay itself, showing the map with an overlay district, just as the South Beach Overlay District has the maps. In the end what they are saying here is they think there is some minor tweaks that maybe could be a condition of approval this evening; or it could also be a temporary fix until they get a true master plan, a better vision, to make sure all stakeholders involved have an opportunity to weigh in and to insure that what in fact they are creating is going to be beneficial to the community as a whole. That is where they are this evening. He thinks Ms. Olson identified the issues and would be glad to take some additional questions. He also wants to point out one thing. The LDR Consultant has indicated that text amendments are not going to be something that will be allowed by the public in the new LDR's. He just wanted to lay that out because text amendments are tricky things, are very involved, they have to look a lot of different variables. The position is that is not going to be necessarily something in the new LDR's.

City Manager Recor said the consultant is going to be advising against it, is what Mr. Carlin is saying.

Mr. Carlin said that is correct. These are cash cows in other municipalities incidentally and he will address that with the fee structure later tonight. Hopefully that will answer some of

their concerns.

Commissioner Becht said he thinks Staff finally got to where they needed to be, but he thinks they got there late. He doesn't know if Ms. Olson was with them back in January or not.

Ms. Olson said she read the Minutes.

Commissioner Becht said he is glad she did. It was January 5th. And what she is talking about, a charrette was not mentioned; but Mr. Carlin had said it needs to be master planned. He agreed it needed to be master planned and had suggested that it be coordinated with Indian River State College. What efforts did Staff make to coordinate this with Indian River State College, if any?

Ms. Olson said she did contact IRSC twice over the time she had this file. Mr. Carlin was out on paternity leave and just recently took it back over. Both times she spoke with the Administrative Office at IRSC. They said they would really welcome the opportunity to be involved with the community in doing an open collaborative overlay charrette.

Commissioner Becht said that is what she wanted. Did she send IRSC this ordinance?

Ms. Olson said she believes the applicant spoke with them as well. IRSC basically said they are not going to take a position.

Commissioner Becht asked they weren't going to take a position on this specific ordinance?

Ms. Olson said yes.

Commissioner Becht said there was some direction given to Staff. An overlay district idea was actually mentioned in the January 5th Minutes. Interestingly enough if they will go back to the map... He is not a planner, but he disagrees with staff on the inclusion of the commercial areas in this. They have vital commercial corridors along Okeechobee Road. He met with the applicant and had discussions with him, as he thinks most if not all of them did. The area along Okeechobee Road, his thoughts were rather than burn the commercial corridor with residential property, which this is directed to, he actually asked them to exclude it.

Ms. Olson said she thinks that is an excellent point. The area he is speaking of was approved as Mission Gardens. She was out there on site with Diann Ploetz, they went out and did a comprehensive survey of the entire area. Her thought was, if this comes back in for Site Plan review, that the area close to the signalized intersection here and Okeechobee Road, they should require that to be commercial, retail, service, and professional; and then the middle part should be student housing or something else like that.

Commissioner Becht said he thinks this Site Plan is going to be

more than a year old shortly, so unless they extend it...

Ms. Olson said her idea was that it should be mixed-use for those commercial areas.

Commissioner Becht asked can they go back to the deficiencies that she outlined with where they are now? Is there a way they can fold in a map and have it attached as part of the ordinance?

Ms. Olson said it is hard to do that simply because they would have to include it in the definition section or they could include the map within the conditional uses or permitted uses, whichever they choose, within the R-3, R-4, and R-5. Whatever they do, it will be unwieldy. She supposes there is a way potentially to do it.

Commissioner Becht said he doesn't see it as any more unwieldy than the South Beach Overlay District. He recently had to ask her or somebody else in the Planning Department whether a certain piece of property was in or not in. He got a fax copy of a map that was almost illegible. So it is burdensome. They spent two or three years doing that one. He agrees that it needs to be a conditional use. Could she go through again her rationale for wanting the R-3 zone removed from the ordinance? What is the rationale for that?

Ms. Olson said that was a Planning Board condition. She didn't list it in her talk because she thinks that if this is a conditional use, especially if they planned it as a comprehensive overlay with specific uses allowed in specific areas, R-3 would be fine. Currently within R-3, R-4, and R-5, they can do dwelling rentals already as a conditional use. So besides the retail factor, this use is not currently prohibited in any of those zones.

Commissioner Becht said he really doesn't have a problem with taking the Planning Board conditions and putting them in a safe place where they can find them. And the first time somebody comes in for a conditional use, the Planning Board conditions are going to come out and those are going to be right there as a starting point, that these issues have to be dealt with. But he thinks staff has been a little slow getting up to speed on this and there are several reasons why that might be. But in light of the fact that many of these issues she is talking about on April 6th were actually pointed out on January 5th, he doesn't know that they have moved with the vigor he would have liked to have moved on this particular one. Let him approach it this way. It seems to him that with a conditional use he gets 95% of what they are talking about. He doesn't get the Charrette, he doesn't get the interaction with Indian River State College, but he gets something in the midterm which actually is beneficial in his opinion to the surrounding areas. Because they kind of let the neighborhood now know something better is coming; and maybe get them motivated to come in and participate in the charrette process, because sometimes it is difficult to get people to participate. But what is wrong with conditional use? Why doesn't it save him from any other harm he might be doing to the City by adopting this?

Mr. Carlin said the conditional use is what they wanted from the get-go. Certainly Commissions can change and they are going to have the ability to go back and look at all these different variables they had before them. But conditional use allows them to evaluate the impacts that the proposed use will have on the surrounding property owners. Yes, in theory they could look at all these different issues and evaluate on a case by case basis what kind of impact the use will have on the surrounding areas. So the conditional use would satisfy exactly what he is saying.

Commissioner Becht asked if they pass the ordinance, can they not put into the ordinance that these conditions will be evaluated in granting the conditional use?

Mr. Carlin said he believes that would be acceptable. Certainly the City Attorney can correct him if he is wrong.

Commissioner Becht said he wants to compliment their ideas, their goals, their forward thinking. He just wishes they had it a little earlier. They would never have gotten a charrette done. He would like to get a charrette done. His conversation with the applicant is that there was some reluctance on the part of the college to get involved in this specific ordinance. So if they are talking about a more general process - what does the college need to be when it is ten years older than it is today? - maybe they could get some feedback from not only the college but the surrounding property owners who also are stakeholders in what they as a community are going to have there. He doesn't see just moving forward on the ordinance tonight as being the only direction he would like Staff to have. He would like Staff to be directed, either with the consultant or on its own initiative, to try to move forward with setting up the parameters for a charrette around Indian River State College. This is a tremendous asset, a jewel for Fort Pierce and the Treasure Coast. For them to sit idly by and let planning be done as projects come in, that is not planning. He is willing to move forward. He would like to move forward with the idea of the conditional use and adopting the specific Planning Board conditions as criteria that would be evaluated in granting a conditional use, and have staff directed to come back with parameters for a charrette.

Mayor Benton said he would agree. He wants to thank Ms. Olson and Mr. Carlin for this, because as somebody who has been dealing with the City for 20 years - 6 years on the Planning Board and 14 years up here - over those 20 years they have had a lot of discussion about Indian River Community College and how and when it would become a four-year State College, and the big issue was housing. How many Planners have they been through? They finally have two that have been here for a short time who have brought this to their attention. But that discussion has been going on for 20 years and it has never come to the forefront until now. He wants to thank them. And he wants to thank the applicant for bringing this forward. Because he will never forget that one piece of property they were talking about which is commercial where they approved the project. There was a Planner who was working here, who doesn't work for them any

more, who told folks that the City Commission wouldn't approve 800 to 1,200 square foot townhouses there. That was the rest of the City. This is an area that needs to be student housing. Knowing that is one thing they lack, this makes sense. He doesn't want to hold these folks up. He wishes it was something staff would have brought up in January that they do this charrette because that could be very time-consuming. He thinks as a Conditional Use they can get this started and later on in the future maybe they can fine-tune it. He just doesn't want to put a hardship on the applicant. He thanks the applicant for not only meeting with the Commissioners, but working with them to address their concerns personally.

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

Ms. Cynthia Angelos said she is here on behalf of the applicant. Mr. Carlin and she had discussed this last week and throughout. They are fine with the conditional use. She had indicated that to Mr. Carlin. They thought Staff was going to recommend approval with that as a condition. She has never worked with Ms. Olson, but she always worked great with Staff. If they had a little advanced notice of where Planning Staff is, instead of getting this on April 1st, they probably would have saved themselves a lot of time and frustration. She couldn't agree any more wholeheartedly that a charrette is a wonderful thing to do. But they were trying to come up with a fix for what seemed to be a problem. Her client's property is on 33rd Street and 34th Street, which is close to Virginia Avenue. She just wanted a little direction on the Conditional Use. With the Planning Board's recommendations and really for purposes of dealing with Staff when they come back for the same, their thoughts were and she assumes and she heard Ms. Olson say that would not limit the zoning. Because if R-3 was not going to be permissible, that would knock them out. What Planning Staff conditions they will be looking for with regards to...?

Commissioner Becht said he thinks she heard him correctly. He had asked what the rationale for bumping R-3 out was.

Ms. Olson said that was a Planning Board condition. She thinks under the conditional use process, they could evaluate each one of those issues individually.

Commissioner Becht said so they could eliminate that Planning Board Condition #4 from the criteria that needs to be evaluated. Are there any others she needs to have them talk about?

Ms. Angelos said she appreciates addressing that now. The only other question she would like to ask at this time, there are two units that are ready that her client owns and students are knocking down the door. How long does that conditional use application process take? They have been at this since July.

Mr. Carlin said the conditional use process, if there is no new construction, is actually quite simple. They would proceed to Planning Board and Commission.

Ms. Angelos said she appreciates all of their time.

Commissioner Becht asked how do they address the map?

City Manager Recor said it is not an overlay, so they wouldn't need a map. It would simply be permitted in the zoning districts that are identified by the text change.

Mayor Benton said in a quarter of a mile.

City Attorney Schwerer said unless they want to limit that to a distance from the college only in those zoning districts by some statutory mile.

Commissioner Becht said they talked about that at the January 5th meeting. He thought the consensus was that they were concerned that if they identified a quarter of a mile from the existing IRSC boundaries, that would require interpretation at times, it might split parcels at other times, and they decided they were going to go with a map. That is his recollection of what the consensus was. But maybe that was not the consensus, it was just what he thought. His meetings with the applicant were in regard to having the map drawn. Is there not a map that staff has looked at with the applicant that they can agree upon tonight?

