

MINUTES OF A WORKSHOP OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL 2ND FLOOR CONFERENCE ROOM, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 11:00 A.M. ON THURSDAY, APRIL 16, 2009.

Those present were: Mayor Pro Tem Reginald Sessions; Commissioners Rufus Alexander, Edward Becht, and Christine Coke; City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: Mayor Robert Benton.

Staff present were: Anne Satterlee, Communications & Marketing Manager; David Carlin, Assistant Planning Director; Erica Ehly, Planner; Sean Baldwin, Chief of Police; Mark Meyers, Building Official; and Jack Andrews, City Engineer.

The purpose of the Workshop was to discuss Draft of an Interlocal Development Agreement between the City and St. Lucie County for the Development of the **Treasure Coast Education, Research & Development Authority (TCERDA) Park.**

City Attorney Schwerer said he will be looking for a consensus on any changes or additions they might want to make to this proposed Interlocal Agreement.

City Manager Recor said he thanks everyone for coming this morning and thanks Mr. Schwerer for following up, despite their schedules in this last week, focusing staff and putting this working draft together. That is exactly what they have before them this morning, a working draft. Admittedly some of the provisions are different than what they discussed and staff is prepared today to elaborate on why that is the case. The working draft they have in front of them identifies that the City will immediately annex the properties within the Research Park area. It goes on to say they will draft development regulations that will implement the TCERDA Master Plan. There was some discussion about an overlay district; but the thought was that they take the Master Plan and craft development regulations that actually implements the Master Plan, that it would achieve the same purpose. In the discussion today if they determine that is not the case, that something else can be accomplished by an overlay, they can certainly revisit that concept as well. The tax abatement provision equivalent to whatever the County offers, that is included. The responsibility for permitting, for planning, and the development review process, they determined that legally they weren't able to allow the County to handle that responsibility for properties within the City limits. Mr. Meyers can identify the statute and actually consulted with Mr. Schwerer...

Commissioner Coke said there was discussion at the Joint Meeting that they had already at some juncture developed an Interlocal Agreement with the County previously for the Orange Blossom Mall, where the City annexed it in and the County did the permitting process. So why would it be legal years ago and not now?

City Manager Recor said he is not aware of the circumstances or why the situation would have changed.

City Attorney Schwerer said he is not aware of that Interlocal Agreement either. Is Ms. Steele?

City Clerk Steele said it wasn't an Interlocal Agreement. It was an agreement between the City and the County on Orange Blossom Mall.

City Attorney Schwerer asked now long ago was it?

City Clerk Steele said when Orange Blossom Mall was built.

City Attorney Schwerer said that was back in 1970's.

City Manager Recor said it may have been appropriate then. They can talk about that today. What they did do was define the County's role. The thinking was that if they take the time to draft development regulations that actually implement the Master Plan that the County has spent so much time developing and they define a role for them in the process, that it would alleviate the concern that this document wasn't being implemented and give the County assurance that they would have the opportunity to participate in the process. This Interlocal Agreement does reference a charrette. They haven't identified dollars for that process, so they have identified it as a County-funded process. The last provision they identified was the County agreeing to withdraw the initiating resolution. There was some discussion about the County waiving contiguity and the provisions dealing with the City's ability to annex within the service area. That provision applied only if they were entering into an Interlocal Service Boundary Adjustment Agreement. That is not what this is. At the end of the day, he thought they reached the same conclusion that he had going into the meeting; and that was, the County can say they are going to do this, but at the end of the day they still can't waive the consent requirements, they couldn't force the annexation on anyone. So staff has abandoned the F.S. Chapter 171 Interlocal Service Boundary Adjustment Agreement process for this Interlocal Agreement and tried to include all of the pertinent points they talked about at the joint meeting. They may have missed something - they may not have gone far enough or they may have gone too far. That is what the purpose of today is, to start with this working draft and hopefully come up with something they can put in the County's hands. Their deadline is the end of May to realize any kind of tax revenue for this year.

Commissioner Coke said during their workshop with the County, they brought up the fact that the discussion of all of this may be a little premature because they believe the City is not actually in a position to move forward with this annexation, that either it is not contiguous or it is only by a little corner. Does staff have an opinion? Because if they want to play nice - especially if they don't have a leg to stand on to really move forward with this annexation - she thinks that colors their negotiations here. If they are on firm ground and they have been assured by everyone that they are on firm ground, then they can take a little harder-nosed policy than if they are not really on such firm ground for this annexation.

City Manager Recor said his opinion - and that is all that it is, an opinion - is that the issue is fairly debatable. He would not say they are on firm ground. He thinks the County has a legitimate concern and has indicated they will challenge this. That is why they are trying to amicably come to an agreement through this Interlocal Agreement process.

City Attorney Schwerer said if that issue goes to court, he is concerned they have a problem, because the law has evolved to the extent that the courts have started to define a little bit more what does contiguous mean - a substantial portion of the border of one parcel and another. A corner tip touch is going to be problematic, if pushed.

Commissioner Coke said that is why she thought they needed to discuss that before they got started. Because if they were right on, they can tell the County to go to the devil; but if they are not right on, then they need to be a little more flexible in their negotiations, in her opinion.

City Attorney Schwerer said that is a very good point and a valid concern. But the County has not in the past challenged them when they have done other annexations of that same sort.

Commissioner Coke said but the County is going to challenge this one.

Commissioner Becht asked what other routes do they have to get to the tax base? Because the Research Park is of concern to him in long term, yes; but the immediate jump is to increase the tax base.

Mr. David Carlin, Assistant Director of Planning, said this map shows the corner area they are referencing.

Commissioner Becht said this is King's Highway and this is the Turnpike. And this is the point of contiguity Commissioner Coke was just talking about.

Ms. Anne Satterlee, Communication & Marketing Manager, said that is correct.

Commissioner Becht said let's make sure everybody in the room understands that. He reads these maps every day. He doesn't know if Commissioners Alexander or Sessions do. The legal issue they are talking about is, that is the only point they touch. This property is the Research Park. They apparently have an Annexation Agreement on this piece; but they do not on that other piece, which is kind of interesting because that is the one he would expect to be developed first. If they want to do anything here, they are going to have to get the City's water and they are going to have to sign an annexation agreement. So they have put themselves in a stalemate because they can't develop the front parcel that is on Kings Highway.

Ms. Satterlee said her understanding that parcel Commissioner Becht is referring to on Kings Highway is owned by St. Lucie County.

Commissioner Becht said it is. But if they want to put water on it, they have to sign an Annexation Agreement.

Mr. Carlin said that brings up an interesting point. He can't speak for the FPUA, but if there are sewer or water lines that extend along the property, he thinks there is something that requires them to hook up.

Commissioner Becht said it is vacant land right now. Is Mr. Carlin showing their own map or is he in the County's system?

Mr. Carlin said he is in their own GIS system, it is called Geoblade.

Commissioner Becht said with the County system, they can actually change it to a satellite view. He doesn't think there are any improvements on that property yet.

Mr. Carlin said he can see where the water and sewer lines go. Commissioner Becht said the Jai Alai Fronton is here and that is annexed now. Actually he doesn't think this is up to date because he thinks the smaller parcel is...

Mr. Carlin said this system just came out. Let him get the most up to date water and sewer map that the Engineering Department just brought up. It may not be represented on this Geoblade system that was just unveiled this week.

Ms. Satterlee said it should be about February for the update for this year.

Commissioner Becht said what he is looking for is alternate routes to get to what they want, which affects how strong a negotiation position he thinks they need to take.

Mr. Carlin said here is Kings Highway.

Commissioner Becht said again, it does not look like this map even shows... This is in the City limits and it is right across the street, but it doesn't touch anything they has an Annexation Agreement in place. But what he wants them to understand, if they want to develop anything commercial on Kings Highway - which is what he thinks they want to do - it will be that piece and the City will grab them here, or it will be that corner and the City will grab them there. This is the main entrance on Picos Road, is it not? So the City is right across the street. If they want to put anything here or there...

Mr. Carlin said he believes the FPUA has lines that go down this area.

Commissioner Becht said if so, it is only pertinent if they have a toilet on that property and he doesn't think they do. The other part about this is, this is the current batch of annexations. This is the jail property, which is of no taxable value to the City. This is heavy industrial property and it has improvements on it and that is a big tax base right there.

Commissioner Coke asked it has annexation agreements, but it is not contiguous?

Ms. Satterlee said yes.

City Attorney Schwerer said it will be if all the rest of these are annexed.

Commissioner Becht said without coming through the Research Park, if they don't get that, then this other stuff either is or it will shortly be because of its proximity to I-95. This is going to be a valuable tax base and it gets them into this quadrant of property up here, which is extremely valuable and will probably be - in his version - the first one to pop in Fort Pierce of a big magnitude because of its proximity to I-95 and everything else and if the DRI is approved for almost everything in there. So in terms of dollars and cents, that is where they are trying to go. He is glad she brought up the point about it just being a point of contiguity; because it is fairly debatable, from Mr. Recor's perspective, that they are not driving the bus. They need to be negotiating on this particular issue; but he doesn't see that they have to have these properties now, they are going to get them via another route without having a fight with the County.

City Attorney Schwerer asked what does the Master Plan call for to be developed on that King's Highway frontage property there?

Mr. Carlin said Phase I, he thinks that is some of their core buildings. It is very conceptual, they don't have any detailed plans. He is not aware if the County has plans already under review for some of these things. If they do, he hasn't seen them.

Commissioner Coke said she tried to ask that and really didn't get a good answer from the County's development person.