Ms. Olson said yes. The map she had in her powerpoint presentation, they can use that one. It is in their packages, it says Exhibit A. There is an aerial version and a zoning version. She went through and delineated exactly which parcels those were on another one of their GIS maps, but that she did not load onto the powerpoint presentation. But she does know exactly which parcels they are. And she does believe it would be a good idea to adopt this map; but where they put it in the code, she doesn't know, whether they put it in with the zoning districts or if they put it in with the definition. Exhibit A is what the applicant submitted along with the proposed ordinance and it is what they would probably be putting into their code. She thinks they should make it more clear. Some of the parcels, especially along the northern edge, are unclear.

Commissioner Becht said also - and he doesn't know if she agrees with him or doesn't agree with him - he was concerned about the Okeechobee Road corridor and burning some of their commercial retail property on the Okeechobee Road. He is looking for Staff feedback on that issue.

Ms. Olson said honestly that is why she felt an overlay district was more appropriate, because then they would be very specific about what was allowed in which areas.

Ms. Angelos said they removed those from the map when they resubmitted it. They removed the commercial portions.

City Manager Recor said except he needs to point out, if he understands correctly, what they are attempting to do is to provide for the conditional use in the R-3, R-4, and R-5 zones, but limit it to a certain area. He thinks that is problematic

minus an overlay. He doesn't think they can say they can only apply for conditional use in certain R-3 zoning districts.

Ms. Angelos asked does the map not provide a sufficient overlay?

City Manager Recor said the map is just a map. The map is not an overlay.

Commissioner Becht said he needs clarification on what is the difference between an overlay and a map.

City Manager Recor said the idea behind an overlay is that they specify the criteria that rests on top of the underlying zoning district. In this case, the only thing they are using the map for is not to implement any criteria or additional for purposes of evaluation, but rather to simply identify properties that are affected by it. There is no overlay except for the identification of the properties, which should be identified by the zoning district in which they are located in. He thinks the map unnecessarily complicates it at this point minus an overlay. It is permitted in the R-3, R-4, and R-5 zoning district by conditional use.

Ms. Angelos asked with regards to the desire that it be a quarter of a mile from the college, within walking distance, that would be considered in the conditional use?

City Manager Recor said he thinks they could incorporate those criteria into it, sure.

Commissioner Coke said she was going to suggest that if they can't include the map and they have concerns about the quarter of mile distance, maybe what they could do is put those as part of the conditions that are going to be looked at at the time of approval of the conditional use.

City Manager Recor said let's do that.

Commissioner Coke said they might even make a notation there, it is a quarter of a mile within the institute of higher learning and exclusive of commercial corridors.

Ms. Angelos said when she and Mr. Carlin were speaking last week, it was before their Agenda package. They were going to resubmit this as a Conditional Use; and then the thought was that Staff would simply make that as a condition. Where she is headed with this is, they are just hoping they can do this in a fashion that they don't have to go back before the Planning Board. They are amenable to those conditions. With all due respect to the Planning Board, it is just a timing aspect at this juncture. Can they fashion it such that this be approved conditioned on this being a Conditional Use? Because that is what was discussed by herself and staff.

City Attorney Schwerer said if the question is whether this needs to go back to the Planning Board to incorporate those changes, the answer would most likely be no, because those were conditions that the Planning Board asked to be put in the

ordinance. He thinks if the drafting change at this point in time takes place, if it comes back to them in a redrafted format, it would be sufficient for Commission review. Unless Staff disagrees with that, that would be his opinion.

City Manager Recor said he hasn't heard anything tonight that suggests that it should go back to the Planning Board. There is no material change.

City Attorney Schwerer said one thing he might want to point out. He and Ms. Angelos talked about this and the Commission may wish to consider this or not. One of the things they had originally suggested in this ordinance, if they will look at the Planning Board conditions (Condition #6), that somehow the ordinance define exactly what a student is. He understands that is acceptable to the Commission. They also wanted to suggest that perhaps it would be more palatable from an equal protection standpoint that the ordinance be changed where it reads that "tenants occupying the rental units must be students attending Indian River State College or its successors", that it be changed and replaced with "they must be students of colleges, universities, or institutions of higher learning". The reason is that students may be attending Indian River State College, or there is a possibility they switch colleges and be attending FAU or Barry University in Port St. Lucie, so they wouldn't have to move out.

Commissioner Becht said Bethune Cookman.

City Attorney Schwerer said they have other institutions of higher learning where students may be taking dual programs. There is no reason to limit it to just that particular college. If it meets with their approval, he would suggest that be drafted back into the ordinance so it meets equal protection purposes.

Ms. Angelos asked just so she is clear of the direction of the Commission, the original ordinance submitted - which was a conditional use - will be resubmitted with the original language that did not have Indian River State College, that would be sufficient?

Ms. Olson said there were changes made since that time that should remain. The definition of a "sleeping room" is defined as an area with one bed, parking is tied to that for both cars and bicycles, and the transit fee language should remain as well.

Ms. Angelos said yes.

Ms. Marcia Baker said she is a resident of Fort Pierce. She hates to follow Ms. Angelos and her eminent legal firm. Unfortunately during the last go around regarding improper and illegal text change amendment, one that is still in place despite the failure of the conditional use it was intended for, she was unwavering in her proclaimed faith in the capability, honesty, and integrity of the Planning Department and those who had instigated the change to the zoning atlas. In the present case, she is very pleased that Ms. Olson and Mr. Carlin had

brought up the fact that text change amendments are a very tricky and improper way of going about any zoning changes, particularly when they are not following the rules in the City Code for text change amendments. Let her go over the few things she has noticed. She has not had the pleasure of meeting with the applicant, whomever it might be. However, the requirements for filing an application may be filed by... A text change amendment may be initiated by the City Commission, the City Planning Board, or by petition of one or more of the property owners or affected residents within the area proposed to be changed or affected by a change in the district map or text. There has been no identification of the actual property that is affected in this application as far as she knows. This is a broadside against all of the people in the various zoning areas. Again, the requirements of the City Code have been ignored in terms of the notifications to people within the areas that the text change amendment affects. This is creating another shotgun wedding of existing homeowners to commercial zoning in their neighborhoods. The City Code clearly states the process for amendments in Article IX, none of which have been followed in this application. As far as she knows, the applicant - whomever it might be - has not identified himself in the application at least in public, has not identified the parcel of land or parcels of land that are included in the application that he owns or has control over. This is a requirement under Article IX of the City Code. The notice requirements, again as required in Article IX and Section 22-128, have again not been followed. And the amendment process has again been subverted into an illegal loophole that appears designed to avoid public scrutiny. Aside from these same errors of judgement that allowed the previous text change amendment to ignore the City Code and notification of all affected property owners and the State Growth Management Rules in Chapter 163 for changes affecting over 10 acres in size, which the County by the way in all of its public notices does publish that they are requesting a waiver from the Comprehensive Plan. This idea of having a semi-restricted use, which she is glad the Commission and the Planning Board is going to do away with, the only saving grace in the previous improper text change amendment was that it did call for conditional use, which did require a specific application. Additionally the majority of the homes encompassed in this gerrymandered proposed ordinance are in the County. There has been no indication of any coordination with St. Lucie County Growth Management. She is in favor of student housing. She and her son and granddaughter visited several student housing developments both in Gainesville and Orlando. There are many good student housing developers. If one with a proven background and credentials were to acquire a piece of property and apply for the proper zone changes and present a site plan, and fulfill the security, management, and oversight requirements, she would be in favor of it. There are many beautiful student housing that she has seen. Finally, she wants to again protest this improper and illegal use of text change amendments to subvert the zoning process by a stealth tactic that gives rise to concerns of the possibility of hidden backroom deal making and improper influence that shuts out the public's right to know what is going on in their neighborhoods.

Ms. Angelos said she feels compelled to just address the Commission. She knows she is not involved in the contemplated lawsuit that this citizen has against the City about a totally unrelated matter that has nothing to do with this. But when there is allegations of backroom dealing, she objects and she objects for the record. There is no privilege that she knows of that people can just get up and slander people in the public record. So she would warn that person not to do that again. Because this has nothing to do with the lawsuit Ms. Baker has contemplated against the City, which has nothing to do with this property.

Mayor Benton said he will make it clear that all of their discussions with the applicant's attorney, they have all acknowledged, and that has taken place several times since January.

Mr. Brian Celenski, 17 Harbour Isle Drive, said he is in 100% support of the zoning change. The college has grown and the City will grow. Students need lodging and there is a shortage. This is a fix to the problem that exists. This is something that can't be looked at down the road. They have a state college now. It is not a community college any more. Are they going to plan for new students? Kids come here to go to school, which brings jobs and increased property values. This is just a win/win situation. This is such an asset to have, a four-year state school here. And to lose that opportunity to have the lodging and not lose the kids, let's get them in.

Ms. Shirley Bemenderfer said she is a real estate broker at 1402 Delaware Avenue in Fort Pierce. Having been in the real estate business for some 40 years, there has been many times during the growth period of their college that she has been asked to find suitable housing for prospective students and that definitely has been a challenge. When they were able to find something affordable, the area was somewhat questionable or it was too far from the college for it to be feasible for the students. Definitely there is a need today. She remembers when out on the corner of Virginia Avenue and 35th Street, it started out as a college in mobile classrooms. She has been here a long time and has seen it grow. They know that it is growing and this community needs to grow with it. They need to make plans for this type of housing before it comes along and bites them in the backside. So she commends Commissioner Becht and Mayor Benton on their thinking. She asks that they give this strong consideration, move it along because the need is today, not in the future. In the future there will be a greater need, so they need to think about it now.

Ms. Shayna Heer said she lives at 338 Sheraton Avenue in Satellite Beach, Florida. She chose to come to this area to go to college. She has been looking for apartments since the end of December; and it has been extremely difficult to find a place that is affordable and safe, especially around here with all the gun shooting going on. She would really support it. She can only take one class two days week because she has to drive all the way from Satellite Beach every single week. If this goes through, it would help a lot of people out. She supports it.

People like her who just turned 18, trying to start out their life and don't have any credit or anything like that, it is really good for people like her. They need something like this around here.

Mr. Keith Celenski, 175 Lynwood Drive, said he is a current student. It has taken him many months to find proper housing. Also the current apartment complexes are not very student-friendly. He believes this ordinance will be beneficial for the college, the City, and especially the students.

Commissioner Sessions asked when he says not really student-friendly, could he be more specific? What is he talking about exactly?

Mr. Celenski said especially with lower income. Especially if they want students to be in an apartment, they have to put their credit on the line with one or two other people in the same apartment, so it creates more problems. So less stress would be great.

Ms. Michele Stuckey, 2409 S.W. Chestnut Lane, Port St. Lucie, said she has been in the area for about 10 years as a resident. She has seen how difficult it is for students to find affordable and easily accessible student housing, both locally and near the college. She believes amending this ordinance would be beneficial not only to the students and their families, but also the college and their community.

Ms. Debra Ford, 2107 South 31st Street, said her family has lived at 31st Street since 1957, long before the college ever came to be. She is in support of student housing, but she is not in support of unconditional use. For someone to buy a home located adjacent to hers and have a fraternity house is not acceptable in a residential neighborhood. Residential neighborhoods do not have fraternity houses, they do not have loud student housing. She remembers when the student housing was on 29th Street, several blocks from where she is, they heard their parties all night long. She is not saying she hasn't been at a party or two when she was in college. But it doesn't belong in a residential neighborhood. They can see there aren't many neighbors here, because they didn't know anything about it. The people who are in her neighborhood had no idea, except someone put a letter to the editor in the newspaper. Her neighbors have been there for years and years. They deserve to know what is going on in their neighborhood. She is asking them not to allow unconditional use of homes in a residential neighborhood. The guy back there said he couldn't find an apartment. She knows of a duplex on 31st Street that has been available for a year and a half. It has been completely redone. It is a nice two bedroom, one bath place for \$495. She does not believe there is not affordable housing for students. All she is asking is that they don't allow them to come right next door to where there are congregated residential homes where they have been since 1957, way before the college ever came to be.

Mayor Benton said the discussion that took place with himself supporting the conditional use, which would mean there will be

public hearings if somebody wanted to do that adjacent to her, so that way they get the input from the neighbors.

Ms. Ford asked will it be well published? Because whenever the Majestic Oaks deal came on Virginia Avenue, there was one sign down at the end of 33rd Street that nobody in the whole neighborhood knew about.

Mayor Benton said if she lives within 500 feet. There have been occurrences where they have had to put it on hold until the notifications do go out. But there is supposed to be a sign up. Ms. Ford said there was a sign up, but it was on the deadend street where nobody lives.

Mayor Benton said they have a different staff now. They have been doing a lot better job about notifying people.

Ms. Ford said it certainly sounds like it and she commends them for a good job.

Mayor Benton said he is very impressed. These folks have done an excellent job. He is glad they are on board.

Ms. Ford said party on; but no fraternity houses next door to her.

Mayor Benton said spending a lot of time in Gainesville, he can see how the University of Florida has grown over the years. There are a lot of student housing complexes in between homes that have been there forever. Some of those people stay. Some of them have students who help around the house. She has been there for a long time. But they all knew one day that college, being probably the biggest asset this community has...

Ms. Ford said that is true and she doesn't have a problem with that. The problem she has is, none of them knew this was going on except for a letter to the editor. She talked to several of her neighbors who have been there since before 1957 and they knew nothing about this because it isn't well publicized. Yes, there is a little thing in the newspaper. But she is over the age of 40 and she has glasses and she still can't read the stuff they publish.

Mayor Benton asked on a text amendment, do they send out letters to people within 500 feet?

Mr. Carlin said yes. Also he would like to point out that as part of the re-write, they have already received their first draft of what will be changed in terms of the notification requirements, because that obviously has been something brought up before in terms of simplifying them and making them easier to read and things like that. So they are addressing that with the LDR Consultant. So they will see some changes and they hope to bring those before them soon, as they just received the first rendition of these particular requirements.

Mr. Taylor Bemenderfer said he is at 3843 Seminole Road in St. Lucie County. He cannot believe this wasn't addressed when the

college started talking about becoming a State College, but it is past that now. He supports it. When he sent his son to college, the very first question his mother and he had was - where is the housing, how safe is it, how affordable is it? That is the big question. They can't have kids coming there to go to school if they don't have anywhere to stay. He thinks it is a good thing.

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

Commissioner Coke said she very rarely likes to ask an opinion from the City Attorney, because they know he talks way more than all of them. However, she feels compelled to. She is insulted, to say the least, at some of the accusations that were made here this evening about the actions of this Commission and the way people are saying they acted inappropriately and their Staff has not done things legally. All in all, it is exceptionally disturbing to her. Her theory on it is, if they have acted illegally, their City Attorney is here and he needs to tell them what exactly the problems are. If not, then they need to put it to rest. Because to be accused of those things publicly on television, to accuse all of them with acting inappropriately and their staff with acting illegally, is just really unacceptable to her. So she would like to hear from the City Attorney some answers to Ms. Baker's accusations.

City Attorney Schwerer said normally he would want to do this perhaps in writing and also look at in writing what the particular complaints were. He will try his best to remember what he heard. He thinks the first thing was that they were required to publish some sort of special type of notice in the paper and also a special type of map. Also, that they are perhaps zoning property not within the City, it is in the County. He can tell them that first of all, their jurisdiction applies only to property within the municipal boundaries. So any property that is outside the municipal boundary would not be affected. They work hard with Staff. The Planning Staff coordinates with the City Clerk on the notice requirements. If there are issues, those are brought to his attention. He is not aware of any issue that has been brought to his office's attention concerning any special notice requirements that are other than what Ms. Steele normally does. If there are issues, then he certainly would like to hear from Staff. He also would suggest that Ms. Angelos is a very experienced zoning attorney and she would not advance something on their Agenda in the absence of having the appropriate notices published. He knows that was coordinated early on. It is important to understand that many people, particularly laymen, get very confused when they start reading the statutes and code requirements. This is not a Comprehensive Plan Amendment. This is not a wholesale rezoning of properties within a certain district where they are taking away certain people's rights. In fact, what they are really doing is adding a right or privilege to their code by making this a conditional use now in a zoning district where it didn't exist. This is now becoming a right or privilege that they are granting to folks in those districts, not taking it away. When they rezone property or down zone property, they

certainly have certain requirements that they have to give to the property owners. That is not the case here. He could spend half the night espousing what the zoning laws do or don't do and the notice requirements. But suffice it to say, the matter was coordinated with Staff and in the very early junctures with the City Clerk, no questions were raised. It was coordinated with Ms. Angelos, no questions were raised. They are not aware of any problem with the notice requirements in this particular case. And would invite someone to bring them to the attention of his office in writing and they certainly will look at them. But as they sit here tonight, that is just not the case. If they have any questions concerning that, he is sure Ms. Steele would like to weigh in if there are any questions as to whether her office properly interpreted the statute and put the required notice in. He doesn't not believe Ms. Steele, with her many years of experience, would have allowed this to be advanced on the agenda if she wasn't satisfied that proper notice requirements were otherwise published.

Commissioner Coke said she would approve a change to conditional use and use the list of the Planning Board suggested changes as criteria.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Ordinance No. L-82 be amended (changing semi-restricted use to conditional use); and that Ordinance No. L-82, as amended, be passed on first reading; and that the list of Planning Board suggested changes be used as criteria.

Commissioner Sessions said they sent the applicant out with an objective to address their concerns. The applicant come back and addressed their concerns. And to snatch the rug out from under them now, he doesn't think is conducive to what they are here for; and that is, to be more business attractive. So they can set the parameters by way of conditional use and address what Staff has brought to their attention as well as the Planning Board. And for future purposes, they can come up with a more comprehensive plan, but he doesn't think this is the time. He doesn't have a problem with the motion made and he is going to support it.

Commissioner Becht said he is going to try to clarify something and hopes he doesn't make it more complicated. But the criteria and conditions pronounced by the Planning Board included a reference to R-3 zoning.

Commissioner Coke said they struck that from there.

Commissioner Becht said he just wanted to clarify that, because the motion was not clear on that, or at least was perhaps subject to different interpretation. With reference to a map, they are talking about a quarter of a mile within the current limits of Indian River State College.

Commissioner Coke said yes. And they are going to change the verbiage from Indian River State College to colleges, universities, or institutes of higher learning.

Mayor Benton said that was a recommendation of the City Attorney.

Commissioner Becht said he is getting a quizzical look from him, so he is not sure.

City Attorney Schwerer said he is not going to say Commissioner Coke is confused, but he knows Commissioner Becht is confused. Let him try to explain. That is for the definition of a student attending a college or university. Commissioner Becht is talking about the area where this will be a conditional use, he is talking about the distance limitation.

Commissioner Coke said a quarter of a mile from Indian River State College, exclusive of the commercial corridors.

Mayor Benton asked the R-3 zone?

Commissioner Coke said no. The R-3 zone they struck out of there, because it is conditional use now.

Commissioner Becht said yes. He has one other thing. He doesn't think certain comments were made tonight with malice, but those had a dangerous tone to them. He thinks the applicant would disagree that this thing has been rushed through, particularly since he started last July. There have been two Planning Board meetings. They had a City Commission meeting back in January. And they had notices in the newspaper. So he thinks the public, as much as maybe they could have had more specific letters going out... But he thinks there has been more than ample notice for him to comfortably move forward. And he is not moving forward in a rushed fashion by any stretch of the imagination.

City Clerk Steele said she needs clarification. The ordinance that is in front of them tonight, Ordinance No. L-82 was specifically, advertised as to allow semi-restricted use. Now they are going back to conditional use? This ordinance needs to be re-written. She understands it doesn't need to go back to the Planning Board, But it needs to be re-written. So are they amending and passing it; or are they sending it back to Staff to rewrite it and bring it back to them at the next Commission meeting?

Mayor Benton said he believes they are amending it so it can be amended for the second reading. Can that be done? This is the first reading. There is a second reading. Can't they amend it to a conditional use?

City Attorney Schwerer said he believes they can do it. If there is a problem with that, he will advise them. And it will come back rewritten no matter what and it will be readvertised and they will follow whatever process they need to follow. So he would amend the ordinance as it is.

City Clerk Steele said so they are amending Ordinance No. L-82 and passing it as amended on first reading. She just wanted to clarify.

Those voting in favor of the passage of Ordinance No. L-82, as amended, on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-22

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING A **TRANSIT FEE FOR STUDENT HOUSING** AS DEFINED IN SECTION 22-3 OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 09-22 be adopted.

Those voting in favor of the adoption of Resolution No. 09-22 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was **Annexation Ordinance Nos. L-53 through L-60**. (Passed on First Reading November 3, 2008. On November 17th, Second Reading postponed to December 15th. On December 15th, Second Reading and Public Hearing; Motion to postpone action on Ordinance Nos. L-53 through L-60 to January 20th in order to allow City Staff and County Staff to try to work out a solution to the problems and preserve both parties interests. On January 20th, motion to postpone to April 6th.)