Commissioner Sessions asked can they make it a part of this Interlocal Agreement that the County waives their right to challenge the City?

City Manager Recor said they could, but there needs to be some incentive.

City Attorney Schwerer said there is already a provision in here that they did include as a hybrid F.S. Chapter 171. It is here in Section 2.

Commissioner Becht said the simple answer is yes. This Interlocal Agreement requires the County to waive their objection to this annexation. The problem is, he is not sure which of these points are deal breakers from the County's perspective. He is not here to make the County happy; but if they want these properties, they have to give them something. Under the circumstances, it is fairly debatable whether they can proceed with these annexations. Mr. Schwerer does not want to take it to court, because if they lose then that is going to establish a precedent throughout the State and it would be bad

throughout the State.

Commissioner Coke said her concern with all of this is, there are several points here - from the notes she took and summarized at the end of the joint meeting with the County - that are distinctly opposite what they told the County that they would explore doing and putting into an Interlocal Agreement. For six or seven years her biggest complaint every time they deal with the County is the County says one thing to their face and when it comes back it is not what they all sat down and agreed to. She doesn't want to put the Commissioners in a position that now they are the same two-faced people she has been accusing them of being for the last seven years she has been hanging out here.

Commissioner Becht said one of the issues he thinks they are going to agree on - and he wants to take this to a higher level - is the issue of permitting inside the Treasure Coast Research Park, they need to look at from multiple ways. One is, if he brought a developer to St. Lucie County who wanted to locate in the Research Park, he is going to have to go through potentially the Treasure Coast Regional Planning Council, South Florida Water Management District is going to have jurisdiction in there, and maybe Fort Pierce Farms or maybe North St. Lucie Drainage District, in the County right now but not Fort Pierce, and the Research Park itself. So there are five or six agencies he has to go through in order to get permitted. Is there a way to reduce the number of agencies conceptually? If legally they could find the way, he needs an analysis from Mr. Carlin and from Mr. Recor on what do they gain by picking up sole authority for permitting? What do they lose if legally they could let the County retain it? That is the analysis he needs. What are they gaining and what are they losing?

Mr. Carlin said at the very basic level, they don't collect fees for development.

Commissioner Coke said but those fees are only supposed to cover the cost of the work they do, so it would be a wash, other than the fact that they would keep more people at the City busy than people at the County.

Ms. Erica Ehly, City Planner, said building permitting fees, they wouldn't collect those either.

Mr. Carlin said he looks at this from a purely design standpoint, because he sees some inherent design flaws with the conceptual plan in terms of it not meeting the City's design standards.

Commissioner Becht asked why couldn't that be addressed in an overlay district?

Mr. Carlin said it could. The County has an overlay district they have outlined in this conceptual plan as Overlay District A.

Commissioner Becht said in his conversation with the County Commissioners, they are looking for more detail in an overlay district. Whether the City governs the permitting or the County

governs the permitting, the ten of them he thinks agree that there will be an overlay district that really tightens this down so it meets the vision of the City and meets the vision of the County. Then he puts either the County Staff or the City Staff in a position of that is the overlay district. If someone wants to build a 10,000 square foot research facility, what is the advantage or the pros and cons of the City doing it versus the County doing it? He heard fees.

Mr. Carlin said he thinks if the City is intimately involved with designing that overlay district and designing those standards, then it benefits the City in terms of how it is going to look. They already have other properties in that corridor that are under City zoning and under their design...

Commissioner Becht said he needs Mr. Carlin to get back to the specific question. What are the pros and cons of the City doing it versus the County doing it?

Mr. Carlin said the City could do it quicker.

Commissioner Becht said this is what he wants to hear.

Mr. Carlin said developers want to come to the City because they can bring it through the City quicker. Staff is always looking for ways to streamline the review process, they don't like to make it any more bureaucratic than it already is. He can guarantee that all the developers that have come in, they like working with City Staff because they know how to bring it through the system and do it efficiently, and they don't like to make it bureaucratic.

Commissioner Alexander asked why would Commissioner Becht not want it to go through those agencies like South Florida Water Management District?

Commissioner Becht said it has to. The City is not going to usurp SFWMD's jurisdiction.

Commissioner Alexander said but he is saying about not wanting them to go through those different agencies to get to the same point.

Commissioner Becht said what he was trying to say, he wants everybody to know they already have all of these agencies to go through, which is expensive and burdensome in terms of having to hire attorneys and engineers and land planners to process the kind of permits for a 10,000 square foot research building that is going to employ 100 people once they get it up. So what he is trying to do is have City Staff intelligently and proactively think about how do they reduce the duplication of effort? Because they can control that and speed up the process so the developer doesn't have this duplication. Because one of the County's problems with this is, right now they only have to go through the County and they don't have to go through the City. When the City annexes this - he hears this argument and he takes heed of it - it could stop a developer from coming here because they have another bureaucracy to go through and it could

delay the creation of the jobs they are all wanting. What he is asking Staff is, how do they do this in such a fashion that it minimizes the dual agency argument?

Mr. Carlin said if it stays in the County, they can't control the County process, it is what it is.

Commissioner Becht said with the overlay district.

Mr. Carlin asked who is administrating the review process within the overlay district?

Commissioner Coke said they are going to need to have some give and take with the County. The County at the joint meeting acknowledged and was happy with the City's Design Review Guidelines and all those other things. They know potential developers have to go through South Florida Water Management District and all those other things. But rather than having to go through the City, the County, and the Research Park Board, can they not through this overlay process set up a Board that would consist of several members from TCERDA, the County, and the City? That then would insure that design review guidelines are uniformly applied. And instead of having to go through TCERDA, the County, and the City, if there is a permitting process where they work together jointly, it comes out two out of three levels.

Commissioner Becht said he thinks that is viable with certain aspects of the permitting, but not all, and it can be fulfilled without creating another layer. But following up with the County's offer to allow the City to have two appointees on the Research Park Board... How many members are there on that Board?

Mr. Carlin said according to the bylaws, he thinks it is a minimum of five.

Commissioner Becht said he thinks it is ten. He doesn't know how many the County appoints, but they don't appoint all of them. The University of Florida appoints some, he thinks the School Board... Does anybody here know?

City Attorney Schwerer said he doesn't.

Commissioner Becht asked is it in the Master Plan?

Ms. Ehly said that is what they are planning on developing for the conceptual plan. They are planning on developing that frontage along Kings Highway. So they are going to have to hook into that sewer line that is coming down Kings Highway anyway. That is Phase I, that is what has already gone before the County's Planning & Zoning Board and the County Commission.

Commissioner Becht said that was kind of his point, if they don't get them now, they are in a stalemate, because the first phase is going to require that development on Kings Highway. They can't afford to let the issue sit stale too long, because as soon as they do Phase I, they have to sign an FPUA Annexation

Agreement. To not get distracted too far afield with what Commissioner Coke said, if they have more say-so on the Treasure Coast Education, Research, & Development Authority... If the County has three appointees and the City had two, they would have a pretty strong say-so, because the County's position is diluted to the same extent by whatever the University of Florida has on that.

Commissioner Coke said the people who are on there already, which is nine.

City Attorney Schwerer said he is not understanding this dual permitting authority issue from a legal standpoint. If the property is annexed by the City and it is subject to LDR's or all of the City codes, including site plan review, etc., and the City maintains building permit authority over that as the State Statute requires them to once they annex it, where does the County process fit? Why would they have to go to the County? He understands the Research Park Board, because there must be some deed restrictions or something that requires anything built there to be approved by the TCERDA Board. But he is not understanding, where does this County dual permitting authority come in? Is it something the County is asking for? If it is in the County, the County's LDR's and Comp Plan and everything applies. If it is in the City, the City's LDR's and Comp Plan applies. He doesn't see, unless there is something in the deed restrictions or covenants that requires some County approvals...? Commissioner Becht was asking, how do they get away from this dual permitting issue? But he is asking, where is that dual permitting issue?

Mr. Carlin said he doesn't think they can do it. Legally, how can that be? If they are in the City, they deal with City zoning. But more directly, the County is involved with reviewing applications that are in the City. Staff just came out of a TRC (Technical Review Committee) meeting 45 minutes ago which the County attends - they have their Growth Management and Engineering Departments there. When the City has Site Plans, those are transmitted over to the County, which they do all the time - they give them the paper plans and the County has an opportunity to participate and give their comments. In fact, they go so far as to say it is not going to go to the Commission or to the Planning Board unless some of these major issues are dealt with, roads and impact fees and things. So the County is a part of the review process now. What he is saying is, if the City does find a way to annex those areas and it is within the City zoning and they permit TCERDA development, the County still has an opportunity as part of the Development Review Process to weigh in on anything that might be a concern to them.

Commissioner Becht said he thinks it becomes a matter of control, not legalities, but control.

City Attorney Schwerer said the issue really is being created by the County. The County is creating this dual permitting authority because they are inserting themselves in there and saying they want to retain authority, when legally that is not required by Florida Statutes. So that is how this dual issue is coming up.

Commissioner Becht said not entirely. That part of it, yes. He appreciates Mr. Carlin clarifying that. Because if they do the overlay, then they have accommodated them, they have full input with the overlay. So they create an overlay everyone is happy with and that is the new bible and that binds the City. The dual agency is, when Fort Pierce annexes it, the developer has to negotiate with the County for tax abatements or deferrals and has to negotiate with the City for tax abatements or deferrals. They have segregated out that it is not a planning issue. It is going to be the tax abatement issue. If this is what this Commission wants to do, they can flip it around and say the County has all their planning control through an overlay district. He is going to flip this around. Fort Pierce will follow the County and do whatever tax abatements or tax deferrals the County would do. They could let the County negotiate the tax deferrals and tax abatements, and the City could follow their lead. The County gets to play now, they have some authority. The County is a stakeholder. One of the things he wanted to know is, how much are they paying to maintain the Research Park? Because that Board is not covering itself right now.