City Clerk Steele said it is her understanding there is nothing in front of the Commission for consideration tonight.

City Manager Recor said they are asking that the City Commission continue to a date certain Ordinance Nos. L-53 through L-60, to specifically May 18th.

Commissioner Coke asked would they not think since their drop dead date to get this resolved is going to be May 18th, that they should bring it back May 4th and work towards that as their goal? And then if they need to, they can postpone it to May 18th.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Annexation Ordinance Nos. L-53 through L-60 be postponed to the May 4, 2009 City Commission meeting.

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

The next item on the Agenda was Mr. Bill Thiess, Director of Fort Pierce Utilities Authority, to submit **2008 Comprehensive Annual Financial Report (CAFR)** and presentation of Annual Distribution Check to the City.

Mr. Bill Thiess, Director of Fort Pierce Utilities Authority,

said he is here tonight to present the annual distribution from Fort Pierce Utilities Authority to the City. This is for Fiscal Year 2008. The amount of the check is \$5,045,811. It is going to be an electronic transfer. The electronic transfer will be initiated tomorrow and should be in the City's account on Wednesday.

Commissioner Alexander asked do they not have a past due?

Mr. Thiess said no.

Commissioner Coke said yes, they do.

City Manager Recor said the City believes there is a past due amount due from the FPUA. The FPUA has taken a position that there are no additional monies owed from 2006. There is some correspondence from the summer of 2008 with the previous City Manager where there was some discussion that the U.A. would contribute a certain amount of money to eligible projects that may coincide with that amount of money that is due, but they are not recognizing that they actually owe the amount from the transfer of 2006.

Commissioner Alexander said he just wants to know why is it that only Mr. Recor and Mr. Thiess is aware of this. He doesn't think the Commissioners are aware of exactly what he said or stated. Again, he is not taking no for an answer, because he knows it is past due. It was due at the time when they didn't pay it.

City Manager Recor said the U.A. does not believe they owe the City money.

Commissioner Alexander said he is not concerned about the U.A. He is concerned about what came before this Commission in 2006 that was due to the citizens of this City that was not paid. If he doesn't pay his electric bill, his lights will be turned off. Again, if they don't pay what is due, then they need to be...

Mayor Benton said there is a difference of opinion between the two attorneys, so until that is cleared up... There was a response that went to the City Manager's office and that response was not returned.

Commissioner Alexander said maybe they need a mediator.

Mayor Benton asked if there is a difference of opinions, who makes the final decision?

City Attorney Schwerer said there is a legal position the City has, the Utilities Authority doesn't necessarily accept that. There is a legal claim there on behalf of the City for those monies. It would take the Commission to authorize legal staff to do what they need to do to move it further, if they wish to do that. They were hoping it would be amicably resolved at some point in time.

Commissioner Alexander said that is what his wishes were.

Commissioner Coke said last year when Mr. Thiess brought them the check, they started talking about the past due money. They kind of talked about they would like something resolved prior to the presentation of the budget. They don't want to be again drawing lines in the sand, because that doesn't do anybody any good. However, she hasn't heard any compromise situation offered either. So sometime between now and when Mr. Thiess would like them to vote on his budget, he could bring them a compromise situation. She remembers distinctly she told Mr. Thiess don't bring her a 45-page thing from lawyers, bring her a one-page synopsis of what the U.A. is willing to do on this. If they are willing to do nothing, then that is what she needs to know. Just be advised she will be having to act appropriately on their budget that way.

Mr. Thiess said they did send a compromise.

Mayor Benton said the compromise or whatever, the last note went to the City's side, and the City has not responded to the U.A.

Mr. Thiess said that is correct. They sent a compromise August 25, 2008, and they are still waiting for the City's response.

Commissioner Coke said she hasn't gotten a copy of it. Respectfully she asked Mr. Thiess not to send it to Staff without copying all of the Commissioners.

City Manager Recor said it was at the meeting where the vote was taken on the U.A.'s budget that Mr. Thiess brought to the attention of the Commission his communication with the former City Manager. Mr. Thiess has since forwarded him the information. No, they have not taken any action. The City's position has not changed, they still believe there is an outstanding balance.

Mr. Thiess said they also submitted the Comprehensive Annual Financial Report for 2008. He is going to forego the presentation in order to shorten this meeting. He will be glad to answer any questions if they have any.

Commissioner Sessions asked on Page 3, Factors Affecting Financial Condition, he takes it they mean the customers as well as their agency? It describes for the most part the City to be at a downfall in terms of the construction industry and individuals not being able to obtain employment to a certain degree. He noticed in the Charter that there was a provision that provided for individuals that are not financially able, perhaps a sliding scale in order to pay their electric bill based on their income. That is in the Charter itself. He better take a look at it.

Mr. Thiess said he is not aware of anything in the Charter.

Commissioner Sessions said look at the Charter. At any rate, once he looks at it and substantiates what he is saying...

Mr. Thiess asked can he give him a specific reference on that?

Commissioner Sessions said in the Charter, he doesn't have it in front of him. If he calls him, he can give it to him. At any rate, when it was changed from the City of Fort Pierce over to the Fort Pierce Utilities Authority, he takes it that their forefathers thought enough that individuals perhaps may be in a financial situation that he is describing and unable to pay their bills. But there is a provision in that Charter that indicates that people who aren't financially able perhaps are entitled to a sliding scale regarding the payment of their electric bill.

Mr. Thiess said he has been through that Charter backwards and forwards for years and he doesn't recall seeing a provision...

Commissioner Sessions said it is in there, at least the Charter he received. Is he correct?

City Manager Recor said he is not familiar with it either, but he will verify it tomorrow.

The next item on the Agenda was Mr. Stefan Matthes, Culpepper & Terpening, to give update on Cortez Townhome Project located on the south side of Cortez Boulevard, east of South 25th Street.

Mr. Stefan Matthes, Culpepper & Terpening, Inc., said he is representing Cortez Townhomes LLC, the developer of the Cortez Apartments complex. When they were in front of the Commission back in December 2008, the Commission's position was they wanted to see the off-site improvements changed. Since then, his company was hired by the developer to provide signalization improvements at the intersection of Cortez Boulevard and 25th Street, as well as to help with some amendments to the Agreement. They have been working with Staff diligently and are ready to present in the next couple of weeks an updated Agreement Amending Major Site Plan along with a set of conditions with the Agreement for issuance of Certificates of Occupancy for buildings he has ready to go, predicated upon improvements to the off-site construction. At this point the plans are 80% complete. They are waiting for some comments from St. Lucie County before they can make their submittal to FDOT for permits. They have a first Public Hearing scheduled for the Planning Board on the 14th of April and then they have the second Public Hearing scheduled in front of the Commission on April 20th. He is here to answer any questions and he appreciates the opportunity to update them on the progress of the project.

Commissioner Alexander asked are these townhouses for sale or for rent?

Mr. Matthes said the townhouses are for sale; but that doesn't preclude them from renting and subleasing or anything else that comes along.

Commissioner Alexander said they are speaking of Cortez Boulevard and 25th Street. There might be some consideration

for student housing for students at IRSC.

Mr. Matthes said quite possibly. They have to get C.O.'s first.

Commissioner Alexander said they have asked in the past for some certain amount of units being set aside for certain things.

Mr. Matthes said this project does have a grant from St. Lucie County for income assistance and there are a certain amount of units that are set aside specifically for that. Those are the first units that will be C.O.'d.

The next item on the Agenda was Resolution No. 09-19, Appointing an Alternate Member to the **City Planning Board**.

City Clerk Steele said there are six applications for an appointment to the City Planning Board. She will need the City Commissioners to suggest a name for an appointment and then she will read the resolution with that name in it.

Commissioner Alexander said he will recommended Steve Weaver.

Commissioner Sessions said he would second that.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-19

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING STEVE WEAVER AS AN ALTERNATE MEMBER ON THE **CITY PLANNING BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, that Resolution No. 09-19 be adopted.

Those voting in favor of the adoption of Resolution No. 09-19 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Resolution No. 09-20, Appointing and/or Reappointing Members to the **Sunrise Theatre Advisory Board**.

City Clerk Steele said in this particular case they will see there are two vacancies for City resident positions. She was able to get a consensus on one of the names so she will put that name in here, but she will have to bring the next one back to them on the next agenda.

Commissioner Coke asked can they not make a nomination to the other open position?

City Clerk Steele said if they would like to. It was a tie between Sara Yates Richeson and Harold Smyth.

Commissioner Coke said she would like to nominate Sara Yates Richeson.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-20

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING AND/OR REAPPOINTING FOLLOWING MEMBERS TO THE **SUNRISE THEATRE ADVISORY BOARD** (FRANCENIA MIMMS, DOUGLAS DAVIS, MICHAEL HOROWITZ, KEVIN G. PERRY, REBECCA WILKINSON, AND SARA YATES RICHESON); PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, That Resolution No. 09-20 be adopted.

Those voting in favor of the adoption of Resolution No. 09-20 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Submittal of Applications for Appointment or Reappointment to the **Historic Preservation Board**.

City Clerk Steele said they have applications to consider over the next couple of weeks. They also have a letter from a gentleman who withdrew his application (Jerous Vincent), so that one will not be considered. There will be a resolution on the next agenda.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-23

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, THE **INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT**, INITIATING THE PROCESS FOR NEGOTIATION OF AN INTERLOCAL SERVICE BOUNDARY AGREEMENT WITH THE CITY OF PORT ST. LUCIE, FOR THE PURPOSE OF ADDRESSING THE ISSUES MORE PARTICULARLY SET FORTH HEREIN."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 09-23 be adopted.

Those voting in favor of the adoption of Resolution No. 09-23 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-24

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING AND APPROVING THE **RELEASE OF A UTILITY EASEMENT LOCATED AT 1603 SOUTH U.S. HIGHWAY 1**; PROVIDING FOR AN EFFECTIVE DATE."

Commissioner Becht asked is the process such that all City Departments have signed off on this and a human being in each Department has said they don't need this?

Mr. David Carlin, Assistant Director of Planning, said that is the process they go through for abandonments.

Commissioner Becht asked if later on they found out they needed it, they can go back and say he signed off in that Department, correct?

Mr. Carlin said correct.

Commissioner Becht said they had a situation on 39th Street, in the block that is on the southeast quadrant of 39th Street and Orange Avenue. On the southern edge of that block the property owner came in, he believes it was Joey Miller or one of the entities that Joey Miller owns. His recollection is that he paid fair market value for the property that the City eventually abandoned for him. He does read the information Mr. Carlin gives them. He is seeing where his recommendation is that they pay a fee for the abandonment and pay fair market value for the property. So if he is going to do it to a citizen like Joey Miller, why would he let Walgreen's get an easement abandonment without charging them for the fair market value of the easement?

City Attorney Schwerer said this resolution releases a utility easement, but it also accepts a substitute in its place. Section 1 of the Resolution abandons a previously existing easement and Section 2 accepts a replacement utility easement.

Commissioner Becht asked so they have something of equal value for the abandonment?

City Attorney Schwerer said they do. This matter has been actually over-analyzed and over-worked through all the offices.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 09-24 be adopted.

Commissioner Alexander asked even though they are abandoning this property, there a drive-through being built over it?

Mayor Benton said it is already finished.

City Attorney Schwerer said the drive-in was built too close to the existing easement and there was a pipe in that easement that couldn't allow traffic to be driven over it. When that was discovered, Walgreens agreed to give them a replacement easement outside of that one and also pay for the installation of the new pipe and move it over. That was all done by engineering, with all the engineering details for FPUA and the City Engineer. So in that process they are accepting the new easement with the new pipe in it and they are abandoning the old easement. That is the exchange. It was Walgreens error in building over the existing pipe to begin with that caused this to happen.

Commissioner Alexander asked it was human error? So all Departments signed off on that human error, right?

City Attorney Schwerer said he doesn't know what Department signed off on that.

Commissioner Alexander said if Mr. Schwerer is satisfied with it, he is satisfied.

Those voting in favor of the adoption of Resolution No. 09-24 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-25

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE **INTERCITY RAIL COMPONENT OF THE FEC CORRIDOR PROJECT** (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 09-25 be adopted.

Commissioner Coke said at the TPO meeting last week they found out that the Treasure Coast Regional Planning Council passed a resolution and sent it along to Tallahassee requesting that Fort Pierce be the stop for the passenger rail station. So hopefully they will go along with it.

Those voting in favor of the adoption of Resolution No. 09-25 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Mayor Benton discussion on Construction Cost for the **Harbour Isle Roundabout**.

Mayor Benton said this portion of A1A is under construction, but they are still \$600,000 short of funding the roundabout. He would hate for them to have to come back and dig up the road. It is identifying that money. He knows the FPRA Board they all sit on is probably the funding mechanism. But he just wants to make sure that is brought to their attention, that it is on the Agenda next time while they still have the money to do it. He knows they are in court with the developer over the difference and that could be in court for years. The work has started, so he thinks it is time they identified where this funding is coming from.

City Manager Recor said it is understanding that the balance for the construction of the roundabout is being advanced from their Stormwater Utility funds. If they would like to schedule the discussion for the reimbursement of the utility, they can do so.

Mayor Benton said he didn't know that was the case. That is the first he heard.

City Manager Recor said there has been some communication from the City Engineer as of late outlining how that is going to be paid for.

Mayor Benton asked how does a roundabout have anything to do with stormwater drainage?

City Manager Recor said probably very few dollars actually do.

Commissioner Becht said because obviously the culvert and all the communication between Mr. Schwerer's office and Mr. Mason Simpson's attorney saying they don't want them to tie into the culvert, it must be a very valuable drainage system underneath that road for A1A improvements. But Mr. Recor scared him when he said he thinks the money is being advanced by the Stormwater Utility.

City Manager Recor said he knows it is.

Commissioner Becht said okay. So when they have their next FPRA meeting when they are going to review all the projects, they will not have to worry about funding this one, because it is, has been, or will be covered by the stormwater bond. Is that correct?

Ms. Tracy Telle, Assistant City Engineer, said no, that is not correct. Right now the Stormwater Utility fund was a front for the money until they got reimbursement from the developer, is how she understood it.

City Manager Recor said so the answer is yes, they are advancing the money. And then they are going to bring it back to the FPRA and allow them to determine whether or not they want to pay back the SMU. So the answer to the question is yes.

Mayor Benton said they are getting very creative.

City Manager Recor said they are getting very creative. But when the Staff identified the shortfall, this Commission decided to press on and get it done.

Commissioner Becht said the simple answer to the Mayor's question is that with the funding is available through SMU; and whether they reimburse later from FPRA to SMU, or they wait for a decision on whether they are going to pursue the developer for it, the money is there to keep going.

City Manager Recor said yes.

Commissioner Becht said that is a good point.

Mayor Benton said that is the point they wanted. But if they haven't talked to the City Attorney about this, he thinks they all need to give him a call.

Mayor Benton said the Finance Director's memo (City of Fort

Pierce **General Fund** Position dated March 24, 2009) was supposed to be a separate item. He knows it was not included on the Agenda. He believes it is being dealt with. But he knows the City Manager would want to comment on it.

City Manager Recor said he knows they all saw the newspaper article, it generated quite a bit of buzz. Rest assured that both he and the Finance Director have the financial solvency of the General Fund at the forefront of every decision they make. He has met with the General Fund Department Heads. He has given them an opportunity to identify ways to reduce their expenditures in the remainder of this fiscal year. They have a plan. There is a Budget Workshop scheduled for later this month. They can address this in a number of options. But in all likelihood, it is going to affect their existing personnel. They may be able to realize some savings through not filling vacant positions for the remainder of this fiscal year, but that certainly is not going to come close to the amount they need to make up in the current fiscal year, notwithstanding the additional cuts that will be necessary based on the reduction in taxable value that the Property Appraiser is anticipating.

Mayor Benton said the meeting with the Property Appraiser went a little better than expected, because the 20% hit Mr. Furst was telling them about a month or so ago appears to be maybe 10% or 12%, but then that additional hit will come next year.

City Manager Recor said while that news is good, they expected they would fair better than the 20%. To put that into perspective, that still means a \$1.5 million reduction in their ad valorem tax receipts next year. The second quarter, which just ended on March 31st, shows a projected shortfall of \$1.5 million in revenue in this fiscal year. So their choices are, increase their revenue or decrease their expenditures, and they only have likely five months to do that. So he will have a number of recommendations for them to think about.

Mayor Benton asked those options Mr. Recor has been talking to Staff about will be coming to them soon so they can digest them hopefully before their workshop?

City Manager Recor asked in what format would they like to have this discussion? They have one Commission meeting and they have a number of workshops. He can discuss it with them all individually to determine where they are. How do they want to do this?

Mayor Benton said he thinks it should be done at a public workshop where staff's options should be up, because they will be changing of their budget.

City Manager Recor said the Budget Workshop is scheduled for April 29th.

Mayor Benton asked can this wait that long?

City Manager Recor said if they can make a decision on the 29th of what needs to be done.

Mayor Benton said if Mr. Recor gives them the information in advance so they can digest it, so they don't just walk in and get it a couple of days ahead of time.

City Manager Recor said he can lay out the options and the cost so they can determine how they want to reach that objective. But if they wait until April 29th to have that discussion, they need to be prepared to take action.

Mayor Benton said unless the Commission feels they want to get together before the 29th of April.

City Manager Recor said Ms. Robinson has been attempting to schedule a number of workshops and there is very little time where they are all available for the remainder of the month. So if they are inclined to wait until April 29th, he will get them the information in advance of that meeting so they know what their options are. Let him tell the Commissioners, it is going to hurt, it is going to be very painful, the decisions are going to be very difficult. Because as they are aware, they made significant cuts in the General Fund this fiscal year. Staff squeezed the operating expenses about as good as they could. There are some savings that are still to be had in their operating expenses. They didn't budget any capital dollars in this fiscal year. So their options are fairly limited. It is people.

Mayor Benton said keep in touch with the Commissioners as soon as options come out and let them all know, because this is going to be a tough decision for them to make.

The next item on the Agenda was Consideration of Appointment of a citizen to the **Public Schools Advisory Committee**.

Commissioner Sessions said he was looking at this item and for what it is worth, it says Advisory Committee. But he would be willing to serve on this Committee if at all possible. He saw citizen. He doesn't know if they can get around that. But he knows this is something that is very serious and dear to him when they talk about evaluating school sites and significant renovations and potentially closing down existing schools. He thinks they need somebody from the Commission.

Mayor Benton said he is a citizen.

Commissioner Sessions said right. This is a serious issue, so he doesn't mind volunteering. They need a voice.

Mayor Benton said if he wants to volunteer, he doesn't think anyone would object. He is a citizen, right?

Commissioner Sessions said the last time he checked, yes.

City Clerk Steele said it says, "In addition to citizen members, the committee will include appropriate members of School Board staff and at least one staff member from each of the local governments."

City Manager Recor said he believes they have a member of the Planning Staff who is participating. Marty Sanders (School Board Executive Director) communication with him is that they simply need a citizen appointment, he has not indicated that he needs a staff representative, which leads him to believe that he has one. He will just need them to determine who it is. If one has not been appointed, they will have the appropriate staff participate.

The next item on the Agenda is Consideration of two appointments to the **Treasure Coast Education, Research, & Development Authority (TCERDA) Board.**

Commissioner Coke said they had talked at length many times about this and requested that they have representation on that Board. Her interpretation of representation on that Board was going to be one of the Commissioners and a staff member from their Planning Department. Have they been requested to submit applications? Does the Mayor sit on that Board?

Mayor Benton said no, he doesn't. He believes these would be voting members. He thinks they are looking to incorporate one of the City Commissioners and, as the County Commissioners, they are there without a vote.

City Manager Recor said he thinks the County participates, but they are not a voting member. This would be a City resident and would actually have a vote on the Board.

Commissioner Coke said they sent them four applications, not all of whom are City residents. Her concern is that she really thinks on a project like this it is instrumental that they have a member of their Staff representing the City there and one of the Commissioners. She doesn't know if their guidelines would allow them to counter their four recommendations with saying one of the Commissioners would like to sit on the Board and they want to bring a member of their Planning Staff.

Commissioner Becht said his conversation with all five of the County Commissioners was that they don't have a vote on that Board. His conversations with them privately, where he was pushing for one of the City Commissioners on there, not one of them would support having a City Commissioner on the Board when they don't have a vote themselves. He countered that with, they say they don't have a vote, but they appoint everybody who is on that Board. It didn't make any headway with them. In his private conversations with them, they are not going to buy into a City Commissioner sitting on that Board when they can't sit on that Board.

Commissioner Coke said she could almost even buy into that if they were allowed to submit their own candidates.

Commissioner Becht said he thinks that is what is about to happen.