Commissioner Alexander said they are here today to try to make a happy medium between the County and the City. So at that point where they come together to make a decision, then why don't they bring a board together at that point so it won't be a conflict, it won't be misleading and misinterpretation of things? At that point then they have the City Commission and the County Commission. They have a board set up just for those purposes alone, so it won't seem like it is dual. It seems like they are coming in and this is a final check off, just as they have all those departments to check off on items in construction. Why can't they do it that way?

Commissioner Becht said he doesn't think they can delegate that authority. He doesn't think the City Commission can say they are going to let another board approve a project.

Commissioner Coke said they are raising a kid, they tell their kid to go clean his room and the kid is going to argue. Her mother used to say to her, please go clean her room. The child understands that means get off their butt and go do it. Her concern is, this memo (from City Manager Recor dated April 9, 2009) when she read it, she sent an email right away and said this isn't what they said. She doesn't want to start fighting with the County. She thinks they can get the exact same things accomplished, but they need to bring out the newer nicer Commission, the new and improved Commission attitude. She thinks they all agree they would annex these properties and that they would not annex the agricultural land there because it doesn't benefit them and they don't have the zoning for it now. They haven't mentioned that here. In Item #2 of the memo, if they said the City in conjunction with the County will draft Land Development Regulations to implement the TCERDA Conceptual Development Plan, it would have been way more... If the County got a hold of this memo, if she were a County Commissioner, she would be saying they had this joint meeting and they wasted four

hours of their time and now the City is just sticking it to them. If this just nicely said the City in conjunction with the County will develop these land development regulations, the County would be happy with it, she thinks. She doesn't think the County would have any problem with Item #4 (the City will be responsible for development plan review, permitting, and inspections) if they weren't up in Item #2 saying the City will develop the Land Development Regulations. The County Commissioners all admitted that they liked the City's Land Development Regulations and their architectural guidelines and everything else. She thinks what they need to do, instead of trying to hit them over the head with a great big club, is try to be a little bit nicer. They need to keep their eyes on where they want to be. And where they don't want to be is sending Mr. Schwerer to court and fighting everything tooth and nail. Where they want to be is to accomplish their goal.

Commissioner Becht said let's make some progress. Is there anybody here that doesn't agree with Item #1, the City will immediately annex all Research Park properties including the property west of the Turnpike?

Commissioner Coke said her concern is with the agricultural land.

Commissioner Becht said he has a solution. He thinks they can defer the agricultural land. Does Commissioner Alexander and Commissioner Sessions know what they are talking about when they say the agricultural land? It is that part of the Research Park that is west of the Turnpike. They don't need it today; but those who come after them may need it. So what he is trying to do is identify why they are not going to annex it. They are not going to annex it because it is not urban - it is rural, it is agricultural.

City Attorney Schwerer asked is it part of the Research Park?

City Clerk Steele said yes.

City Attorney Schwerer asked is it part of the annexation agreements?

Commissioner Becht said it is currently, yes.

City Attorney Schwerer said they don't have to defer it, they just don't elect to annex that parcel now.

Commissioner Becht said so in the Interlocal Agreement what they will say is they are not going to annex it today. The County needs some comfort as to when they are going to annex it. And what they are going to do is annex it if it becomes urban.

Mr. Carlin said the Master Plan shows that property is going to remain agricultural use, so they wouldn't want to annex that.

Commissioner Becht said unless or until it becomes urban, and unless or until it provides the City with a contiguity they need to get to other urban properties. They doesn't need it if it is going to stay agricultural - no tax increase, no nothing. But

they do need it if it turns urban or they do need it if it provides contiguity.

Commissioner Coke said she thinks the County would be happy if they say they will defer it until such time as...

Commissioner Becht said as long as they keep it agricultural, the City is not going to touch it.

Commissioner Sessions asked what is the motivating factor for the County to not want the City to annex it?

Ms. Satterlee said it is on the other side of the urban service line.

Commissioner Coke said that was one of County Commissioner Coward's big sticking points.

Commissioner Becht said it is a problem for Commissioner Coward, but there are other issues the County may or may not even be aware of. If he were sitting in their shoes - and he is not - if the City annexes it, even if there is an agricultural exemption, the City will still get stormwater fees. If the City annexes it, it takes that out of the County's MSTU for Sheriff fees. So there are other complications with the City annexing it other than the County just wants to retain pure control over it. Which he thinks is the driving force, the County just wants to retain pure control over it. Speaking just for himself, he is willing to let the County retain control over that as long as it stays agricultural. But as soon as it goes urban, what that means is it has taxable value above ground. It is not just pump stations and farm equipment, but taxable buildings with people employed in those buildings. To him, when that becomes urban and has taxable value, he would like to have it annexed, or if they get contiguity. So those two points, they will reserve the right to annex it if it goes urban or they need it for contiguity to other parcels. The County can solve the second point. If they don't want the City to annex it for contiguity, the County can provide them with the contiguity.

City Attorney Schwerer asked who is shown as the legal owner of those agricultural lands?

Ms. Satterlee said the USDA (U.S. Department of Agriculture).

City Attorney Schwerer asked is there any USDA owned property that is on the side of the line they would be annexing?

Ms. Satterlee said that parcel to the west.

City Attorney Schwerer asked does that present complications when they have the same owner of the agricultural lands that are not going to be annexed and the eastern end of the owner's property is going to be annexed? Does that cause problems if they are preparing a development scheme - and he is not saying buildings - but some use of that property across the line? Does it cause problems for staff if one piece is in the County and another piece is not and they are just kind of joining it in an overall

scheme?

Commissioner Becht said but there a right-of-way for the Turnpike in there that is 600 feet wide. An overlay district could perhaps touch on that issue. Like they say, the devil is in the details. There is a 600 foot right-of-way in there. They just need to put it in the overlay district so they don't have to come back and tinker with it later.

City Attorney Schwerer said that could be the answer.

Ms. Ehly said it could be complicated though if the Master Plan changes at any point or if they wanted to develop it in a different way, and then they have to come back and negotiate with the City.

Commissioner Becht said exactly, they have to come back and negotiate with the City because they are changing it.

Ms. Ehly said but if the City annexes it, then they have the authority.

Commissioner Coke said but if they try to annex it now, it is going to kill this whole deal now and they are not going to be able to move forward.

Commissioner Becht said County Commissioner Coward will vote against any deal that includes...

Commissioner Coke said he is right. Because with good land planning, why would they want agricultural land in the City limits?

Ms. Ehly said it is institutional, which is considered urban actually.

Commissioner Becht said but their Interlocal Agreement is not going to address that. Their agreement is not going to follow the zoning map. As long as it stays agricultural, which is what the County is telling them it is going to do, he is okay with it. If it changes from agricultural, if they do more than plant crops back there...

Commissioner Coke said they can't do that with an overlay district. They always yell at the County when they get develop all these huge urban dense areas. Why would they think that still should be in the County? She is always telling them that. They have things built up, it needs to be part of the City.

Commissioner Becht asked what is the zoning of the west USDA tract?

Ms. Ehly said she thinks it is AG-1.

Commissioner Becht asked is that the zoning or land use designation?

Ms. Ehly said they are changing it she thinks to MXD. It is part

of the agricultural research they are doing at the Research Center, so it is actually institutional land use. She thinks it is special district, it is SD. And if it came in the City, they were going to put it as Institutional, which is comparable to what they have in the County.

Commissioner Becht said if they start putting institutes back there instead of just crops, then it has gone urban and it can come in.

Ms. Ehly said legally, according to the Florida Statute, it can come in anyway, because it is institutional use. If they wanted it to go the other way and annex it...

Ms. Becht said he doesn't want to be that aggressive. He would like to throw them a bone.

Commissioner Coke said in fact, legally the City doesn't have a leg to stand on to annex any of this.

Ms. Ehly said but with the Master Plan, since they are planning on developing that parcel, if they could get the County to sign an annexation agreement for the development of the front parcel, then the contiguity issue goes out the window and they can just go ahead and annex the whole thing.

Commissioner Coke said good luck with that.

Commissioner Becht said he likes that point, he thinks they should annex all of it.

Ms. Ehly said it is part of the County's Conceptual Development Plan, it has already gone through Planning & Zoning in the County.

Commissioner Becht said those front parcels are going to come in. The City is going to agree not to go west and the County is going to give them the front parcels. Excellent idea.

Commissioner Coke said good luck with that theory.

Commissioner Becht said he thinks there is going to have to be a lot of give and take here before they get a final document.

Ms. Satterlee asked the front parcels or just the main one?

Commissioner Becht said all of the Research Parks coming in except west of the Turnpike - those under annexation agreements and those not under annexation agreements. Anybody with a flicker of an I.Q. point over there is going to know that the first phase of development is going to necessitate the FPUA Annexation Agreement which is going to trigger them coming in.

Ms. Ehly said they already changed it to PNRD in the County.

Commissioner Becht said the other point here is, what are they going to do, an overlay district that excludes those parcels? These front parcels that are not covered by FPUA Annexation Agreements, they are not going to include in the overlay? No,

those are going to be in the overlay. So if those are in the overlay, the City is going to annex them and they are not going to go west.

City Attorney Schwerer asked is the overlay only in the TCERDA Park?