Commissioner Coke said no, she doesn't think so. TCERDA

submitted four candidates and told them to pick two out of the four.

City Manager Recor said his understanding is that is a narrowed down list from a number of applications that were made to the BOCC. And TCERDA did the screening.

Commissioner Coke said her point is, if they fully want the City to participate - and obviously they participated earlier this evening by postponing annexations - they ought to be allowed to advertise, get their own applications in here, and the five of them choose the two people they want, rather than TCERDA handing them four applications and saying these are who they want and the City can pick two of them. She doesn't think that is a fair and just way to do it.

Mayor Benton asked does Stef Matthes live in the City limits? He has a Fort Pierce address - Thousand Pines Drive. He is not familiar with that address.

Commissioner Becht said he doesn't believe that is in the City limits.

Mayor Benton said the only one he knows of who is a City resident is Mr. Perona. The rest basically live in Port St. Lucie or unincorporated St. Lucie County.

Commissioner Sessions said he finds it very ironic that they are supposed to be making two appointments with an application from the County. If these are their appointments, why are they going through the County with the County's applications?

Commissioner Becht said because they have no legal authority to make any appointment at this point in time. He has encouraged these gentlemen - Rod Kennedy and Tom Perona, and he may have mentioned Stef Matthes, he does not know if he did or did not. He doesn't know Timothy Busby, so he had no influence on him making an application. But when this was discussed at the last Joint Meeting where the County agreed that they would consider putting two Fort Pierce residents on the TCERDA Board, he immediately - and he thought the other Commissioners would have as well - encouraged residents to make application for appointment to the TCERDA Board; not by the City Commission, because they have no legal authority to make an appointment to the TCERDA Board, but by the County Commissioners. The County Commissioners had a long discussion on it. They can get the DVD and look at it, it is quite entertaining actually. The County Commission punted it to TCERDA for them to make recommendations and then TCERDA went through an interview process and ranked these as the top four, and now they are coming back to the City and asking for their input. They do not know if Rod Kennedy does or does not live in the City. He is very comfortable in moving Tom Perona for their request. This is what it is. They are not demanding anything, they have no authority to demand anything. This is one of those rare instances where the County is actually acting in good faith in trying to accommodate them by having a Fort Pierce resident on the TCERDA Board. What he would ask is that they be very careful about the way they react

to the County. They have heard him, he has had his moments with the County. But this is a rare moment where the County has in good faith come forward and said if they want to have this process, have the process. He has known about it for two or three months. He has encouraged the residents. He doesn't know who has or has not up here. But this is not a surprise to him. He is ready to at least advance Mr. Perona for the Board and Mr. Kennedy as well if anybody can verify that he lives in the City limits.

Commissioner Coke said she has a problem with this. Although she is very happy that the County would like to include them, she doesn't think she had the same understanding as Commissioner Becht; therefore, she did not approach nor encourage anyone for an application. She assumed that the County when they said that, it would be a similar application to what the City has. So therefore they have a situation where she didn't know they were accepting applications from the City, so she has a concern. She doesn't know who if anyone she might have thought to consider. Obviously Commissioner Becht was the only one who fully understood what was going on and encouraged people to put in an application. She thinks they ought to thank the County for this and they need to request that they postpone it for 30 days and give them each an opportunity to insure that they have names put in there that are going to be representative of City residents, that have the best interest of the City at heart. She thinks that is going to be a very important thing that they have to insure that they get City residents, so long as they are going to give them this opportunity. And they need to pick the people who have absolutely the most dedication to what is best for the City of Fort Pierce. She thinks they have to be very careful to examine any potential conflicts with other boards or other things. She would like to request that they postpone this for 30 days to give them an opportunity to get all the applications in front of them so they can make the best informed decision they can.

Mayor Benton said from meeting with Jane Bachelor and also with the new Director and talking to the County Commissioners, he has known about this for a couple of months. It is very important, as they meet each month, that somebody represent Fort Pierce. Right now there is nobody at the table representing them. He thinks the sooner they get somebody there speaking for them... They have called him for his opinion and he thinks Mr. Perona would do an excellent job. But as far as the other guys, he doesn't know if they live inside the City limits. He would feel comfortable with one for tonight, just so they have somebody there, Mr. Perona. But he thinks they need to get another name in front of them for the next meeting.

Commissioner Alexander said no one approached him about it, so he feels slighted. He won't support this tonight. They can bring it back in 30 days with consideration, then he will support it then.

Commissioner Sessions said he will take the same position. He just wants to be fair and equitable in terms of these Boards. It has been pointed out, sometimes they want to consider the

Boards these individuals may presently be sitting on and determine if there is a conflict at least in their mind as to whether or not it is in the best interest to allow them to sit on another board. So he would like to be given some consideration in terms of somebody being appointed to this very important Board.

Mayor Benton asked does that mean for the next meeting they can expect to have some new names or names in front of them to be submitted to the County?

City Manager Recor said this was an open application period that the County coordinated. Are they suggesting that perhaps they would like to see all the applications who expressed an interest, as opposed to the narrowed down list that was presented?

Mayor Benton said maybe a letter going to the County saying that the City Commission would like to submit their two representatives. In other words, they could pass on to the Commissioners some of these applications so that they can get them to people.

Commissioner Coke said if they all had the same information, she doesn't think there would have been a problem this evening.

Mayor Benton said they were supposed to have met with everybody.

Commissioner Becht said he doesn't know why everybody doesn't know.

Mayor Benton said right, they made it clear, they had a workshop with them. They have done more than put forth quite a bit of effort on several occasions to get this done. But if it means the County gives them some blank applications for them to get to folks so they can get this done in a timely fashion...

Commissioner Alexander said if it is a question as to the City residents, he is looking at Rod Kennedy and he lives in Fort Pierce. No one here knows where his address is? They don't know if that is a City resident?

Mayor Benton said he doesn't think so. They can go all the way from North Port St. Lucie all the way to the North County line and have a mailing address in Fort Pierce.

Commissioner Coke asked could she make a suggestion to move this along? If Mr. Recor's office could contact the County and find out if they can have a grace period of another few weeks to submit some further applications, or if they could give them the complete package of people who have applied that live in the City. If they can get that information disseminated to all of the Commissioners in their package, then on the 20th of April they can agenda this and have an answer; and they can either move forward with submittal of further applications, or they can go ahead and move forward with what they have, depending upon the County's answer.

Mayor Benton asked would Mr. Recor touch base with the County?

City Manager Recor said he will.

Mayor Benton said he knows there was some discussion about Mr. Perona sitting on the U.A. Board; but he guesses that is okay, at least when it comes to legally. They have been called to several meetings with the Research Park when it comes to somebody coming in wanting to develop there and it would be nice to have somebody sitting on the TCERDA Board that can see the urgency of the U.A. making some concessions when it comes to what they can do for water and sewer.

Commissioner Becht said actually the recommendation of the Treasure Coast Education & Research Development Board was they ranked Tom Perona first. His understanding why they ranked him first was his knowledge of the utilities.

Commissioner Alexander asked are they going to bring this back to the next meeting?

Mayor Benton said as fast as they can, because it is timely that they get somebody who represents Fort Pierce on that Board.

City Manager Recor said he will follow up with the County this week.

The next item on the Agenda was City Attorney request Attorney-Client Session (Closed Litigation Meeting) to discuss settlement negotiations or strategy session related to litigation expenditures in Connection with Federal Court lawsuits (U.S. Justice/Kirby v. City and Duncan/Burlinson/Hasranah v. City).

Mayor Benton asked does this mean they just need to set up a time?

City Attorney Schwerer said he has to announce at a public meeting that he requires the Commission's participation in executive session under Florida Statute 286.011 for the purposes stated in his memo. They are going to try to hold that this week if their schedules will allow it. Perhaps Wednesday or Thursday, given the upcoming religious holiday weekend. They have some mediations scheduled next week, so they are going to need to meet this week.

City Clerk Steele said she will be unable to publish in the Tribune a notice of that meeting if they have it this week.

City Attorney Schwerer asked she can't make the publication deadlines? They won't accept anything?

City Clerk Steele said the Tribune, when they changed their legal advertising section to be printed in one piece, that is in the local section rather than where is used to be with the classified ads. They changed their deadlines. It is four days, not counting the day they send it.

City Manager Recor said choose another paper.

City Attorney Schwerer said they sure didn't notify the court system and the lawyers that it was going to be a problem because they generally operate on some pretty tight time frames. If they can't make the deadline, then they will still have a meeting, but it may involve him having to brief them on the discussions they had with the opposing attorneys and the mediator and whatever recommendations legal has at that time as opposed to a joint meeting with all the Commissioners. If they can't get it published, then he will try to work this out.

City Clerk Steele said she will call first thing in the morning and see what kind of leeway they will give her.

Mayor Benton asked is there the possibility of using another newspaper? Can they check on the other ones?

City Clerk Steele said yes, it is supposed to be a newspaper of general circulation.

Commissioner Becht asked does the Post meet that definition or not?

City Clerk Steele said not as well as the Tribune, but yes it would.

Commissioner Alexander said the Post doesn't do north of Orange Avenue.

City Clerk Steele said she will talk to them in the morning.

Mayor Benton said let's check the other newspapers and see if there is some other one they can use.

City Clerk Steels said she will talk to Mr. Schwerer in the morning. She just wanted them to know. Tomorrow is Tuesday.

City Attorney Schwerer said they will work on it tomorrow.

The next item on the Agenda was City Manager discussion of City's eligibility to receive \$186,300 from the U.S. Department of Energy, Energy Efficiency & Conservation Block Grant Programs.

City Manager Recor said Commission Alexander had asked that this matter be agendaed. They did have an opportunity to participate in a teleconference call on Friday. Ms. Satterlee was able to participate in a conference call with the Department of Energy, where they identified potential public projects. His comments regarding various features or aspects of existing projects that have either been completed, i.e. solar lighting in South Causeway Park, or aspects of a capital improvement project that has yet to be built, are appropriate items for consideration. It is not a lot of money, but it certainly will help. So if there is something the Commissioners would like to throw out there, they can find a way to spend this money fairly quickly, he is sure.

Mayor Benton said he knows there has always been a concern about

the electric bill at the Sunrise Theatre. To him, that would be a perfect building for solar panels. If it works for government, it can work for everyone else. Would that be...?

City Manager Recor said solar panels would certainly be an eligible activity. Reducing the utility bill, just throwing money at an existing problem without incorporating some sort of energy conservation measure, he does not believe that would be an eligible activity.