Commissioner Becht said he thinks they are going to have to have a buffer. His expectation is there would be a buffer of some arbitrary dimension, 500 feet or 1,000 feet, around the perimeter of the TCERDA Park.

City Attorney Schwerer said the properties they are talking about, if the City agrees not to annex west unless one of those two conditions occur.

Commissioner Becht said or any other condition Staff can come up with; but those are the only two he could think of.

City Attorney Schwerer said then in exchange, the County is going to allow them to annex all of the front pieces they are talking about. Are those all TCERDA pieces or are they non-TCERDA pieces?

Commissioner Becht said the two in the front he is looking at are TCERDA pieces.

City Attorney Schwerer asked so they are not asking the County to consent to others they may have out there that are not part of the TCERDA Park?

Commissioner Becht said what he is talking about is... Is this parcel in the Research Park? He knows the County owns it. Ms. Satterlee said that is the County's.

Commissioner Becht said but he thinks the TCERDA is from here to...

Mr. Carlin said yes, it is. That is where their main entrance is going to be.

Commissioner Becht said all of that is going to be in the Research Park. What he is suggesting is they definitely want all of that in the overlay. This whole block is going to get annexed.

City Attorney Schwerer said here is the map. He is right. This is the Research Park here. But they don't have Annexation Agreements over these northern pieces.

Commissioner Becht said they will through the Interlocal Agreement. That is an excellent idea. It needs to be in the overlay and it makes sense to do it that way. The County doesn't like them doing that piecemeal anyway, they like doing it in big blocks.

Commissioner Coke said while they are talking about interlocal agreements and annexation agreements, they now know that

someplace down the line the County may or may not be willing to move forward with this other agreement they had where they would waive the contiguity feature. She is wondering if to protect them five or ten years down the road, if they shouldn't be asking the Utilities Authority to omit part of their requirements in the Annexation Agreement and to include the possibility of the City enacting that F.S. Chapter 171 later on down the line?

Commissioner Becht said he wants to do that. It is not a question of omission in the annexation agreement. It is a question of inclusion. He thinks this can be simple if they keep it the way it is and they add to it "...or otherwise capable of being annexed into the City." Currently it says they agree to annexation as soon as they are contiguous. They have to think through it and FPUA Attorney Koblegard is going to have to be involved obviously. But the new annexation agreements will say "...if they are contiguous or otherwise capable of being annexed into the City."

Commissioner Coke said right. They should be looking to do whatever they need to make that change legal now to protect them in the future.

City Attorney Schwerer said that is as to all properties they are talking about.

Commissioner Becht said any annexation agreement. What he would like to do right now, independent of this, is get the annexation agreements changed. So if they do this today or they do it ten years from now, those parcels could be brought in independent of contiguity. If they could structure the deal with the County, and he is not sure they can, if the County thinks there is enough in it for them, they are willing to waive contiguity. If the property owner has waived contiguity because the new annexation agreement now says - not those in existence, but the new agreement - if they are contiguous they agree to be annexed, or if they can otherwise be annexed, they agree to be annexed.

City Attorney Schwerer said he has something sitting on his desk right now that was proposed by the County. It is just a general draft, but it includes lands that may not be contiguous but subject to like a Chapter 171 agreement with the County. That is already being started, the draft of that is already being circulated. Is that what he is wanting?

Commissioner Becht said yes, he wants to open the door with the agreement that gets signed tomorrow such that even though this agreement with the County doesn't exist, that parcel is out there, an isolated island, he can bring it in if he ever got the Chapter 171 done with the County or if Chapter 171 was done five years from now by a different Commission.

City Attorney Schwerer said okay.

Commissioner Becht said Item #1 in Mr. Recor's memo (dated April 9, 2009), he thinks they have covered, which is: "The City will immediately annex all Research Park properties, except property west of the Turnpike. Properties west of the Turnpike may be

annexed if they are developed for urban uses, or if they are necessary to provide contiguity to other parcels." Is everybody okay with that? Does anybody else need further discussion on that? (No one objected.) They are making progress.

Commissioner Coke said Item #2, she would be okay with it if they added, "The City in conjunction with the County..."

City Manager Recor said he doesn't have any problem with that. His thought there was that there is a Master Plan document that they could easily draft the regulations. If they believe it is more palatable to...

Commissioner Coke said there is nothing wrong with saying the City and County will jointly draft the land development regulations to implement the TCERDA Conceptual Development Master Plan. They can send their recommendations to the County and request that they get additions, omissions, or corrections back from them in 30, 60, or 90 days, and then they can reach a compromise on that. But she thinks it is very important that the verbiage here all the way down the line to be inclusive and to be a partnership.

Commissioner Becht said let him give them language, because they may be able to move forward with this. Item #2, he would ask that it say, "The City and the County will draft Land Development Regulations..." And then add this language, "...to create an overlay district...". Then go back to the original language, "...to implement the TCERDA Conceptual Development Master Plan."

Commissioner Coke said good. That is one thing she had on her list that the County really wanted.

Commissioner Becht asked amongst the Commissioners, does anybody have any issue or discussion with that?

Commissioner Alexander asked are they creating a special district?

Is the wording going to be an overlay district?

Commissioner Becht said yes, it is going to be an overlay district - like they did with South Beach, like they ought to do with Midway Road. There will be an overlay district that will have special regulations because of the special character of this property. His wish would be that some of those regulations will be expedited permitting, maybe address the tax abatements and tax deferrals, and it will include this overlay district. He thinks it is fine with just that addition. The intent he has is that this overlay district will have a buffer around what is currently the TCERDA district of an arbitrary limit of 500 feet to 1,000 feet.

City Attorney Schwerer asked could they be looking at this actual draft Interlocal Agreement? They are taking Mr. Recor's memo and going down the bullet points.

Commissioner Becht said he wants to go down Mr. Recor's bullet points first.

Commissioner Coke said they need to start with this because...

City Attorney Schwerer said there may already be language in this draft Interlocal Agreement.

Commissioner Coke said but it is not what they agreed to with the County. If the draft outlines these seven points, if these seven points are not what they wanted...

Commissioner Becht said he has read the draft Interlocal Agreement and it does not reflect what they just agreed to.

Commissioner Alexander said he heard in the beginning that they have some differences already from what they have in the Interlocal Agreement. He wants to know what was the differences?

City Manager Recor said they have hit primarily the two.

Commissioner Alexander said so as they go down the bullet points...

City Manager Recor said they are correcting it. Like he said, it is a working draft.

Commissioner Becht said if they can stay at 60,000 feet, he thinks they are picking up the consensus of at least four of them.

City Attorney Schwerer said he is asking Planning Staff to try to take some notes here so they can all get the language.

City Manager Recor said they are all doing that.

Commissioner Becht said if the Commission is going in a direction that hurts the City or gives up something he doesn't understand they are giving up, he is expecting Staff to immediately pipe in and say, they are missing this aspect of what they are doing.

City Manager Recor said fair enough.

City Attorney Schwerer said he is lacking a copy of Mr. Recor's memo. That is why he was asking them to go down the Interlocal Agreement.

Commissioner Becht said he does not want to craft the Interlocal Agreement. He wants to stay at 60,000 feet.

City Attorney Schwerer said he and Jim Walker (Assistant City Attorney) went through that and they have notes all over their copy of it.

(The City Commission took a Lunch Break at 12:00 and resumed the Workshop at 12:20.)

Commissioner Becht said the third bullet point (Item #3) says, "The City will agree to a property tax abatement equivalent to any property tax abatement equivalent to any property tax abatement offered by the County." He is fine with that. He

thinks if they leave the wording the way it is, the County will have the sense that they are the ones who are going to negotiate the tax abatement for their Research Park.

Commissioner Coke said the only question she has with that is... It gets a little technical when they talk about property tax abatement. They had talked at their Joint Meeting that they would not only give a deferred property tax abatement, but that it would be for the same time frame. What she doesn't want to do is allow any wiggle room that the County is going to give abatements to them for five years and expect the City to give them the same percentage for ten years. She thinks it is not just the percentage, she thinks the duration of the tax abatement has to be equal.

Commissioner Becht said it says equivalent.

City Attorney Schwerer said they used language (in the Interlocal Agreement) that says, "...equal to and identical to those provided by the County." Is that okay?

Commissioner Becht said he is okay with that. The only thing he would like to add is, "...tax abatements or deferrals..." It probably has to be put in there twice.

Commissioner Coke asked is Item #4 (The City will be responsible for development plan review, permitting, and inspections) even necessary?

Commissioner Becht said he thinks it is necessary.

Commissioner Coke said they are saying they are going to annex, creating the overlay district, and they are going to jointly develop Land Development Regulations. She thinks then it goes without saying that the City is the permitting process and the planning. Do they need to spell it out that specifically? Because she is concerned it is going to raise a red flag.

Commissioner Becht said respectfully he disagrees, he thinks it has to be put in there, because he thinks that through the County's interpretation of F.S. Chapter 171, they can shift who is going to do the permitting and processing.

Commissioner Alexander asked in the event with the language added with deferrals, no deferrals will come in involving any of these permits?

Commissioner Becht said he thinks he is mixing apples and oranges. The tax abatement or tax deferrals are going to be...

Commissioner Alexander asked it is an incentive, right?

Commissioner Becht said yes. If somebody came in and wanted to build a 10,000 square foot building and was going to create 100 jobs, but he is not going to do it unless they give him something. So he is going to ask that they abate taxes or defer taxes, and there are different programs for doing that. The way they are setting this up is, the County would negotiate that and

the City would just tag along with whatever the County agreed to. But when he comes in for development and plan review and permitting and inspections, that will be done by the City, not by the County. That is the difference, because the County said they wanted to do it. He believes the Minutes from the Joint Meeting will reflect he said that he will think about it, but he wants to have feedback from his own Staff. Staff has now told them legally they don't think they can let the County do the planning. He is going to tell them that he thinks County Attorney Dan McIntyre is going to be instructed to find a way to do it and he thinks Dan McIntyre is going to take a more liberal interpretation of F.S. Chapter 171.

Commissioner Coke said she thought they put Chapter 171 aside.

Commissioner Becht said the City has. But if they go back to the County and they say legally it can't be done, and Mr. McIntyre says yes, it can be done if they do the Chapter 171, then they are back to arguing the point and not hiding behind legalities. So he thinks they need to state...

Commissioner Coke asked do they have any statistics on...? If the City's Planning and Building Departments get a plan and it takes x-number of days to go through versus the County, she thinks that will be the selling point.

Commissioner Becht said there are certain County Commissioners who will admit that behind closed doors.

Commissioner Coke said that is why she is asking if they have some legitimate statistics that they can say here are five plans they took in this year and this is their turn-around time. Here are five comparable plans the County took in and...

Commissioner Becht said the City has had some abortions in their Planning Department, in a couple of their departments.

Mr. Carlin said they have instituted a new process. It wasn't always like the way they are doing it now. Within 30 days they are getting the comments and all the...

Commissioner Coke said she was thinking that would be instrumental to include here, that the City's new policy for permitting includes this and that, and let the County see why they feel they would be a more beneficial place to have the permitting process.

Commissioner Becht said so what they will do in Item #4 is say, "The City will be responsible for development plan review, permitting, and inspections on an expedited basis."

Commissioner Sessions said he can tell them right now, out of all these items, if there is one the County is going to challenge, it is going to be that one, at least from their discussions from the Joint Meeting. That is what this is all about.

Mr. Carlin said all of these developers that have annexed in have had horrendous stories from the County, not being able to get

plans through the system in six months, one year, or two years, and it doesn't go anywhere. They hear the stories when they deal with these developers.

Commissioner Sessions said there is no question about it, the City has a better system in place. But this is where the County wants more control and power over, that is what this is all about.

Commissioner Becht said Commissioner Sessions is right. He doesn't expect that this draft Interlocal Agreement is going to fly through. But the challenge he would lay at the County's doorstep is as Mr. Carlin just said. Commissioner Sessions is dead on. But he doesn't know how to deal with it other than to spend it back to the County and tell them the reason they have done this is because of the reputation the County Planning Department has for sluggishness. And he doesn't want to say that in the letter.

Ms. Ehly said but when it is annexed, the Florida Statute says it does come under all the ordinances and laws of the municipality.

Commissioner Coke asked what if they combine Items #4 and #5 together? That might make it a little bit more palatable. If they say, "The City will be responsible for expedited development plan review, permitting, and inspections, in conjunction with the County participating through the Technical Review Committee."

Commissioner Alexander asked don't they have that agreement already?

Commissioner Becht said the Joint Planning Agreement.

Commissioner Coke said they do. But instead of putting it as separate items, if they kind of combine those...

Commissioner Becht said he would agree to combining Items #4 and #5. So then it would say, "The City will be responsible for the development plan review, permitting, and inspections on an expedited basis, and the County will be afforded an opportunity for meaningful participation in the development plan review process."

Ms. Ehly asked does that have anything to do with limiting the policing power of the City as far as the authority of the Commission to make decisions regarding development in that area?

City Attorney Schwerer said let him try to put this in perspective. They are going to, by this Interlocal Agreement, sit down with the County and jointly develop with them a Master Plan and implement the Master Plan which is going to include an overlay district that they are going to be fully participating in and get all the LDR's and everything done. Once that is in place, the only thing he can see that they would then be able to legally offer the County is, when they get applications for site plan approvals and things in this Research Park, they would send those to the County for review and comment; but the County wouldn't necessarily be part of the City's review process that goes to their Staff, Planning Board, and then Commission. There

is a way they can expound on developing that exchange of information, but he doesn't think they can add the County to their process.

Commissioner Becht asked does he think Dan McIntyre, if challenged by three or more of his County Commissioners, is going to make the statement that through Chapter 171 the permitting can be delegated to the County?

City Attorney Schwerer said Mr. McIntyre may try, but he is going to challenge him to show him the legal authority. When he sat in that Joint Meeting, he found at least three provisions of Chapter 171 which are facially unconstitutional. He pointed those out to Chairwoman Paula Lewis in a discussion he had with her after the Joint Meeting; and she looked at it and said he is right. He told her not to put so much faith in this Chapter 171 because it is an untested creation of the Legislature.

Commissioner Coke said Ms. Lewis agreeing with him is a big step away from the County Attorney agreeing with him. Did he point that out to Mr. McIntyre?

City Attorney Schwerer said he did.

Commissioner Coke asked did Mr. McIntyre agree with him.

City Attorney Schwerer said he thinks he did. Let him talk to Mr. McIntyre. He thinks Chapter 171 is for both parties to get together and... What Chapter 171 does is, it allows a county and a city to get together to jointly plan an area that is to be proposed for annexation by a city, and then submit that joint plan to the Department of Community Affairs.

Ms. Ehly said that is right; but that is Part II, not all of Chapter 171.

City Attorney Schwerer said that is where they are at, Part II on this Joint Planning Agreement.

Commissioner Becht said following up on Commissioner Sessions's point, which is well taken that this is going to be real rub, they need Mr. Schwerer to pro-actively call Dan McIntyre and say he has advised his Commission that he doesn't think under Chapter 171 or any other statute that once annexed they can delegate the authority for permitting or leave that authority in the County, if that is in fact Mr. Schwerer's opinion. And that is what he heard Mr. Schwerer say today, that they can't delegate or leave it with the County. If they annex it, it is the City's.

Commissioner Coke said in conjunction with that, she thinks they need to remind the County that they have jointly established the JPA. Granted, they haven't been doing what they should be doing, but here they will have an interest to participate.

Commissioner Becht said let him narrow Mr. Schwerer into that box. Is it his opinion, if they annex the Research Park, that they can't delegate to the County the authority for permitting?

City Attorney Schwerer said that is his opinion today, unless someone can show him a court case or a statute which is clearly on point that...

Commissioner Becht said he is not going to argue with Mr. Schwerer, he has a caveat. But he would ask him to call Mr. McIntyre and alert him that this City Commission talked about it and asked Mr. Schwerer can they do it legally and he said they can't do it. If Mr. McIntyre can come back and convinces Mr. Schwerer that there is a way to do it, they will talk about it again. He is going to hide behind the legalities first. There might be other legitimate reasons.

Ms. Ehly said she thinks there is plenty of argument that can be made that the City Commission cannot delegate their legislative authority.

Commissioner Becht said Commissioner Sessions made a very good point and they need to address the sentiments of the County Commissioners that they said one thing in a meeting; and then when it came time to put it in writing, they changed their minds. They changed their minds because City Staff - Planning and Legal and Building Departments - are of the opinion that they can't delegate that to the County.

City Attorney Schwerer said they have a Building Code that is adopted by Florida Statute. The County adopts resolutions as development orders. They have all seen those, everybody who does land planning has seen them. That is how they do development orders in the County. The County cannot adopt a resolution approving a Development Order on land within a municipality. That is State Statute. That is clear. Chapter 171 does nothing to modify that.

Commissioner Coke said the point here is that they need to make the County aware, whether it is Mr. Recor pursuing the matter or Mr. Schwerer with Mr. McIntyre, that all of them are still in agreement, they were very willing to allow the County to be the permitting agency.

Commissioner Becht said no, the City was willing to discuss it.

Commissioner Coke said however, the Planning, Building, and Legal Staffs say they cannot legally do that. So before they pursue that line of discussion on allowing the County to do it, they were informed they couldn't.

Commissioner Alexander asked don't they think that conversation has already taken place?

Commissioner Coke said the problem is, they had that conversation and she didn't hear anybody jump up and say that can't do that legally.

Commissioner Alexander asked countywise, have they gone in and reviewed that alone to see what is right or wrong or what is legal?

Commissioner Becht said no. To the contrary, he believes that the County is operating under the impression that all things are possible through F.S. Chapter 171.

Commissioner Alexander said it is an opinion, not a fact.

Commissioner Becht said right, but he thinks the County is operating under that opinion. And until Mr. Schwerer or Mr. Recor gets over there and says that belief or he might call it a wish...

Commissioner Coke said the County is going to operate under that opinion because that is how they want it to be. So until they tell them legally they can't even discuss that or pursue that matter further... They told her they could legally annex this property and she has been up until this point working on the premise that they could legally annex that property, until today when she heard maybe or maybe not, it is a little corner there. So she is just as guilty as the County is. She was believing what she wanted to believe, that they could do that, until they asked the hard question.

Commissioner Becht said they are going to save face, because the consensus at the Joint Workshop was that they would defer the processing to the County. He doesn't want to just point blank hit them with this agreement and say they changed their minds. He wants the groundwork laid by Mr. Recor with Faye Outlaw and Mr. Schwerer with Dan McIntyre, that they stopped the City Commission from even talking about that because they believe not only is there no legal authority to do it, but all the legal authority is against the City doing that.

City Attorney Schwerer said they have sailed these waters before, the annexations leading to the Airport, the same thing.

Commissioner Becht said not with these five County Commissioners - Dzadovsky, Craft, and Coward...

Commissioner Coke said when they bring this proposed Interlocal Agreement to the County, they need to have a detailed cover letter. Because sometimes when the City Attorney talks to the County Attorney and the City Manager talks to the County Administrator, what the City Commission says here today is not going to get trickled down with this proposed Interlocal Agreement to the County Commission level. So she thinks it is not only important for them to lay the groundwork, but send what they interpret as their first draft proposal, and the Commission hasn't agreed or signed off on yet, but they wanted to give them a heads-up so they could be reviewing it in the same time frame. She thinks with that cover letter, each and every County Commissioner needs to see the statement that it was reviewed by Staff; and although they agreed to pursue or discuss further the permitting aspect of it, they were informed that they could not legally do that.

City Attorney Schwerer said he is going to suggest they get this into a draft the Commissioners all agree to; and then he and Mr. Recor will transmit it to their counterparts of the County with

the proviso that before it is circulated they will meet with them. He is talking about Ms. Outlaw and Mr. McIntyre. They will schedule a meeting to explain their position before it goes anywhere, if that is what they want.

Commissioner Coke said that is not what she suggested. Could they have some Commission discussion on this or should she just go home?

City Attorney Schwerer said she asked Mr. Recor and himself to check with Ms. Outlaw and Mr. McIntyre.

Commissioner Coke said no, what she said was she thinks they should do that as prep work. They all as a body got highly insulted that the County Commissioners had the first draft of whatever for two weeks before the City Commissioners got it, and there was no opportunity for them to comment on it. She doesn't think they should be approving anything that the County Commission has not been made privy to, so they can have feedback and comments on it also. Unless they really don't want to partner with them, in which case they shouldn't have even brought it up because they can't legally annex. So what she is saying is, she would like not only for them to lay the groundwork, but when they send it over, don't just send it to the County Administrator and the County Attorney, they need to send it to each and every County Commissioner with the provisions they talked about. Let them know they would have pursued the permitting issue except Staff told them they couldn't. They need to make these people aware of the fact that they as Commissioners are bargaining in good faith and negotiating in good faith. Because nothing annoys a Commissioner more than to find out that Staff has known about it for two or three months and have given their feedback, and the Commissioners are kept in the dark like little mushrooms. Commissioner Alexander said along with that, they should have a date certain on Item #1 if nothing else, because they are asking to immediately do annexations. Do they have a date?

Commissioner Coke said the first meeting in May.

City Clerk Steele said May 4th.

Commissioner Coke said she made the motion to postpone it to the first meeting in May, so if they had any further delays they would still have two weeks.

Commissioner Becht said they need feedback before...

Commissioner Alexander said that is what he is asking be put in the cover letter too, that they have this date certain in their minds.

Commissioner Coke said it is on their Agenda for the May 4th meeting.

Commissioner Becht said they should request feedback by the May 4th meeting. And he thinks they can do it, because they are full-time Commissioners as opposed to part-time Commissioners.

What he is asking is - and he thinks he is echoing what Commissioner Coke has said - he doesn't want to wait until they send the Interlocal Agreement over and then hit Mr. McIntyre with this. He wants Mr. McIntyre to know this afternoon or tomorrow that the Commission met and there was discussion as to why they can't even talk about the County doing the permitting; and that was because Building, Planning, and Legal Staffs say there is no legal authority for it and they cannot do it. He would like to give Mr. McIntyre the opportunity to present in writing any legal authority to the contrary. And if there is any legal authority to the contrary, Mr. Schwerer can come back to this Commission. He is pretty sure Mr. Schwerer is going to disagree with Mr. McIntyre if he goes out on a limb and says that it can be delegated. The Florida Statute says it is non-delegatable. So they are combining Items #4 and #5 to say, "The City will be responsible for development plan review, permitting, and inspections on an expedited basis; and the County will be afforded an opportunity for meaningful participation in the development plan review process." Do they have four Commissioner okay with it?

Commissioner Coke said yes, that is what they just said.

Commissioner Becht said the next bullet point is Item #6 and it is about the County-funded charrette process. The bone here is going to be why is the County paying for it and why isn't the City paying for it? He read in this morning's newspaper the County has a \$4.5 million surplus and he saw in the newscast this morning that the City has \$1.5 million deficit. That is why the County is going to pay for it and not the City.

Commissioner Alexander asked what would they think the cost on that would be?

Commissioner Becht said he thinks less than \$50,000.

Commissioner Alexander asked why wouldn't it be a joint effort between the City and the County? Are they telling him the City can't come up with \$25,000?

Commissioner Coke said especially if they are asking the County to allow them to annex the property and everything else. She thinks maybe the caveat there should be that should the above provisions be acceptable to the County, the City will partner with the County and participate in the charrette.

Commissioner Becht said he is not going to quibble over \$25,000, but he needs to tell them why he would quibble over \$25,000. What is going to come down the pike is that the County Commission refused to consider an MSTU or anything for the School Resource Officers. If they had taken the lead on that, they could have imposed that through leadership without a referendum and they would have solved the funding of the School Resource Officer problem in St. Lucie County forever. They took the position because they had excess monies in their budget and because they didn't have the leadership skills, in his opinion, to take it on the chin and say this is the right thing to do. They said they will pay it out of their surplus and they are going to ask each

of the cities to pay their proportionate share out of their budgets. But Fort Pierce doesn't have a surplus. It is not the same thing, but he is telling them that the County is playing loose with their surplus because they have overtaxed the citizenry for three to four years. The City has been in a position there they tried to hold the millage down, tried to watch the pennies, and they don't have the surplus the County has. It is another \$25,000 and if three of them want to pay it...

Commissioner Sessions said when he talked to them individually, their whole argument was that the County spent all these millions and millions of dollars, and at the tail end when the job is complete and it is about to come into existence, the City wants to reap the benefits. That is his perception after talking with them individually. So if they are going to bite the bullet at \$25,000, he doesn't think it is a big deal in order to be more enticing to the County in light of this thing being for them. The County spent all the money up to this point, why does the City get to reap the benefits?

Commissioner Becht asked why don't they say they will participate equally up to \$25,000 each? Does Mr. Recor think they can get a charrette done for \$50,000? They got the whole waterfront done for like \$125,000.

City Manager Recor said it was \$160,000 by the time it in. But he thinks this area is much bigger than the waterfront.

Commissioner Becht said he has a better idea. TCERDA will pay one-third, the City will pay one-third, and the County will pay one-third.

Commissioner Coke said that works.

Ms. Ehly asked what about the overlay district process? Couldn't that incorporate charrette-like public workshops and things like that without actually having to pay for a charrette?

Mr. Carlin said they have the LDR Rewrite in place, if they wanted to incorporate Duncan & Associates in that.

Ms. Ehly said they are going to have to have public meetings for the overlay district anyway, so couldn't they just do away with this charrette?

Commissioner Coke said except that the County requested it.

Ms. Ehly said but that is an additional cost that is not necessary, especially in these economic times.

Commissioner Coke said her point at the beginning of the meeting was they don't have a legal leg to stand on to annex any of this. They might as well all go home. And if they are not going to cooperate with what they as a Commission gave a commitment to the County that they would do, then there is no sense in them sitting here and talking. The County said they wanted a charrette, the City agreed to a charrette. And now they want to change that? The County said they wanted planning and the City agreed to it.

And now they want to change that? Every single point they walked away thinking they might be able to reach an agreement to further their City boundaries, if they are going to change every one of them, if she were the County, she would get up and walk away from the table.

Commissioner Becht said he thinks there is a solution here. Ms. Steele just mentioned to him that she thinks the County may have offered to pay for it at the Joint Meeting. He doesn't have a clear recollection of that one way or the other. He has a couple of concerns. The \$25,000, Mr. Recor could probably find somewhere. But when they start setting that precedent where they pay 50% of the cost... There is a shortfall with the Research Park now. He doesn't want them coming to him and saying they need 50% for their advertising budget or 50% for this, that, or the other. He appreciates three of them saying they want to pay \$25,000, but...

Commissioner Coke said if they leave it the way it is, then the County can come back and say let's compromise and split it.

Commissioner Becht said that is what he would like to do. What he would like to couple that with is comments inside the cover letter. If Mr. Recor wants to broach this with Ms. Outlaw ahead of time, he can. Or if he wants to broach it with Mark Satterlee, broach it with Mark Satterlee. These politicians who are talking about a charrette, they don't know what they are talking about. Because if they do the overlay, why are they going to do both? Then Mark Satterlee can talk to his Board of County Commissioners, saying they talked about a charrette and that is a wonderful idea, but what they really need is the overlay. So instead of the City Commission telling the County Commission what they want is the overlay, let their own staff tell them. It would be a wonderful thing if Mr. Carlin and Mr. Satterlee would jointly tell their respective Commissions that this is really what they need to do.

Commissioner Coke said they don't want to argue with them any more than they need to.

Ms. Ehly said the overlay district and the charrette could conflict too. If what comes out in the charrette is different than what the overlay is stating, then there is going to be an issue as far as public opinion.

City Manager Recor said his recollection of County Commissioner Coward's vision for the charrette is that it is the surrounding areas, how do the surrounding areas grow?

Commissioner Becht asked can they do this - the City will participate in a County-funded charrette and/or overlay process to plan the encompassing surrounding area?

Ms. Ehly asked do they want to limit it to the Research Park?

Commissioner Becht said no, because he wants it to encompass a buffer area.

Ms. Ehly asked do they want to define the area? The County was

starting to talk about going pretty far out there as far as property being annexed.

Commissioner Becht said he wants Staff to deal with the issue. He wants to stay at 60,000 feet. Item #6 will say, "The City will participate in a County-funded charrette or overlay process encompassing the Treasure Coast Education & Research Development Park and surrounding area." It is probably somewhat duplicating of Item #2, but he thinks it broaches the idea that maybe the charrette and the overlay process are not necessary.

Commissioner Sessions said he just doesn't like that surrounding area. The area they are concerned with... They can talk about Port St. Lucie all day, but one thing he can say about Port St. Lucie is that they have stayed in there and they have been eager and very aggressive in terms of keeping the County out of their business when it comes to annexing in these areas. The only reason why he has been in agreement with doing this is because the County is complaining that this has been a major investment for them and therefore they should have some rights to it. He just has a problem with anything outside of this Research Park limiting his ability or his control over a potential area, especially west of the County where there is the only potential growth for the whole entire County from an industrial standpoint. So he doesn't like doing that. This Research Park is one thing. But anything outside of that, he doesn't want to get involved in a charrette, then a charrette leads to his limited control as to what he can do in terms of annexing in.

Commissioner Becht said the charrette process would be non-binding. The overlay district would be binding on both the City and the County. From his perspective, the Research Park is a jewel. This is different than anything Port St. Lucie has. What he is going to suggest, and Mr. Carlin can comment on this, is that this is the Research Park and they take either a 100-foot buffer or a 500-foot buffer - and this is arbitrary - and they go around it and they say this buffer could keep this residential subdivision from encroaching down there. And this is from Fort Pierce's perspective, not the County's. It is actually from the perspective of the Research Park. If they could keep the residential area from creeping down here next to it, then 20 or 30 or 50 years from now, depending on the pace of development of the Research Project, when this needs to be condemned to expand the Research Park so it stays and they don't lose it like Orange County lost it because they did not provide the buffer, then this can be condemned. If somebody came in here and put an Industrial Park in here, he is going to tell them it is expensive, but it is far easier to condemn an Industrial Park and take it into the Research Park, than it is to get mom and pop who built their houses down there and they don't want to sell. That is why he is talking about an arbitrary buffer of 500 feet or 100 feet. They can just leave it to Staff to figure out what that buffer is. That is what he is talking about with the Overlay District. The City would be bound by it and the County would be bound by it.

Commissioner Alexander asked when speaking of a buffer, is he speaking of it in terms of it as a right-of-way that can't be encroached upon?

Commissioner Becht said it would be where the development of that property is restricted to certain uses.

Commissioner Alexander asked so there is no city right-of-way?

Commissioner Becht said no. He calls it a buffer, but actually what it is is part of the planning for that area. The Research Park is already planned with what they want to go where. The worst thing that could happen to a Research Park is to have a multi-family subdivision butt up against the back of it. And then the Research Park go through their property with speed sprayers. It is inconsistent uses.

City Manager Recor said a transitional zone.

Commissioner Coke said she thinks the size of the buffer would be determined jointly by Staffs.

Ms. Ehly said the property owners right now have R-5, five units per acre.

Commissioner Becht said they are stakeholders.

Ms. Ehly said so they would have to get the property owners to agree to have limitations placed upon their property.

Commissioner Becht said he is going to leave that to clever planners. He has seen clever planners who drafted such that Bert Harris Acts are not created, like a conditional use to put up an apartment complex.

Commissioner Coke said they have had charrettes before that encompassed property that was owned by individuals who came and participated in the charrette. They spent 12 years planning the Port property and they don't own it and Mr. Bell has no intention of participating, but they spent hundreds of thousands of dollars of public money on charrettes, on developing a Port Master Plan for property they didn't own and the property owner absolutely refuses to be bound by it.

Commissioner Becht asked is Commissioner Sessions okay with the buffer or not okay with the buffer?

Commissioner Sessions asked they are talking about a charrette?

Commissioner Becht said they are talking about an overlay district.

Commissioner Sessions asked an overlay district as opposed to a charrette? There are a lot of other factors that have to be determined and considered before it actually comes into existence. But he just feels that something is going to come out of that charrette that is going to limit the City of Fort Pierce's ability to just have some control. He just feels it. The County is going to have the right people attending the charrette.

Commissioner Becht said the County is going to steer it.

Commissioner Sessions said their main objective is going to be disruption which leads to control which excludes the City of Fort Pierce and its ability to annex in the surrounding area they are calling a buffer here. They are talking about the Research Park, that is one thing. But to go outside the Park... The only reason he is even ascertaining all of this is because they said at least that they believe the deal would go south if the City was included in all of this and the County didn't have control over this Research Park; otherwise, he would say to hell with them.

Commissioner Coke said the County said Walmart would never come into the City. The first time they sat down face to face and talked with Walmart, Walmart loved them. She understands his concerns. Her concern is that there really is no reason to have a charrette for the Research Park because there is already a plan in place on that. So maybe what they should do is just omit that bullet point for the time being and let the County come back with a counterproposal for it. Although she does understand Commissioner Becht's point that they need to have room for this Research Park to expand in the future because they don't want to close up and move.

Commissioner Becht said he doesn't think they can drop the word charrette because he wants the Staffs to work that out. He wants Mr. Carlin and Mr. Satterlee to come back and say this is what their Commissioners need to do.

Commissioner Coke said planning the surrounding areas.

Commissioner Becht said the issue Commissioner Sessions is having some heartburn on is to allow the overlay district to encompass more than the TCERDA Research Park bothers him. He understands that. But he distinguishes this from Port St. Lucie. It is not that he trusts the County, it is just that he thinks it is necessary in order to provide for the longevity of the Research Park. Yes, there is a cost to the City. But in his opinion, there is a direct benefit to the Research Park by allowing for the buffer. And that is why he has gotten through his heartburn over it.

Commissioner Coke said they have had charrettes that came back with beautiful, wonderful things that they didn't follow through on and they didn't hold true to what was requested. She knows part of what the public wanted to do downtown on the waterfront with some of the charrettes, there are things in that charrette that they will never be able to do unless they hit the lottery.

Commissioner Alexander said that is where his point of concern comes in. They still have this date certain for annexation and the charrette is going to go far beyond.

Commissioner Coke said if they agree to have the charrette, it could be six months, a year, or two years down the road from now.

Commissioner Alexander said but they will have already annexed the property in. So what would give them any incentive or

initiative to go forward with that?

Commissioner Coke said because the City is playing nice. Once they get through this final point here, she thinks the next question she is going to ask up front is, how long will it take Mr. Schwerer to make revisions to this and get it over to the County and each County Commissioner?

Commissioner Alexander said the City Commissioners too.

City Attorney Schwerer said they can do whatever the Commissioners want them to do. The only provision is that when they do that, they dedicate Staff time to this project and there are others that are in the pipeline. Understand, there are a lot of other issues in the pipeline. They can put this together within two days, but they have to take staff off of other issues.

Commissioner Alexander asked is he talking about this issue alone, or other City business?

City Attorney Schwerer said other City business. There is a lot of City business in his office right now as they all know.

Commissioner Alexander said he doesn't know that. There is a lot of issues in everybody's office.

City Attorney Schwerer said he will do whatever is necessary to get this Interlocal Agreement done in time for their May 4th meeting.

Commissioner Becht said back to the point they are talking about, Item #6, there is an issue of cost. Is the City going to pay for it or are they not going to pay for it, or are they going to limit the amount they are going to pay for it?

Commissioner Coke said she does not recall the County offering to pay for it. She thinks they ought to leave it that the County pays for it. If the County comes back and say they want the City to pay for half of it, then they can say yes, they will. It will give them a point to concede right up front.

Commissioner Becht said so they are going to ask the County to pay for it. Is it agreed?

Commissioner Sessions said yes. They might want to put in there some language that the County previously indicated that it would be.

Commissioner Becht said he doesn't know that is true or not true. So right now Item #6 says, "The City will participate in a County-funded charrette process to plan the encompassing surrounding area." He had asked that it be a charrette process - and per Mr. Carlin's recommendation - and/or overlay process, so they can start to address the issue. They may not need a Charrette. They may just need to go through the overlay process.

Commissioner Coke said they can ask Staff to come back with that recommendation and would resolve the issue. She thinks it will

end up being that they don't need the charrette.

Commissioner Becht said the issue Commissioner Sessions has is where it says, "...the encompassing surrounding area." He doesn't know how they are going to handle that.

Commissioner Coke said she thought his concern was more that they would have a charrette that the citizens would try to bind what happens around there rather than they do some constructive planning out there.

Commissioner Sessions said right.

Commissioner Coke said he didn't want the County loading the chamber and getting their opinion shoved down everybody's throat.

Commissioner Sessions said yes.

Ms. Ehly said the original intent of the charrette in the original resolution by the County was that the County intends for that surrounding area to remain unincorporated.

Commissioner Coke said that is not going to happen.

Commissioner Becht said that is not consistent with him. Why don't they just drop this down to the TCERDA area?

Commissioner Sessions said yes.

Commissioner Becht said then if the County wants to come back, if staff wanted to have the conversation with Mr. Satterlee, what they need is what is a reasonable... If he thinks a transition area is reasonable, what would that transition area be? And they won't try to decide it at a Commission level. If Mr. Carlin and Mr. Satterlee agree that 500 feet is an interesting transition area, then bring it back to the Commission.

Ms. Ehly said she doesn't think they are talking about a transition area. She thinks they are talking about an area around there that they don't want to be annexed.

Commissioner Coke said they were also talking that they didn't want the City to annex the Research Park. It was a whole different playing field back then, they were not agreeing to the City annexing any of it. Now they are willing to talk to them about that. They recognize the fact that if the City moves ahead and annexes the Research Park, they are going to be annexing the rest of it.

Commissioner Becht said in his conversations with County Commissioners Coward and Craft on these kind of issues, he thinks they are going to be very vocal and also persuasive. Commissioner Coward at least has now gotten into a mindset that yes, this is going to happen; and his best stab at it is to create an overlay district that sets what is going to happen in there, as opposed to he gets to decide it as it happens. Commissioner Coward will be very much on the overlay, putting his fingerprints on the overlay; and then if it gets annexed, it gets

annexed, but it has his fingerprints on it. He is sensitive to what Ms. Ehly said. But very clearly, nothing is going to impede their ability to annex. He thinks they address the County's concerns, and their biggest spokesperson on this issue, Commissioner Coward's concerns, by the overlay district.

Commissioner Coke said also, not going west of the Turnpike as long as it remains agricultural. That will make Commissioner Coward very happy.

Commissioner Becht said it will make him very happy because he will know they fought to make that happen.

Commissioner Becht asked does Staff have a clear understanding of where they are with the bullet point Item #6?

City Attorney Schwerer said he is not sure he understood.

Commissioner Coke said they are crossing off "encompassing the surrounding area".

City Attorney Schwerer asked they are going to focus on the TCERDA area?

Commissioner Becht said yes. Item #6 is going to say, "The City will participate in a County-funded charrette and/or overlay process to plan the TCERDA area."

Commissioner Becht said Item #7 is real easy, "The County agrees to withdraw its Initiating Resolution without prejudice." That is what this is all about.

City Attorney Schwerer asked what about the City's Responding Resolution (Resolution No. 09-06)? Do they want to agree to pull that back? They did a responding resolution identifying all those other areas. They may want to think about that because some of those issues were not necessarily...

Commissioner Coke asked if the County withdrew their initiating resolution, wouldn't the City's resolution be withdrawn?

City Attorney Schwerer said no, not by law. They would have to withdraw it.

Commissioner Becht said if they have to withdraw something, then add it as a point they need to withdraw it.

City Attorney Schwerer said but they had a lot of other issues they raised in the responding resolution that they may not have necessarily dealt with the TCERDA Research Park.

Commissioner Coke said they don't want to muddy the water.

Commissioner Becht said those are planning issues. It is hopeful that Mr. Carlin can meet with Mr. Satterlee and resolve the gated communities and all that other stuff, because it really is planning issues.

Commissioner Coke asked did Mr. Schwerer give them an answer,

when can they expect a readdress of this Interlocal Agreement?

City Attorney Schwerer said probably no earlier than the middle of next week, probably Wednesday or Thursday of next week.

Commissioner Coke said they are looking to move forward with this at the first meeting in May, so she wants to be sure that the County has it in their hot little hands for at least ten days, so she is going to put down here Wednesday. She can pick it up from him at noon before the FPRA meeting?

City Attorney Schwerer said no, he is talking 5:00 p.m. Wednesday. He knows FPRA will be a four hour meeting.

Commissioner Coke said she would appreciate having a cover letter to go with that. Prior to that cover letter being finalized, she for one would like to review it to insure that some of these points she knows legal says aren't necessary to make and Mr. Recor may not think are necessary to make, but she thinks 90% of this is going to boil down to not only what is in this Interlocal Agreement, but how they finesse and put themselves forward to the County Commission. It is going to be negotiations and they want to look like they tried to be their best friends. Sometimes she thinks they need a little smoothing touch to get to that point in the letter. She would like to at least review the letter before it is finalized and sent to each of the County Commissioners.

Commissioner Sessions said the cover letter set a real soft tone, yes.

Commissioner Becht said that they are moving in the right direction is what he would like. Strategically he suspects that the County Commissioners are going to approach them individually. They cannot talk to one another except in a workshop like this. He expects the County Commissioners to beat on them to try to combine this Interlocal Agreement to encompass the Airport, which is important to County Commissioner Dzadovsky and others, the landfill, which is important to County Commissioner Craft and others, and the Jail. They are going to want to have certain issues that are particular to those three County-owned properties dealt with in this Interlocal Agreement. He for one is telling them that he is not willing to do that. He is telling them that because it just gets too complicated. There are different issues relative to each of those different things - the airport, the landfill, and the jail - that never in years would they punch through an agreement. So here where he can talk to them, he is telling them what his position is going to be on that. At least three County Commissioners have broached a discussion with him which is fascinating; which is, they would waive the contiguity if the City would do certain things for them. As this Interlocal Agreement is drafted, it does not take advantage of that offer. He is not sure why they did that. Earlier someone said they didn't think it mattered under their current structure of annexation. He would like Staff to give some thought to putting that in there where they take advantage of it. The County can pull it out, or they can say they are not going to give the City that unless the City gives them this. But that would be a valuable thing going forward, is to have the County agree that

they would not object to an annexation based on a contiguity argument within at least the service area. He would like to have that area not defined as the service area, but defined as anything east of the urban service line. He has had that conversation with County Commissioners Grande, Dzadoovsky, Coward, Craft, and maybe Chairperson Lewis. He knows he had it with four of them. He doesn't know if all of them understand. He doesn't mean this in an arrogant way, but this is what he does for a living. The urban service line is not their service area. It is extremely west of their service area. The significance of the County's urban service line is that by definition urban development will be allowed east of it, which means it is the City. The County Commission decided where the urban service line is, the City Commission didn't decide it. So he would like to put in their Interlocal Agreement that the County would agree not to object to annexation on grounds of contiguity for anything east of the urban service line. That is a huge thing for the City.

Commissioner Coke said she likes that.

Commissioner Alexander said they are going to have to emphasize which urban service line they are speaking of, the FPUA or the County, so there is no misunderstanding.

Commissioner Becht said Staff can clarify that.

Ms. Ehly asked how would they get around the issue of providing public facilities and services to...?

Commissioner Becht said that is a separate issue. He kills one bear at a time. He can't kill two bears at the same time. and this is a big bear to kill.

Commissioner Coke said let her tell staff what she tells Mr. Schwerer when they are sitting next to each other in a meeting and he says they can't do that, she tells him that her job is to do it and his job is to figure out how to do it.

Mr. Carlin said this map shows St. Lucie County Service Area.

Commissioner Becht said he has asked Ms. Satterlee to find it and put it on the annexation maps. They are dealing with this issue right now with The Provinces development. The Provinces is east of the urban service line, but they are still trying to figure out how do they provide service because it appears to be in the exclusive service area of the County. They are willing to be annexed, but the provision of services would appear to be currently provided by the County. He likes his analogy of the two bears. He can kill this one bear now. If he can kill this one bear now, it doesn't mean he should not kill it because it can't kill both of them. He is going to kill this one now and later on he will figure out how to kill the other one.

City Manager Recor said he thinks the only way the County has the ability to do that is by way of the boundary service agreement and therein lies the problem with the...

City Attorney Schwerer said no.

Commissioner Coke said she heard County Commissioner Coward say at the Joint Meeting that he would be willing to move the line when the areas...

City Attorney Schwerer said let him see if he understands what Commissioner Becht is saying. He is not suggesting that the County waive contiguity on a parcel that has no contiguity whatsoever, is he? Or is he suggesting the corner touch, they don't object to it? Is he talking about isolated parcels?

Commissioner Becht said he is talking about islands.

City Attorney Schwerer said okay, he didn't understand that.

Commissioner Becht said let him explain, because he didn't hear him. He talked to all of the County Commissioners about that and probably Chairwoman Lewis about that same concept. And if they load this agreement up with everything they wanted, if they deferred annexation and everything else, they would give the City that. What he is suggesting is, let's find out if they can get that and at what cost? Because that is huge. That is something they have offered.

Commissioner Coke said this is the time to ask. Four of them just agreed to put it in there.

City Attorney Schwerer said he knows. But let him back up and say they have not come to the legal conclusion that is what Chapter 171 authorizes, contrary to Part I of Chapter 171.

Commissioner Coke said they are not talking about Chapter 171.

City Attorney Schwerer said they are. Chapter 171 is now the new statute that kind of suggests that areas that lack contiguity can become part of a municipality. But he thinks what they are going to find is that really is looking at the provision for future services so they can include it within their Comp Plan for DCA purposes. He doesn't think it is saying they can go out and create 200-acre islands out there.

Commissioner Becht said he doesn't need the 200-acre islands. What he needs is to eliminate the County's ability to object to it. So five or seven years from now when their children get out of law school or whatever, they can figure out how to do it.

City Attorney Schwerer said he can put it in there. But what he is trying to suggest to them is, by putting it in there, he is not rendering a legal opinion to them that they can annex a 200-acre island in the middle of the ocean.

Commissioner Becht said he heard the CYA and that is fine.

City Attorney Schwerer said just so they understand that.

Commissioner Becht said he still sees a benefit in that. He thinks they are done.

Commissioner Coke said she hopes so.

Commissioner Sessions said he is good.

City Attorney Schwerer asked can he see Planning Staff after the meeting so they can sit here and talk about this. Mr. Recor can get him his memo and Planning Staff ASAP get him their memo. They will put their heads together and they will start drafting it.

Commissioner Becht said one small clarity. In Item #1 where they talk about the City will immediately annex all Research Park properties, he would add into that a parenthesis, "The City will immediately annex all Research Park properties (those under annexation agreements and those not under annexation agreements)..."

Ms. Ehly said she thinks it is a good idea.

Commissioner Becht said it is a great idea. That will clarify that. They are going to ask for a lot and see what they get back.

Commissioner Coke said they never know unless they ask.

The Workshop ended at 1:15 p.m.