Commissioner Coke said they have discussed on and off over the years - at Commissioner Becht's prodding - that they look into some solar street lighting. It is a small amount of money, but she is wondering if they could perhaps invest or dedicate that and pick a street where they could install however many solar lights they can get with this, and have it as a target area to see how it would work for them. They had concerns whether it would have enough light on a rainy day or whatever. She is wondering if this is not the perfect opportunity?

Commissioner Alexander said when he read the memo concerning this grant, he thought about the parks they are contemplating on receiving from the County. Lighting would surely be a necessity in these parks. Ride by some of these parks in the dead of night and they can't see. So he was thinking more so on behalf of the parks. It is not very much money, but surely they can encompass more than one or two parks.

City Manager Recor said he would encourage them to think about that. The idea about the street lights is certainly worthy of further discussion; but his understanding from staff, when they evaluated that previously, it carries with it upwards to a \$10 million price tag citywide. This \$186,300 would have very little impact. They are going to get more bang for their buck if they focus on a City capital improvement project and incorporate it.

Commissioner Coke said she certainly thinks the parks would be fine. The only comment she would make about the street lights is, they just expended a lot of money on all new street lights on A1A. How much would they have saved on their utility bill if they had started there, as long as they were replacing lights anyway, if they had replaced them with solar lights?

Commissioner Becht said with \$186,300, if they could light up a couple of parks that are dark, they will have safer parks. If they do it on a pilot program and try to figure out... This is fairly new technology, at least in Fort Pierce. So that would be his preference, to light up some parks.

Commissioner Sessions said if it is only just one or maybe two parks, see how much bang they can get for their buck.

Commissioner Coke asked are they talking about little solar lights or big ones that are going to light up the whole park?

Commissioner Alexander said the massive ones, big lights.

City Manager Recor said they will see exactly how far they can stretch the dollars.

The next item on the Agenda was Assistant Director of Planning to discuss updating the **Fee Schedule** in Chapter 22 of the Code of Ordinances.

Mr. David Carlin, Assistant Director of Planning, said he wanted to update and somewhat encapsulate what it is staff is bringing to the Commission's attention regarding their current fee structure.

City Manager Recor said rather than go into numbers, see if they can get consensus on the concept of moving forward.

Commissioner Becht said he thanks Mr. Carlin for bringing this to their attention. Yes, he would like to move forward. He has a couple of concerns. One is, watch Tallahassee before he spends a lot of time on his concurrency fees.

Mr. Carlin said he understands there is new proposed legislation on that.

Commissioner Becht said Mr. Schwerer might be more up to date on that. But his understanding is, that made it out of both the Senate committees and the House committees. So before he spends a whole lot of time on that, he might want to make sure if it matters or not. He does think they need some adjustments in their fees. His concern is that when they average the eight counties for comparison, he doesn't want it to get so high that it discourages people from coming in. He thinks their pre-application process is being abused. But he does think they need to give them one free one. Because otherwise if they don't do that, they are going to discourage somebody who might never come in a pay the \$400 or \$500 fee. They can tailor it down for the free one. But it is like fishing, they have to tease them a little bit before just slamming them with paying \$1,000 to have any idea whether they can do something or not. So he thinks they can tailor it down a little bit; but he thinks they have to have something free for them to come in and meet with some staff to get some idea of whether they can move forward.

Mr. Carlin said that has been the case, staff has had substantial numbers of pre-application meetings where little renditions and modifications are submitted. They have all the other departments there to give valuable feedback to help guide the applicant through the process and give them the most valuable feedback possible based on the proposed plans given to them.

Commissioner Becht said understand, they get one. He does not want them to be able to come back and say... There is one gentleman in particular who has just abused his time and staff's time to no end and he kept coming back. He kept telling the gentleman to go get a professional planner. He finally did and he finally got a decent project out there.

Mr. Carlin said that is exactly what this is for, for discussion

purposes. If that is something the Commission is interested in, they can certainly...

Commissioner Becht said he doesn't want to get the fees so high that they dissuade people from coming in.

Commissioner Alexander said he has the same feeling about that. He is looking at some of these proposals and they are almost ten-fold. In this economy, how do they impose these type of proposals on their community? He is in support of it, but he is not in support of ten-fold over anything.

Mr. Carlin said he completely understands the Commissioner's perspective on that. He would like them to keep on thing in mind, that many of these are expenses that are coming out of the Planning Department's budget directly, which really the developer should be paying for. Also, whether the taxpayers should be paying for development. Development should pay for development. For example, they have \$25,000 in their budget allocated specifically for advertising. At 50% of the year, they are already down to just a little over \$8,000. They have already expended more than half of their advertising budget. These advertising costs should be absorbed by the developer. It is very costly and time-consuming to send out notifications. He understands exactly what Commissioner Alexander is saying, but this is in keeping with industry standards. It is very important to recognize that many of these...

Commissioner Alexander asked is he telling him in advertisement there is no funds required from anyone?

Mr. Carlin said currently there is no structure in the fee section of the Code regarding advertising.

Commissioner Alexander said so that would be something different entirely from what he is looking at ten-fold. Again, if it wasn't in existence, this is not the first time, it didn't just happen overnight.

Commissioner Becht said through the LDR Rewrite, they can pass through the advertising costs. They don't need to make money on advertising. Whatever the cost is, the applicant should pay it.

Mr. Carlin said yes, absolutely. Again, it is an impact to the budget - \$25,000.

Commissioner Alexander said it didn't happen overnight, it didn't just happen on his budget and on his watch. He is glad he is bringing it to their attention.

Mr. Carlin said there are fees that are required to be implemented by the Commission, such as concurrency. But there are some changes that are in the pipeline, such as design review. These are highly technical things that staff spends a considerable amount of time reviewing, not just Planning Staff, but other Department Staffs. He has outlined in the proposal things they don't charge anything for. He is not saying that is wrong. But when he and Mr. Schwerer spend hours reviewing

Developer's Agreements and hours reviewing Annexation Agreements for developers, there is no cost recouped. Those are the types of things other municipalities are charging for. They need to account for that staff time. The Commission has implemented design review, they wanted to raise the bar and have a standard here in the City. That takes a considerable amount of time and energy for staff to review highly technical plans, architectural specifications, and all the different requirements in the Design Review Guidelines. There was no fee ever associated when the ordinance was enacted, yet the ordinance references the fee structure in the code and it is not there.

City Manager Recor asked when was the last time the fee schedule was updated?

Mayor Benton asked 20 years ago?

City Manager Recor said a long time ago.

Commissioner Coke said she appreciates Mr. Carlin bringing this to the Commission, because she has asked about it in the past. She looks at the Planning Department and this aspect of what they all do as a different kind of thing. They provide as a City government service to their citizens. The service the Planning Department provides in relation to these fees is not actually a service to their citizens; therefore, she takes the attitude it should be more of a self-sustaining kind of thing. She understands it will never pay for itself in its entirety. But she does not think that she as a homeowner and a taxpayer should pay for John Q. Developer from Alaska to come in and build a shopping center. The developer should absorb those costs because he is going to be the one making money on it, not her. Now that economic times are tough all over, they will be lucky if they can get people to come in and build. That being said, she would still be supportive of raising or revamping their existing fees. Her concern is, they go from being the low man on the totem pole to right on up there, they have matched Port St. Lucie. And she does not know that is the healthiest strategy for Fort Pierce. If someone is looking at two cities side by side, one has a lower tax rate and now they both have equal costs to build in a city, they kind of lose out on that aspect of it. So she would like to ensure that they have a little bit of a competitive edge and maybe implement these changes in a progressive manner, the same as they are implementing the impact fees. For example, 10% or 20% this year, so it is not hitting everybody. By the time they are up to where they should be, hopefully the economy will be back to where it should be.

Mr. Carlin said one more point he would like to make. With regard to abandonments, there is nothing in the code that allows staff to say they think the applicant should compensate the City this much. Staff does not determine for the developer how much they are going to give if they abandon an easement or a right-of-way. Typically that is a decision left for the Commissioners to determine how much would be appropriate, if appropriate at all. So one of the reasons why he put the cost of abandonment plus 100% of the valuation was because looking back at past

history this Commission on some types of abandonments has requested some type of compensation. Whether or not that is the appropriate recommended threshold in there is certainly something they can contemplate and consider, as there are some municipalities that have that type of approach.

Mayor Benton said he thinks they are saying to fine tune it and bring it back.

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

Commissioner Coke said she would like to pull Consent Agenda Item 32a (Public Funds for Esther's House).

Commissioner Becht said he would like to pull Consent Agenda Item 32j (VOCA Grant).

Commissioner Alexander said he would like to remove Consent Agenda Item 32p (2101 South 3rd Street).

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

- b. Application for Alcohol Beverage Permit submitted by Roy Whitehead, Treasure Coast Youth Sailing, for Sailing Regatta Fundraiser at Jaycee Park on April 19, 2009.
- c. Application for Alcohol Beverage Permit submitted by Roy Whitehead, Fort Pierce Yacht Club, for Social Gathering at Jaycee Park on April 18, 2009.
- d. Application for Alcohol Beverage Permit submitted by Steven Garrett, Lucido & Associates, for a Company Picnic in Jaycee Park on April 25, 2009.
- e. Approve Change Order No. 2 to contract with Lucas Marine Construction LLC for NRCS Emergency Watershed Protection Project (Virginia Avenue Outfall Canal and Mayflower Canal Stabilization Work) in the amount of \$576,539.00. (SMU Bond No. 2 - Reimbursement from NRCS & FPUA) Ref. Bid No. 5908
- f. Accept award of \$86,520 from the Florida Division of Emergency Management to the Police Department for implementation of Florida Preventative Radiological Nuclear Detection (PRND) Strategy under the State Homeland Security Program (SHSP).
- g. Approve purchase of a Computer Internal Affairs Software Database Program for the Police Department from On Target Performance Systems (sole source) in the amount of \$11,500; funds from Law Enforcement Trust Fund.
- h. Approve submittal by Police Department of a Grant Application to the U.S. Department of Justice for funding under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

I. Approve submittal by Police Department of a Grant Application to the U.S. Department of Justice and the Office of Juvenile Justice & Delinquency Prevention under the **American Recovery & Reinvestment Act** of 2009.

k. Approve Contract between the Fort Pierce Police Department and the Florida Coalition Against Domestic Violence to participate in the **Intimate Violence Enhanced Services Team (InVEST) Program** to receive up to \$20,000 for domestic violence victim services.

l. Approve contributions by Police Department from the FY 2009 **Law Enforcement Trust Fund** to the Police Athletic League (\$5,000), MAD DADS Fort Pierce Chapter (\$1,500), Fort Pierce Youth Football Organization (\$1,500), RAW DAWGS Youth Corps (\$1,500).

m. Approve extending the current contract with Geographic Technologies Group to complete the implementation of the **GIS System** in the amount of \$27,000.

n. Approve waiving interest and penalties in the amount of \$9,418.60 for lot clearing and demolition costs against **436 / 438 Douglas Court**, requested by Latecia Robinson, upon payment of \$15,130.88 within 60 days.

o. Approve waiving interest, penalties, & fees in the amount of \$518.81 for lot clearing costs against **2101 South 3rd Street**, requested by Mark Titone, upon payment of \$349.84 within 60 days.

The next item considered was Item 32a, which had previously been removed from the Consent Agenda: Application for **Public Funds** in the amount of \$10,000 submitted by Brenda Ford, Esther's House Inc., for Heaven In View Charity Benefit.

Mayor Benton said he thinks several of them wanted to hear about this one, he thinks bringing that number down to an affordable number.

Commissioner Coke said she spoke with Ms. Ford. She hates to do this, because she is very supportive of all the work they are doing. She guesses they had a miscommunication. She told Ms. Ford

that there were advertising dollars available and she could apply for up to \$1,000 and the City would reimburse her for advertising. They only have \$3,300 left to get them through the rest of the year in this fund. Then she is very concerned because it is her understanding that their intent for this money was \$15,000 was allocated for advertising. And Ms. Ford's advertising budget (for the Heaven In View Charity Benefit) is \$350. She really wants to be supportive of the organization, but she can't justify... If Ms. Ford was doing more advertising, that would be one thing. Personally she would approve up to \$1,000 for advertising for this event.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve up to \$1,000 in Public Funds for advertising

for Esther's House Inc. for the Heaven In View Charity Benefit.

Commissioner Alexander asked a charity benefit? This is what their advertising money is going for, a charity benefit?

Mayor Benton said to advertise it.

Commissioner Coke said for advertising. They have to submit their bills.

Ms. Gloria Johnson, Finance Director, said they are required to submit bills to justify what they spent the money for.

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

The next item considered was Item 32j, which had previously been removed from the Consent Agenda: Approve submittal by Police Department of a Grant Application to the Office of the Attorney General to be considered for a 2009-10 Victims of Crime Act (VOCA) Grant.

Commissioner Becht said he asked for this to be pulled for two reasons. One, there is a 20% match and he is not sure where the roughly \$14,000 or \$15,000 is coming from. And the second is, in the Memorandum under Summary, it says the Police Department is going to create an additional position for the year 2009-10. That is absolutely contrary to any idea he has for where they are going to be next year, creating additional positions. The Chief is painfully aware of where they are. And the idea he would be creating an additional position just flabbergasts him.

Chief of Police Sean Baldwin said he is painfully aware of where they are in terms of their finances. The 20% is an in-kind match that services other personnel they provide to the program. This is a grant they have had for several years. They have had one position. They have seen an increase in domestic violence. They want to change their strategy for domestic violence, try to do some prevention and some intervention, so they can avoid some of the violence associated with that. Next to animal control calls, domestic violence is the next most frequent calls they answer. What they are trying to do is some prevention and intervention to try to disrupt that cycle and see if they can't save some lives and reduce their call load. They will obviously not add the second position of Victim Assistant unless they get the grant and it is paid for by the State.

Commissioner Becht asked if the grant is not renewable, then that position will be terminated in the following year?

Chief Baldwin said yes, it will.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve submittal by the Police Department of a Grant Application to the Office of the Attorney General to be considered for a 2009-10 Victims of Crime Act (VOCA) Grant.

Commissioner Alexander said it says Victims of Crime Act. This is affiliated with the Victims of Violent Crimes?

Chief Baldwin said yes. The State has a Victims of Crime Act. It provides a fund that provides victim services to victims. There is also some victim reimbursement and some court services and so forth that come out of that.

Commissioner Alexander said but he is speaking of victims of violent crimes.

Chief Baldwin said actually the priority for these two positions would be victims of violent crimes, yes.

Commissioner Coke said she thought Commissioner Becht said he would not approve of this if they were hiring a second person here. Did she understand the Chief to say they are still considering to add a second person? Or is he looking to transfer someone from within the Police Department to that position?

Chief Baldwin said the answer is the same. They have one Victim Assistant that is working for the Police Department now that has been funded by a VOCA Grant for the last couple of years. They are looking to add a second one, if the State approves the funding to add the second position.

Commissioner Coke asked that would be a totally new person they are going to go out and hire?

Chief Baldwin said he doesn't know. It may be that if they reduce positions somewhere else, that somebody else could take that position.

Commissioner Coke asked when he hires these people under the Grant, he assumes he hires them under a temporary employment contract? So when the grant is done, they are not a full-time employee and then collecting unemployment, etc.?

Chief Baldwin said actually in this case they have to hire the person as a City employee. They can't do it through a temporary or contract agreement. As an example, the last one they did, that was one of the conditions when they hired them, is that they understood this is a grant-funded position.

Commissioner Alexander said he was thinking they were not going to be creating another position. If they can't find it within, without going outside hiring, he won't be in support of that.

Chief Baldwin said this is funding from the State that is specific for this purpose. It is not something that is going to cost their taxpayers any money. If they want to pass on getting a grant and adding a position providing additional services to victims of crime... He just wanted to make them aware that is the consequence of not accepting this.

Commissioner Coke said she does not think anybody wants the Chief to pass on getting a grant. She thinks what they want is

consideration looking at the financial situation they are facing. They all heard Mr. Recor say there is going to be some personnel adjustments for them to find the shortfall of \$2.8 million. What she has heard up here this evening is that their number one place to look for the person to fill a grant funded position should be from within.

Chief Baldwin said if they have somebody who is going to lose their job that is qualified for this position, then absolutely he thinks the City's rules and regulations will make that happen.

Commissioner Becht said based on the figures he has seen and the preliminary conversations he has had with Mr. Recor and Ms. Johnson, it is not if. There are people that are going to lose their jobs. That is his point in calling it out about new employees. It is not if. It is when and who.

Chief Baldwin said understand, he does not know who is going to lose their job, he does not know what the qualifications are, he does not know who can do this job.

Commissioner Becht asked does the Chief understand the Commission's position? That first priority would be given to trying to salvage somebody the Chief knows is a good employee.

Chief Baldwin said if they have a position open, if they post a position, their practice has always been internal candidates come first.

Commissioner Becht said he thinks they are on the same page.

Commissioner Alexander said his understanding, the Chief says they have to hire this person after this grant. That means next year he is going to apply for the grant, it will be paying for that same person he just hired? How would that work?

Chief Baldwin said they apply for this grant every year. They have gotten this grant for at least five years for the one position. They have applied for a second position. To be honest, there is probably about a 10% chance the State is going to increase their funding. They are just trying because they want to do more for the victims. In all likelihood, they are having this conversation for no reason, because he does not think the State has any more funding this year than they did last year. They are just trying to provide better services.

Commissioner Coke said it seems to her that about six years ago they had one of these grants which they had received for an extended number of years that they ended up having to pay it back because of some rules and regulations, t's not being crossed and i's not being dotted. She does not want to put them in that position where three years from now when they really don't have any money, all of a sudden have to pay back some grant. So if the Chief can make sure they are exercising the utmost care in this.

Chief Baldwin said there is very little risk of that with this

grant, because it is year to year. She is talking about one of the federal grants and they do have to be very careful about those.

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

The next item considered was Item 32p, which had previously been removed from the Consent Agenda: Approve waiving fines and costs in the amount of \$109,750.00 for code enforcement lien against 2101 South 3rd Street, requested by Mark Titone, upon payment of the balance of \$2,500.00 within 60 days.

Commissioner Alexander asked they can allow this individual to file an application in his name on behalf of a property?

City Attorney Schwerer said he thinks there was a Power of Attorney presented by this individual on behalf of the owner (Judy Von Mueller Trust).

Commissioner Alexander asked he can apply for it in his name and not the property owner's name?

City Attorney Schwerer said as Power of Attorney, it is for the property owner. And it is relating to the lien that was under the former owner's name.

Ms. Peggy Arraiz, Code Compliance Manager, said correct. This is actually the purchaser, who has already rehabilitated the structure and brought it into compliance. He is purchasing the property. He obtained the Power of Attorney. He has gone before the Construction Board of Adjustment & Appeals to reverse the demolition order. He has got the permits to do the rehabilitation. He has put money into it. He is asking for the reduction of fines and costs so he can close on the property.

Commissioner Alexander said that was his concern. Why would he go out and paint a white elephant if he doesn't own it? If everything is kosher, he will move to approve.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to waive fines and costs in the amount of \$109,750.00 for code enforcement lien against 2101 South 3rd Street, requested by Mark Titone, upon payment of the balance of \$2,500.00 within 60 days.

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

Commissioner Coke said back on March 2nd they had a Commission meeting and she talked about getting a report at the FPRA on the financial status of the Community Policing and asked for specific progress, an accounting of where they were, what they were doing, what effect it has had on the community, etc. They talked about having that at the next FPRA Board meeting, which was March 25th. She had been informed by both the City Manager

and the Police Chief that they had given them that report. She guesses it wasn't as complete or as full as she really wanted. She wanted to know what officers, what they were doing, what hours, the financial breakdown of it. However, since she was told by both professionals she already had that report at the last FPRA meeting, she wanted to see if the other Commissioners had all the information they felt they needed; or if she should kind of push the issue and get a greater outline to them of what she was looking for as far as accountability and being able to answer questions.

Commissioner Becht said he is still looking for a formal report. He does not remember getting a formal detailed report on it. But he thought when the Chief may have been prepared to give it, he said he would meet with him privately. They talked about that, that he wanted to meet with the Chief privately to go over how he feels the program is proceeding.

Chief of Police Sean Baldwin said he did provide a report in December or January, at the turn of the year a couple of months ago. He actually prepared a report. He has something he can give her. It was not on the Agenda, so he didn't have the opportunity to... But he has that, he can get that out to her tomorrow. It is an overview. He does not think it has the depth and detail she is looking for. But he does understand what she is looking for. He met with Mr. Ward a couple of weeks ago. He is going to start providing a monthly report on the activity and the financial status, because these questions continue and he wants to make sure everybody is up to date. So by the end of this month he will provide a regular every 30 days report so the Commissioners will have that information whenever they need it and he will post it on the website so the public has access to it and so forth.

There being no further business, Mayor Benton declared the meeting adjourned at 11:30 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER