

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON MONDAY, APRIL 17, 2006.

Mayor Benton called the meeting to order.

Reverend Bill McClain, St. Lucie Presbyterian Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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The next item on the Agenda was Approve Minutes of the Regular Meeting on April 3, 2006.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve the Minutes of the Regular Meeting on April 3, 2006.

Commissioner Nelson said he would address their attention to Page 30 in reference to a pay raise and the motion that was made relative to the pay raise. He is not sure as to whether or not he should address it at this time or at the end of the meeting or at a separate entity. What concerns him are two things. One is the succinct interpretation of what they did with reference to the 11% pay raise; and secondly whether or not they did or would or should in fact tie this with the study they paid for, and did they approve or accept the study which generated this particular pay. What are they doing here? What have they done?

Mayor Benton said this isn't the issue. The issue is what was made in the motion which showed up in the Minutes, if something needs to be changed. Is he right?

City Clerk Steele said that is correct. This is only approval of Minutes.

Commissioner Nelson said he is thinking in terms of interpreting in the Minutes what was meant by the motion.

Commissioner Coke said she thinks that motion is rather clear.

Mayor Benton said if he has an issue with the interpretation, at the end of the meeting... Because this is approval of the Minutes.

Commissioner Nelson said if that is their desire, he will discuss it at the end of the meeting.

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

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City Clerk Steele said Ms. Anneliese Prah, who is the ESL Program Trainer at Indian River Community College, has brought some guests to observe the proceedings tonight. This is their chance to welcome them.

Mayor Benton said these students are with the English as a Second Language Program.

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Mayor Benton proclaimed April 2006 as **Water Conservation Month**.

**Ms. Karen Smith** said on behalf of the South Florida Water Management District and the citizens they all serve, she would like to thank the Commission and the citizens of Fort Pierce for recognizing this critical issue.

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Mayor Benton proclaimed April 24-28, 2006 as **National Crime Victims Week**.

**Ms. Sonja Philpart** said on behalf of all victims and victim's rights, she would like to thank the Commission for this proclamation.

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Mayor Benton proclaimed April 29, 2006 as **Zora Neale Hurston Day**.

**Ms. Marjorie Harrell** said this grew from a three day event to now a six day event starting on Tuesday, April 25th with a review of Zora's books. Some of the people were there last year, they know it is a good book review. They will talk about her books and they will have dinner. It is free of charge. They can give a donation if they want to, but don't think they have to pay to come to the book review. It is totally free. All of the Zora events are free except for one event; and that is, a production company will come in on Friday night at Fort Pierce School of the Arts. They can get information on the website for the County. It is on the screen in front of the Civic Center all day long, it has been there for two weeks now. They can call the Cultural Affairs Council office and get the information about the festival. Flyers will be around town in different places for them to pick up. They will have them here at City Hall also. She would like to thank Jon Ward who was one of the key people in starting the movement for Zora in St. Lucie County along with two other employees of the County and the City. This is the first event that has been totally a collaboration between the County and the City of Fort Pierce. This is their second year having the Zora Festival. They expect about 5,000 people. They have a free concert on Saturday evening that starts with Ossie Wright on stage at 6:00 p.m. and Freddie Jackson at 7:00 p.m. They are asking them at 4:00 p.m. to park at the Civic Center on 25th Street. They will have the Transit Authority bringing them from there to the campus of Lincoln Park Academy on 17th Street and Avenue M because of parking problems. The buses will run back and forth and will carry them back after the concert is over at about 7:15 p.m. or 7:30 p.m. that evening. They will have vendors selling anything they want to eat. The theme this year is the Mystique of Zora. Zora traveled all over the country and out of the country to write her books. This theme deals with her traveling to New Orleans, to Haiti, to Jamaica, and to the Carribean Islands in order to write Tell My Horse. The book for the book review, they will discuss Tell My Horse, but the main book for discussion will be Their Eyes Were Watching God, because St. Lucie County did not discuss that book previously. So get the book, read the book, and even they don't get the book and read it, they will read it there or they will buy it because they win prizes at this book review and everybody wants to be a winner. So tell their friends, they have an event Tuesday, Wednesday, Thursday, Friday, Saturday, and then Sunday morning they have a brunch at the Pelican Yacht Club because there are so many activities going on downtown they couldn't get it downtown. They are booking early this year so they will be sure to keep it downtown Fort Pierce.

The brunch will start at 11:00 a.m. Buy tickets early. There is limited space at the Yacht Club. The tickets for the brunch are \$30.00. It is a full brunch which means they can go back to the table as many times as they want. (Flyers and posters were distributed to the Commissioners.) Each year they commission a work of art. This is the art work for this year's event. These will be collector items, she can assure them. As the festival grows and they bring in 100,000 people to the festival into St. Lucie County, everyone will wish they had one of these posters. Come out with their friends. It is a free event. They have struggled to make sure they get enough funds to make everything free except that one production company that is coming in. By the way, the artist is a young man who lives in Fort Pierce. He is fantastic, isn't he? His name is Joe Murray and the City of Fort Pierce is lucky enough to have Joe employed in the Planning Department.

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Mayor Benton proclaimed April 29, 2006 as **^Arbor Day@**.

Mr. Paul Williams, Urban Forester, said on behalf of the City Tree Board they really appreciate all that this Commission does. City Manager Dennis Beach, Deputy City Manager David Recor, and the entire City staff and all the work that goes in planting and maintaining the trees in this City is just a remarkable team effort and he really appreciates it. On behalf of the Tree Board, he wants to thank all of them tonight for making this Arbor Day program a reality. It will be their 17th consecutive Arbor Day, which also means they will be eligible to be Tree City USA for 17 continuous years. It can only be done with a team effort. He asks all of the public, all of the Commissioners, and all of the staff to come out Saturday morning, April 29th, to Heathcote Botanical Gardens for the Spring Fest and Arbor Day program. There will be free trees given away and they will have their Arbor Day Program at 9:30 a.m. There will be plenty of plants for sale at Heathcote. Then as the afternoon approaches, there is Zora Fest and plenty to do Saturday and Sunday.

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

Letter from Kathryn Geftman, Florida's Blood Centers, thanking Erna Baker, Administrative Technician in Human Resources, for her help.

Letter from Kathleen Fredrick, Backus Gallery & Museum, thanking Public Works Director Bob Hood for his generous contribution.

Letter from Pam Gillette, Main Street Fort Pierce, Inc., in appreciation of the help and support given by Michelle Kubitschek, Executive Secretary in the Public Works Department.

Certificate of Appreciation from the United States Air Force to Fort Pierce Police Sgt. Dennis McWilliams for his outstanding performance, support, and service.

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The next item on the Agenda was Request by Holly Price to postpone the Public Hearing on Application for **Site Plan** Review submitted by Charles & Valerie Crooks and Southstar Land Edwards Road LP for **Edwards Preserve** mixed-use development on property generally located at 3100 Old Edwards Road and to postpone Ordinance No. K-401, Rezoning the property, until the City Commission meeting on May 15th.

Commissioner Becht said he would like to know if there is anyone from the public who is here who didn't get the advance notice of the postponement?

Commissioner Nelson asked is the applicant here?

Mr. David Recor, Deputy City Manager, said he understands Holly Price was to attend the meeting tonight. The applicant's representative is here. He can tell them the basis for the request for the continuance. He spoke with Ken Natoli late this afternoon. There is an outstanding issue from the County regarding dedication of right-of-way for Old Edwards Road. The applicant is interested in meeting with staff to determine if that point of access is absolutely required. If they actually require the access point, it will require significant redesign to the project according to the applicant, for which an additional extension may indeed be required. So they have requested the continuance to allow staff and the applicant and the County to get together to try to resolve that outstanding issue.

Commissioner Becht asked has this been continued before?

Mr. Recor said yes, 60 days previously. If they recall this came originally before the Commission, he believes in February.

Commissioner Nelson asked the applicant is saying it would impose some type of hardship on him and not doable?

Mr. Recor said it would cause major redesign to the project if they were required to dedicate the additional right-of-way as required by the County.

Commissioner Nelson asked does he have an idea how much additional right-of-way?

Mr. Recor said 30 feet on both sides he believes.

Mayor Benton asked what is the pleasure of the Commission? He guesses they could open the public hearing, but he doesn't know whether the applicant is ready to make a presentation or not.

Commissioner Nelson said they have both parties here. He thinks it is reasonable to think, based on staff's input that they have an impasse to some extent, that it might be just prudent to go ahead and make the postponement for 30 days or so to give them an opportunity to try to work out these differences and come back with something that is going to be liveable by all concerned.

Mayor Benton asked City Clerk was this advertised in the newspaper where they have the request for postponement?

City Clerk Steele said yes, it was. Also, they have had many calls and everyone has been told it is being postponed. The Commissioners didn't receive anything in their package to act on.

Mayor Benton said there might be a lot more people here had this not been advertised.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to postpone the Public Hearing on the Application for Site Plan Review for Edwards Preserve, and Ordinance No. K-401,

Rezoning the property, to the May 15th City Commission meeting.  
Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Commissioner Nelson said in the interim he thinks they ought to try to find some common grounds and get together and come back and make everybody happy.

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The next item on the Agenda was Request by Steven Ball to postpone the Public Hearing on the Application for **Site Plan** Review submitted by Yale Developers LLC for **Yale Development** mixed-use development on property generally located at the 2800 Block of South 35th Street and to postponed Ordinance No. K-402, Rezoning the property, until the City Commission meeting on May 15th.

Mayor Benton said he received some pictures today from a resident who is here tonight of what appears to be some land clearing on this site prior to any discussion at all. (Pictures were shown to the Commissioners.) He just wondered how they can go to this step and clear land like this, not knowing whether they are going to get approval or not. He knows Paul Williams may be involved in this.

Mr. Paul Williams, Urban Forester, said no land clearing permit has been issued for Yale Development. A permit cannot be applied for and even thought about being approved until this Commission has approved that project totally.

Mayor Benton said it appears they already have a trailer on site, like a construction trailer, and land cleared. He believes Mr. Williams has been out to the site and has seen this.

Mr. Williams said he has been out to the site twice for some preliminary work that was being done. The developer advised the first time they were called out there it was some drainage work and the second time it was for removing some debris and other types of disposed material. Unfortunately, there was confusion between a single-family home that had been given a citation by Code Enforcement and the developer or the sub-contractors for the developer used that particular code violation to do some work out there. He and Dan Gargas, working through Bob Dusanek, got together with them and worked that out. As to any trailers, he is not aware of anything like that. It should not be out there as far as he knows the way the City's ordinance reads.

Mayor Benton asked is there any way, if this goes to the May 15th meeting, if they could get a letter from the County. He would like to know if the County approved this. That property was in the County at the time, right?

Mr. Williams said he will definitely look into that and get him that answer.

Mayor Benton said he knows they are pretty strict when it comes to land clearing. If they took out a bunch of pine trees and palm trees and cleared land like that without permits, he would like to know.

Commissioner Alexander said he is looking at pictures of trees being taken away. That is his concern about having permits for that.

Commissioner Coke asked also if Mr. Schwerer could check into, even

if they have received land clearing permits from the County, obviously they have since annexed into the City and this is a City project. So if they have received land clearing permits from the County but they are part of the City, she doesn't think those would be valid. She has some major concerns because they don't have a report on what vegetation was there, what should have been cleared, and what shouldn't have been cleared. This in her mind is just a complete disregard for the City, its rules, and their environment.

She has major problems with that type of thing taking place. She would like to know if they can find out. She doesn't care if they had a County permit, they are in the City; so if this was done, the City needs to get some kind of accounting for how much land clearing was done and what their Code Enforcement issues would normally be for someone who went ahead and flagrantly disobeyed the rules and regulations in such a manner. She for one would like to pursue that.

Mayor Benton said he agrees. Because it also gives the residents the idea, it implies this is a slam dunk, it is already a done deal, and it is not. When they break the rules like this...

Mr. Williams said he definitely will. He has been to the site and has seen it prior to any land clearing. He hasn't seen the photographs in front of them. He will look into that and get with Mr. Dusanek in Code Enforcement and move forward with this.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to postpone the Public Hearing on the Application for Site Plan Review submitted by Yale Developers LLC for Yale Development, and Ordinance No. K-402, to the May 15th City Commission meeting; and Staff bring back a full report of the land clearing.

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

Mayor Benton said they just want to make sure that everyone has the ability to speak on this when it is in front of the Commission.

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Ordinance No. K-419 entitled, **AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-100; PROVIDING FOR LIMITED USE TO BE MADE OF OTHERWISE NONCONFORMING LOTS IN R-4A ZONING DISTRICT; PROVIDING THAT CERTAIN NONCONFORMING LOTS IN RESIDENTIAL DISTRICTS TO BE REPLATTED AS CONDITION FOR USE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.** was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-419 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that Ordinance No. K-419 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-419 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-420 entitled, **^AN ORDINANCE AMENDING THE 2004-2005 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE CONSISTING OF FOUR (4) PAGES ATTACHED HERETO AND DESIGNATED AS THE 2004-2005 FINAL BUDGET AMENDMENT.** THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND, AND PROVIDING FOR AN EFFECTIVE DATE. **^** was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-420 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-420 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-420 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None

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Ordinance No. K-421 entitled, **^AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING CHAPTER 17, ARTICLE IV (SECTIONS 17-70 THROUGH 17-79); SETTING OUT **EROSION AND SEDIMENT CONTROL** REQUIREMENTS FOR CERTAIN DEVELOPMENT PROJECTS; PROVIDING STANDARDS FOR EROSION AND SEDIMENT CONTROL; PROVIDING FOR PROCEDURES RELATING TO ISSUANCE OF PERMITS; PROVIDING FOR AN EROSION AND SEDIMENT CONTROL PLAN; SETTING OUT DESIGN REQUIREMENTS AND PROVIDING ADMINISTRATIVE PROVISIONS RELATING TO INSPECTION AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.** **^** was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-421 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-421 be passed on first reading.

Commissioner Becht said they have asked that some of their previous ordinances be circulated to specific entities in the City and/or County. Can anyone tell them if this reached the Treasure Coast Builders Association or the St. Lucie Chamber of Commerce?

Mr. Hector Arias, City Engineer, said no, it has not.

Commissioner Becht said he for one would ask that it go to a minimum of those two organizations. The rest of the Commissioners may have wishes that it go to different organizations.

Mr. Arias said this Ordinance is a requirement of the NPDES (National Pollutant Discharge Elimination System) and was done in conjunction with the South Florida Water Management District. This is something very much needed.

Commissioner Becht said he is not challenging that. One other comment he has, it doesn't specifically say it is for the benefit of the Indian River Lagoon, or he didn't find that language in there, but it will impact and help the Indian River Lagoon. He is not against the ordinance, but what he is trying to promote is letting the public know in advance that the rules are changing, so they have a chance in the next two weeks to have input and say they may not understand the consequence of this particular provision of the ordinance. He is not saying stop the ordinance. What he is saying is, gather more public input. And they will get that if they send it out to the Treasure Coast Builders Association and the St. Lucie Chamber of Commerce.

City Manager Beach said they will do that.

Commissioner Coke asked they will do that with a letter telling them when the second reading will be?

Commissioner Becht said right.

Commissioner Nelson asked wouldn't the County have an interest in this as well?

Commissioner Becht said it is only within the City that the ordinance is going to have an effect. The County has too much control in the City already, so he is not interested in giving them notice.

Commissioner Nelson said not as much as trying to have control as a matter of having them apprized of something that they might do out in the County that might affect the City. Everything that comes out there in the area of erosion control comes through the City going to the river.

City Manager Beach said they will send it to them. It can't hurt for people to have the information.

Mayor Benton said maybe they will do the same thing themselves. Staff will just make sure letters go to everybody.

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

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Ordinance No. K-422 entitled, **^AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING ARTICLE II, CHAPTER 16, **SOLID WASTE, JUNK AND LOT CLEARANCE**, TO AMEND SECTION 16-16 BY UPDATING DEFINITIONS, AMEND SECTION 16-17, RECEPTACLES REQUIRED GENERALLY, AND AMEND SECTION 16-22, DEPOSITING WASTE MATTER ON OR NEAR PUBLIC PROPERTY, AND AMEND SECTION 16-24, SAME--RESPONSIBILITY OF CITY, AND SECTION 16-25, RESPONSIBILITY FOR CONTAINERS, AND AMENDING SECTION 16-27, BULK TRASH REMOVAL; RESIDENTIAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.** was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-422 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton

declared the Public Hearing closed.

Commissioner Alexander asked is Harold Hopkins here? He has a question with a concern. He happened to, a couple of weeks ago, for purposes of inspection of a building, went down to have services turned on. They turned on all of the services whether it was water and sewage and garbage. For reasons of inspection, his question was, why did it have to include garbage? They said that was a City ordinance that they would charge him for garbage while services were on.

Mr. Harold Hopkins, Director of Solid Waste, said the Fort Pierce Utilities Authority when they cut a service, they don't just look at any particular one part of the bill, they look where the bill is paid in full, he believes is what their logic is on cutting service. If the bill is not paid in full, then they cut the service. They don't try to determine what part of the bill was not paid.

Commissioner Alexander said okay. The reason he asked that is because it happened to him. He questioned why are they charging for garbage when all he wanted to do is inspect to see if the water and electric is running. Over on the Avenue B area, he was over in that area and he saw no refuse containers. It says here that each dwelling unit would have accessibility to this. His second question is, why does not each one of those units over there have a garbage container? They are paying garbage, they are paying refuse, they are paying recycling. He did not see one recycling container.

Mr. Hopkins said he doesn't know this particular instance, but there may be a dumpster servicing the complex, he doesn't know that. Normally everybody as far as he knows that wants a 90 gallon can has a 90 gallon can.

Commissioner Alexander asked is he saying there was a dumpster? He brings this up because it was disgusting to him how the area in general was so littered with paper and trash that to see one dumpster maybe from here to the front of that building, that was the only dumpster there, so where do they think the people are going to put the trash if they don't take it to the dumpster? He just has concern that the neighborhood, when they expect neighborhoods to clean the litter and so forth, people walk by and see that trash, it is just overwhelming. Again, that is where he is back to. If each individual dwelling unit had a dumpster...

Mr. Hopkins said no.

Commissioner Alexander said refuse for trees, limbs, and bushes, then they wouldn't have that. They have one dumpster. They are not to put everything in that dumpster, are they?

Mr. Hopkins said within reason they can put everything in the dumpster, if they can break it down and get it into the dumpster. An apartment building owner selects what type service he wants, whether he wants 90 gallons or whether he wants a dumpster. Normally a dumpster best serves a multiple-family complex. As a matter of fact, if they try to put a 90 gallon container at every front door, then they have really created a problem with aesthetics as far as the containers sitting outside the building or out by the curb perpetually. So dumpsters serve those areas better in many

cases.

Commissioner Alexander said okay. As he was reading this, he was referring back to that area. And because of the fact that when they speak about stuff being put on the right-of-way, the City is not going to want to pick up that refuse. Is he understanding that right, that they are trying to limit what goes on the side of the road?

Mr. Hopkins said absolutely. That is a part of the revision of that particular ordinance was to eliminate the bag portion that was implemented back when Mayor Buell Brown was here when the system first started. They allowed plastic bags to be used in addition to the 90 gallon. In recent times, the plastic bag has become dominant and people are walking away from the 90 gallon container. So in this ordinance they have eliminated the use of a plastic bag as a primary storage unit.

Commissioner Alexander said then they are going to have what he saw in the neighborhood, debris and litter everywhere. They would even be afraid to ride down the street right-of-ways or the roadways because there is so much trash.

City Manager Beach said if Commissioner Alexander will get with him and they will look at the specific neighborhood and the specific street; then he will get with Mr. Hopkins and they will design a program that may work for everybody.

Commissioner Alexander said he just doesn't want to set people up to fail. When they fail, they are looking at this filth. They set people up to fail and they are going to have filth.

City Manager Beach said he will call him so they can sit down and work through that and see what they can do to deal with it.

Commissioner Alexander said he does have some concerns about it.

Commissioner Nelson said he looked at the ordinance and the definition of a dwelling unit. He knows in prior occasion they have looked at trying to define what a dwelling unit is. To what extent are they applying a universal meaning of dwelling unit on this project? He recalls their having a real struggle with a dwelling unit on a prior occasion.

City Attorney Schwerer said he can't tell them whether this definition is consistent with the definition in the Florida Building Code as a dwelling unit or whether it is consistent with the definition in the zoning code or any other code. He will tell them that this definition is used solely for the purposes of this ordinance, which is the solid waste removal. For purposes of this ordinance, a dwelling unit is defined as any building or portion thereof which is lawfully used for residential purposes consisting of one or more rooms arranged, designed, or used, or intended to be used as living quarters for one household only. When it goes on to define regulations for the garbage removal, storage and/or containers for those, that is the definition that applies. He is pretty sure that Mr. Hopkins is comfortable with that definition as far as it relates to his department being able to provide service to dwelling units.

Commissioner Nelson said they are dealing with an entire city and

an entire populous. They are revising their building codes. He fails to grasp his concept that this applies only to this ordinance. When they are dealing with the public, they have to be consistent in what they are doing. He thinks as a Commission, they like to be consistent. If it is a dwelling unit defined one way in this case, it should be a dwelling unit defined the same way for another case.

City Attorney Schwerer said no. The laws are set up that are designed that when they give something a definition for one particular ordinance, what is a dwelling unit for garbage service, for the debris removal it is different than how they might define a dwelling unit for building code purposes to calculate square footage of a dwelling unit for livable space for the number of people who can occupy it. So each ordinance is different. He can't tell them if this definition conforms to it.

Commissioner Nelson said this is the first reading, they can approve it. If Mr. Schwerer would be so kind as to research it and be more convincing on the second reading, he would be beholden to him.

City Attorney Schwerer asked what is it that he needs to research?

Commissioner Nelson said in terms of defining a dwelling unit. Get with Mr. Recor and the Building Department and all those people, and make sure that if it is appropriate, then they have the universality in this thing. If not, no big deal.

Commissioner Coke said while they have Mr. Hopkins here... There is a lot of confusion because somehow the garbage can system was set up wrong. Green cans should in her mind be for green waste, not for garbage. However, since they have already set it up incorrectly, when they label the cans, can they put the label the top where people can see garbage or tree limbs only. Also, can they make them multi-lingual labels. Because if she can't remember which can garbage goes in, and she theoretically knows, they need to make that clear to people. Because she has had construction work done at her house where the guy piled debris into the other can. She doesn't know if they didn't read the label or couldn't read the label, but then it becomes a big thing because the garbage people want to leave her a little note to say they are not picking it up, take it out of this can and put it in the other. She thinks if they can do everything to make it so everybody understands what goes where, including making the labels bi-lingual, it would assist them.

Mr. Hopkins said they can probably put the label on top of the can on all new cans that go out or as they replace a label.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-422 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-422 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Request by Andrew Speranzini to postpone action on an Application for Subdivision Review - Preliminary Plat - submitted by Buccaneer Development for **Elm Creek Estates**, 34 single family lots, on property generally located between Elm Avenue and Sunrise Boulevard, south of Weatherbee Road,

to the May 15th City Commission meeting.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to postpone action on the Application for Subdivision Review - Preliminary Plat - submitted by Buccaneer Development for Elm Creek Estates, until the May 15th City Commission meeting.

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

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The next item on the Agenda was Mr. James Freitas, Bottoms Up Beverage, request **Alcohol Beverage Permit** for SKA Fishing Tournament at Harbor Pointe on April 20-22, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Alcohol Beverage Permit for James Freitas, Bottoms Up Beverage, for SKA Fishing Tournament at Harbor Pointe on April 20-22, 2006.

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

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The next item on the agenda was Mr. Jordan Kane, Friends of Designated Drivers, request \$1,000 in **Public Funds**, for Welcome **SKA Street Festival** public event, funds for advertising and entertainment.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the request by Jordan Kane, Friends of Designated Drivers, for \$1,000 in Public Funds for Welcome SKA Street Festival.

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

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The next item on the Agenda was Ms. Linda Bailey, Downtown Farmers Market of Fort Pierce, Inc., request \$9,040 in **Public Funds** for advertising, entertainment, etc. for the **Farmers Market**.

Commissioner Coke asked is this an appropriate thing to run through the City or should this be through the CRA (Fort Pierce Redevelopment Agency)? She doesn't have a problem approving it. She just wonders are they approving it through the proper channel.

City Manager Beach said he thinks the question would be, is it eligible for CRA funding? Mr. Ward is indicating that it is eligible for CRA funding.

Commissioner Becht said the packet indicates they are needing or wanting to advertise more, including television advertising. In short order the City will have a dedicated channel. He is wondering could they could meet their needs with less cash and an in-kind contribution?

Mayor Benton said he would think that would be a good idea. He knows they have a pretty good crowd that shows up on Saturday morning.

Commissioner Becht said that is what they are trying to set up a channel for.

Mayor Benton said also right now, maybe a request to St. Lucie County. He knows when they had the light show downtown, they were late on that, but Linette Trabulsy has told him that if they give her prior knowledge, they would be more than happy to use Channel 21 now. Send a letter. It would save the City some money.

**Ms. Linda Bailey** said the basis of their request is, they are a year round operation now, and also because the City of Port St. Lucie now has a Saturday morning market. While they think they have the best venue and so do their vendors and their patrons, they need to remind people that they are here and that they are going to stay here. Also with the construction, they feel like that is going to cause their patrons concern as well as their vendors. So as much as trying to show support for the Farmers Market, they are trying to show support to their vendors also. She doesn't know how the television channel would affect what they are trying to do.

City Manager Beach asked would they like to refer this to the Fort Pierce Redevelopment Agency for consideration? It very well may be more appropriate for that.

Mayor Benton said he would think so, because he doesn't know how much the City has in their specific budget for advertising.

City Manager Beach said this would certainly exceed that particular set aside that the Commission has. He is sure of that. Again, it may be something for the FPRA Board to consider.

Mr. David Recor, Deputy City Manager, said in the event they would like to defer this to the next meeting of the FPRA, he will follow up with some preliminary discussions that he has had with the Executive Director of the Kight Center at IRCC regarding production services for some other video segments. And it may well be that they could do a running segment for considerably less cost and have it actually run on the City's dedicated channel beginning July 1st. He will try to get a dollar figure for discussion at the FPRA Board meeting.

Commissioner Coke said that would be great.

Commissioner Becht said that is wonderful.

Ms. Bailey said that would be great. They would appreciate it.

Mayor Benton said the City wants to work with them because they know it is a difficult time with all the construction. They hope everybody will bear with them. They will work this one out. They will put this on the next FPRA agenda.

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The next item on the agenda was Mr. Toby Philpart, Sunrise City Community Housing Development Organization, request \$10,000 in Public Funds for advertising, paint supplies, food, etc. for Paint the Town 2006.

City Manager Beach said he passed out a memo prepared today from Brian O'Connor (Director of Community Services) that outlines the reason for this request. Essentially what it amounts to is, they are looking for a source to cover some expenses that are not eligible through their CDBG program. The memo indicates that the CDBG program has appropriated some \$17,000 toward this activity and

the costs that are not eligible are somewhere in the vicinity of \$11,000 or \$12,000. And what they are requesting is \$10,000.

Commissioner Nelson said since some of these houses are in the County, are they getting any input from the County on this?

**Reverend Toby Philpart** said yes. As of today, they have a confirmation from the County in the amount of \$3,800 for five of the homes that are going to be painted, prepped, fascia, soffit, pressure cleaned. The County has definitely contributed. In addition to the County contribution, they have solicited the Weed & Seed organization who have committed \$4,200 to the County homes. They have about five or six applicants within the County and the Weed & Seed target area that they are considering to maximize the resources. They are getting calls every day.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the request by Sunrise City Community Housing Development Organization for \$10,000 in Public Funds for Paint the Town 2006.

Commissioner Becht said it seems to him the CDBG monies are \$17,000 and the City's monies will probably be \$10,000. Can Reverend Philpart assure the Commission that the City and the CDBG are going to get appropriate recognition? They are pretty substantial sponsors of this. He would like not for the City's name not to be the smallest on the banner or the smallest on the T-shirts.

Reverend Philpart said the name of the City is number one. They have already started advertisement through the radio stations, the t-shirts. The City is their Number One sponsor. The residents know the City of Fort Pierce is the number one sponsor. Weed & Seed and the County are second and third as a sponsorship.

Commissioner Becht said whatever recognition is appropriate, but with \$27,000...

Reverend Philpart said the proportion of homes, 90% of them are City residents.

Mayor Benton said he has also asked Reverend Philpart if he would come in front of them after this with a report, if he would show them some before and after photos. He knows they have taken a tour before. Most of them up here, not all of them, have volunteered for Paint the City. When he sees they are expecting 450 volunteers, they must be doing something different this year; because he knows they haven't had that participation in the last few years, or at least that he saw.

Reverend Philpart said the first year they did, then it died down with the volunteers. This year he thinks they are going to be happy with what they see.

Commissioner Alexander said he hopes they make some big t-shirts for big men. One other thing, since this is going to be an effort for their fine community, maybe that is something they can propose at budget time coming up, they can just do a line item.

Reverend Philpart said that would make it a lot easier. Mr. Beach knows they made it due process to work with staff and CDBG people.

Mayor Benton said also in the past they had partners like Home

Depot and other partners. Reverend Philpart told him earlier that they haven't been so responsive this year, whether it had to do with the hurricanes.

Reverend Philpart said from the financial perspective. Mr. O'Connor can tell them that a lot of people this year decided... For instance, Tropicana. Mr. O'Connor, Tysha Williams, and Dorina Jenkins have a lot of in-kind contributions of doughnuts, coffee, water, those type of things. These expenses they are presenting to the Commission are monetary expenses. So in the future they will seek further monetary expenses.

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

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The next item on the Agenda was Ms. Nerissa Martin, Women With Words Book Club, Inc., request \$1,000 in **Public Funds** for advertising, building rental, food, etc. for the 2nd Annual **Zora Neale Hurston Community Book Review**.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve request by Women With Words Book Club, Inc. for \$1,000 in Public Funds for the 2nd Annual Zora Neale Hurston Community Book Review.

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

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The next item on the Agenda was Review and approval (pending City Attorney's input) of an Interlocal Agreement creating the **St. Lucie Metropolitan Planning Organization** for Federal Certification of St. Lucie MPO.

Commissioner Nelson said for the record, this is an action started back in April 2004 he thinks. He was acting Chair of the MPO at the time. It required a re-certification so as to get monies to build bridges and roads, etc. from the Florida Department of Transportation and the Federal Highway Administration. It requires that they submit to the Governor a plan to reorganize their Metropolitan Planning Organization to increase its membership from 10 members to 12 members. The contention was there to have Port St. Lucie have more members than the County. The County had four members and Port St. Lucie wanted five because they are the biggest group in town and they felt they should have the greatest voting power. The Governor approved their re-organization structure some time ago; and the Florida Department of Transportation sent them a letter indicating that it had been approved and they should go forward with it. They gave them until the 8th of July this year to come up with a Memorandum of Understanding recognizing this reorganization wherein the City of Fort Pierce had two members, the School Board had one, the Community Transit Authority had one, Port St. Lucie had four, and St. Lucie County had four. They reached an impasse. If they don't approve this agreement, then of course the certification which is required might be in peril. He recommends they approve it. It has all those entities in there which protects the interest of Fort Pierce and the citizens of Fort Pierce.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve an Interlocal Agreement for Creation of the Metropolitan Planning Organization for Federal Certification of St. Lucie MPO.

Mayor Benton said he believe this debate started even before Commissioner Nelson was the Chair because he was an MPO member when they had this fight. He is glad to see this finally over with. Commissioner Becht said Port St. Lucie has not blessed this yet. Is that correct?

Commissioner Coke said it is in front of their Council presently. Port St. Lucie finally recognized the fact that if they did not enter into an agreement, they were going to lose millions of dollars worth of revenue to their joint MPO area, so they agreed to enter into this. And they are kind of insisting now that they have every other meeting down at Port St. Lucie to accommodate this; and they are looking to perhaps restructure the MPO staff to be a separate entity, rather than under the umbrella of the County.

Commissioner Becht said based on the material he read, the number of votes for Fort Pierce at two seems to be as much as they are going to be able to finesse.

Commissioner Nelson said that is correct.

Commissioner Becht asked who appoints the head of the Community Transit? How does one get to be the head of the Community Transit?

Commissioner Coke said Darrell Drummond has been serving.

Mayor Benton said he is appointed by their Board, he believes.

Commissioner Becht said what he is going at, he wants to know whether that is a St. Lucie County controlled entity or a Port St. Lucie controlled entity.

Commissioner Nelson said it is neither. Even though the Community Transit is under the County, in this case they are separate.

Commissioner Becht said give him the flow chart - the Board of County Commissioners appoints the Board to the Community Transit Authority, and that Board then elects or nominates the Executive Director - is that the way it flows?

Commissioner Coke said she is not sure, but she knows they receive the majority of their funding from the MPO, so they kind of have to be responsive to everyone on it.

Commissioner Becht said he was looking for accountability, that is where he was headed, making sure they had a balanced approach there.

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

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The next item on the Agenda was Submittal of Application(s) for Appointment or Reappointment as **Special Master**.

City Clerk Steele said the Commissioners have received one application for reappointment. There will be a resolution on the next agenda.

Commissioner Nelson said he notes that Mr. Beach was supposed to provide some information about these Special Master people - the number of cases and monies involved.

City Manager Beach said that information is being prepared.

Commissioner Alexander said he has a little concern about things coming from the Special Master directly to the Commission and it is being interceded. Can Mr. Beach give him an understanding on what it means when a Special Master makes that decision and directly forwards it to the Commission? At what point does anyone have entitlement to change or redirect the wordings that come from the Special Master?

City Manager Beach said he doesn't believe they do. He can get a more detailed discussion of that, but that relationship is a legal relationship having to do with the activity of the Special Master and what his or her authority and responsibility is, and the City Commission. So there is really not anybody between that process that should interfere with that.

Commissioner Alexander said in a couple of occasions it has come with a Special Master request and when it gets before the Commission it is a horse of a different color.

City Manager Beach said yes, he knows exactly what he is referring to. Staff can have a different opinion than the Special Master. When the Special Master makes a recommendation to the City Commission, that is what that is, it is a recommendation. If staff doesn't agree with that recommendation, staff can recommend something else. Then it is up to the Commission to decide which one they are going to accept. If the Special Master makes a ruling, that is a different issue. Once he makes a ruling, no one is going to interfere with that.

Commissioner Alexander said he just wants to make sure it is perfectly clear. When it gets before him, when he be sitting up reading these and cannot decipher between here and there, he wants to know exactly what is what.

City Manager Beach said how that works is, the Commission gets to choose whether to accept the Special Master's recommendation, staff's recommendation, or come up with their own conclusion. They are not bound by either of those.

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The next item on the Agenda was Update on the Rewrite of the Comprehensive Plan.

Mr. David Recor, Deputy City Manager, said the monthly report is provided in their packet. As he thought about the more specific information he was going to provide to the Commission tonight, it dawned on him that they had this conversation previously at the joint meeting (on April 10th) with the St. Lucie County School Board and the County Board of County Commissioners as well. But just for their information as well as the public's information, they will be moving forward on the School Siting criteria which has been completed as well as the Port Sub-Element. They have a draft completed of the Port Sub-Element, as well as the Concurrency Management System. They will be scheduling transmittal hearings which will require a recommendation from the City's Planning Board and a transmittal hearing by the City Commission to the Department of Community Affairs. They will issue what is called an ORC (Objections, Recommendations, & Comments) Report. They will incorporate that feedback and then schedule an adoption hearing. And this should address the outstanding issues from 1999 and put

them on an equal or level playing field with the Department of Community Affairs. They will then move forward with completion of the remaining elements of the Comp Plan. In addition, this weekend, this Saturday has really turned out to be a busy day in the City of Fort Pierce. They also have the fourth Planning Workshop scheduled for this Saturday. It will be held here in City Hall and it is for Planning Area 4. They have provided notice in the lobby here in City Hall with maps depicting the area. On a related matter, they did follow up from the discussion that occurred at the last City Commission meeting regarding written correspondence on the City's position regarding the Submerged Land Lease for Berth #4. That was transmitted directly to the Governor and the Board of Trustees.

Commissioner Nelson said by happenstance he hopes the Comp Plan has a definition section there where they deal with those dwelling units. He wants the City Attorney to be consistent. Secondly, let him point out at this juncture the fact that he had a death in his immediate family and the funeral will be on Saturday, so he will not be able to attend their workshop or planning session.

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The next item on the Agenda was Review of draft **Design Review Guidelines**.

City Manager Beach said this is being submitted to the City Commission for information. It is something that was discussed at their workshop (on February 28th) and was to be presented to the Commission for discussion and review before it moves forward.

Mr. David Recor, Deputy City Manager, said this subject has been a priority for the City Commission for several years and he thinks it is absolutely worthy of some introductory remarks. As the City Manager indicated, during the February workshop, they committed to completing this task within 30 days, by the end of March; and they are pleased to report that they have met that task as assigned. Tonight before the Commission they have an ordinance that establishes a design review process as well as the actual design review guidelines. He wants to point out that they have also completed a draft ordinance that establishes a Design Review Board, although they have not provided that for their review as of yet. That ordinance will address the purpose of the Board, its makeup, the Board's jurisdictions, its powers and duties, who will provide staff support to the Board, as well as providing for an appeals process. The ordinance will be scheduled for public hearing at the same time that the process and guidelines ordinance which they are reviewing tonight are scheduled. As far as the design review process goes, the ordinance before the Commission this evening contemplates design review being accomplished as part of the site plan review process. In fact, the ordinance requires all development activity requiring site plan approval to be subject to the design review process. The ordinance identifies the submission requirements for two types of review. There is a conceptual approval process as well as a final approval process. Inasmuch as the Zoning Administrator and he are emphasizing to the development community to try to spend as much time on the front end of development projects, they contemplated requiring a two step approval process for design review. In the end however, they made the conceptual approval step a voluntary step in the process. Development activity may be further broken down into different types of categories. For example, there is new construction, starting from a blank sheet of paper. Alterations and/or additions, minor external changes, and even signage. Submission

requirements must include a survey of the property lines, a depiction of the existing vegetation, as well as the location of streets, wetlands, and even the beach. A site analysis study that discusses how these site features influence the design element of the project is also required, as well as a written narrative that actually talks about the project itself, its goals and objectives, and how the project reflects the site analysis results. Photographs and drawings for architectural precedent and historic documentation are also required. This will give the design elements context. All this information will be used by staff and the Design Review Board. The ordinance provides for a staff review and report as well as a public hearing before the Design Review Board. The Design Review Board will be charged with making a written finding of consistency with the Design Review Guidelines; and they may approve, approve with modifications, or deny the submittal. The DRB (Design Review Board) approval, as the ordinance is currently written, shall expire at the time of site plan approval since the two are linked together. What about the guidelines themselves? The guidelines suggest approaches to design situations that will contribute to the developing character of the City. These are not intended to stifle innovative architecture, but rather to assure respect for and reduce incompatible and adverse impacts on the visual experience throughout the City. If they recall, during the discussion at the workshop they originally contemplated linking design review to the City's primary arterial roadways, what they called the corridor overlay. Instead they have linked it to the site plan approval process. The design theme is characterized by a blend of Mediterranean, Key West, Colonial, Mission, Prairie, Streamlined Art Deco, and Mid-Century Modern architectural elements. As they note from the color pallet being displayed, that is influenced by the tropical climate and the regional architectural patterns of the area. The guidelines include both architectural improvements standards as well as streetscape improvement standards. He will briefly differentiate between the two. The architectural improvement standards address elements such as roofs, gutters, entrances to buildings, windows, and building elevations. While the streetscape improvements include those functional facilities that occur on site, but are not necessarily part of the building. For example, decorative light fixtures, fountains, sculpture and other civic art forms, benches, tables, planters, retaining walls, pedestrian and bicycle paths, trash receptacles, bollards, fences, and those kinds of improvements that are visible from the street. These improvements will be reviewed for aesthetic functionality and compatibility with the City's design expectations. The guidelines also include provisions for maintenance of these improvements as well as changes to approved plans. Staff hopes this draft ordinance is consistent with the Commission's expectations for this endeavor. There is no action required of them this evening, but rather their reaction, they welcome their feedback. And they will move forward with the public hearing process, incorporating their comments, suggestions, and concerns, and solutions to their feedback.

Commissioner Coke said first of all, in concept she loves the idea. She thinks they need to bring some more people in, like the Builders Association and some of those people, on reviewing it prior to public hearings and getting it a little more clearly defined. Although she is sure it doesn't surprise any of them that she has a couple of concerns, because individuals coming in looking to build do have property rights. These are not necessarily major concerns, but she is going to voice them anyway. When they talk about windows, if they are looking at windows on a storefront, in

her mind they are talking about window frames and sills, that is not necessarily conducive to a store owner being able to utilize their window to the best of their capabilities. They also talk about storefront glass shall be clear and the interior view of the store unobstructed from signs and the backs of counters, display racks, and merchandise. She will tell them, having been in retail for 30 years, there is absolutely no way they are not going to have every non-profit in the City coming in asking to put a sign in the window for the Zora Fest or for this or for that. Also, any way they look at it, they are going to have display racks and counters; and those are going to be visible if they have a lot of windows. So she thinks they are setting themselves up to fail with that provision there. They talk about storefront offices shall be restored to original configuration. She is not quite sure what the intent of that is; but she will tell them again, having worked downtown for - she hates to admit it - over 30 years, if there is a demand for retail, they will find that the landlords will quickly change those offices into retail. Hans Kraaz could not rent his building for a year and a half looking for retail. They talk about awnings being the same throughout the course of the building. She has been many places, and they have some of it in downtown Fort Pierce, where it is a building that is half the block and each storefront has painted their part of the building a little bit differently and the awning is a little bit different. They need to address what are they going to do about nonconforming existing awnings. And the fact that sometimes just doing that type of thing breaks it up, rather than having one huge span of a green awning or a black awning or a blue awning, each individual store pops out a little bit more. So they might have some people complaining about that. Her last objection is this. It is not that she doesn't love those colors, because those are the colors she used on her home. She does however feel that requiring someone to build a building and utilize only the colors that the staff and she likes, they would not have had Harbor Federal with their beautiful blue roof downtown if that had come to pass. Although she thinks there should be perhaps a recommended color pallet, she doesn't think personally - and she could not support personally - requiring someone to utilize that. If someone wants to come in and say they are going to paint their building purple and green, she would have some concerns about that. However, there may be some other nice colors that staff has not picked out that would be acceptable. If it was the person building the building's favorite color and it is a nice color, why should they say no because it is not on their color pallet?

Commissioner Becht said first he wants to thank staff for getting this to the Commission as quickly as they have. This he thinks has the potential for raising the bar in Fort Pierce more than anything else they have done yet, visibly. A lot of infrastructure they can't really see. This they are going to see. Also, it is going to cause their citizens the most aggravation. So if this is something they want to do - and he for one does want to do it - he thinks they, as Commissioners and as leaders, need to get out and sell it and explain to the citizens what they are trying to do. On that note, he would ask that they forward the proposed draft to the Treasure Coast Builders Association, the St. Lucie County Chamber of Commerce, the Landlords and Tenants Association, and the St. Lucie Realtors Association. And if this Commission agrees with him, he doesn't think there are more than ten or twelve licensed architects that hold the City of Fort Pierce Occupational Licenses, if they could send it to them. They at least then have tried to engage them in this process. Whether they respond or don't

respond, it will be left up to them, but they will not be able to claim that they didn't know this was coming. He will be asking staff to go with him to a couple of meetings with civic organizations and start the sales pitch. They need to sell it. It is going to help, but it is going to aggravate people. Following up on Commissioner Coke's comments on color, he happens to live with a lady who plays with color all the time. He can assure them that some of the color combinations she has put together, he would never have thought went together, but they do in some artistic way.

So if they can keep an open mind about the palette selection. Something else, he would like to tie staff's hands. He is going to ask staff to get back with him on how do they create a time limit.

When the application is submitted, he wants staff to have to determine that it is complete within a certain number of days. If it is complete, then they have a certain number of days to react to it. If it is not complete, they are required in written form to advise the applicant that it is deficient because of x, y, and z. Where it goes from there, he doesn't know. All these people can read the code, they know what they are supposed to do. But he wants staff required to respond to an application within a reasonable time and tell the folks that it is either complete, which means they do move on, or it is not complete, which means they get put way back. Because they didn't bother to read the code and put it together right the first time, now they go to the back of the line; and when they get everything together, then they will be put back in line. But he thinks it is important to reduce the aggravation to the public, that they understand that once they get a complete, they are going to have a response back from staff within a certain number of days.

Mr. Recor said he understands that point and he thinks it is a good one. The explanation for the absence of those provisions is that the design review process as it is currently structured is umbrellaed by the City's development review process. So a development would not advance through the development review process until they had completed this part of it. But they can certainly go back and add that specificity to the document.

Commissioner Becht said it is something he is going to ask for when they go through the land development regulations, that they do have that same type of onus on the City to respond. South Florida Water Management District has got it, and it is a tremendous help with the interaction between the SFWMD and the private sector, they can get a response back. Unlike the Army Corps of Engineers, where it is just lost forever.

Mr. Recor said he understands completely what he is suggesting.

Commissioner Becht said the other little thing he had, which they bumped into before in the downtown area, they don't have a provision for where the garbage containers are going to be, or he couldn't find where the garbage containers were addressed.

Mr. Recor said just what they are going to look like.

Commissioner Becht said he just wants them to be hidden, fenced, or whatever. He thinks they have a land development ordinance on that. That is all he had. He does thank staff for getting it done. The Commission needs to do their job and try to get the public educated on the benefit of it.

Commissioner Nelson said he too joins in praising staff for their

work thus far on this issue. He wishes they would come out and convince the people next door to his house relative to the color selection. It is a sight to behold, the color. He hopes they are coordinating with CDBG people and their painting program in selection of colors. Also work in concert with Reverend Philpart and his group to paint some houses both in the City and the County.

If they can get them involved in these conceptually approved or desired colors, he thinks it would be of benefit to all concerned.

Because strangely enough, colors of homes have a reflection one way or the other of themselves and the quality of life they are trying to live.

Mr. Recor said that is also a good point. If he wasn't clear, staff knew that the Commission would be sensitive to the issue of color. These are intended to be typical of the tropical color pallet. These are not mandatory. To address the issue that Commissioner Becht raised regarding some colors being appropriate or inappropriate when used in combination with another, one of the other ways that they contemplated addressing the issue is to discuss the issue of tone and hue and providing a definition of how colors may be used in combination with one another. In the end, they decided on a recommended color pallet that typifies the tropical climate.

Commissioner Nelson said that is fine, but he thinks Commissioner Coke had a house in her neighborhood that was uniquely colored. Now he has one in his neighborhood that is uniquely colored. They are quite sensitive to those colors, he can assure them.

Mr. Recor said that is exactly the kind of thing that staff wanted to avoid, that example.

Mayor Benton said he will say thank you too. This has been a long time coming. This Commission has been asking for these things for a long time. Their job is to sell the community on this. Do they have a time frame that they are looking for this to become reality?

Mr. Recor said he believes staff has their marching orders. They will move forward diligently.

Mayor Benton asked can that color chart be made available for presentations?

Mr. Recor said yes.

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The next item on the Agenda was Consider proposal by Marlowe & Company to continue lobbying efforts in Washington, D.C., for funding of the **Federal Courthouse** construction project in an amount not to exceed \$22,500.

Commissioner Coke said these people were very helpful when they were up in Washington, D.C. Can Mr. Beach tell her who it was that set all of their appointments when they were there? Was it City Staff or was it Marlowe & Company?

City Manager Beach said a combination. They worked with his office in putting those together.

Commissioner Nelson said he noticed (in the letter from Gregory Burns dated April 7, 2006) that they are stressing the fact that the Commissioners go again to Washington again. Also it indicates that the Congressional staff has submitted an appropriation request

for funding of the courthouse project to either the House or the Senate. Could they get preliminary copies of what each of those Congressional offices submitted to those appropriation committees, so they will have in hand the fact that they did send a letter and a follow-up on that.

Commissioner Becht said he thinks he can answer that question because he asked that of the lobbyist while they were up there. The lobbyist said no, they are not going to show them what their budget request was.

Commissioner Nelson said he never asked for it in Washington, but he has asked for it in Tallahassee. His member did in fact give him the extraction from this big old book. Of course, there is a page in there that has this request in there. All they have to do is pull that particular portion out.

Commissioner Becht said he doesn't mind asking. He is just sharing with them.

City Manager Beach said he believes if they pose the question in a way to ask them for some evidence of what they referred to in their letter, that these submittals have occurred, then they can provide the City something that would work for their files.

Mayor Benton asked when is this contract the City currently has with these folks up?

City Manager Beach said that was a very specific contract to deal with those issues through the month of March. They contracted with them early in January and that was probably one quarter. If they notice, the proposal from Marlowe & Company is for the final three quarters of this year. It is \$7,500 per quarter.

Mayor Benton asked is there any way the Commission might consider waiting until the next meeting to make this decision? Because after speaking with Senator Martinez's Acting Chief of Staff, and speaking to the Senator today, he did explain that they were in his office and waited some time. Senator Martinez indicated it was a lot easier to get in touch with him at home. Knowing their folks in Tallahassee, it is sometimes difficult... But mainly when they are in Washington or if they are in Tallahassee, they are up there working and it is very hard to get with them, if they are in Committee. He is just wondering maybe talking to their staff, if the City staff might contact them locally and find out which is better. Is it easier to sit down with their local Congressman or Senator at their office here in Florida?

City Manager Beach said he can say without doubt that if they contact the Senators and the Congressmen, they will tell them not to hire lobbyists. The reason being is that they perceive themselves to be their lobbyist. They have elected them to go up there and they are going to take care of their business. If they have to hire somebody to meet with their staff to take care of their business, that is not necessarily offensive to them, but it certainly is an indication that they are unable to communicate their needs and what they are trying to get accomplished within the confines of their own staff. There is a reason that virtually every organization in America has lobbyists in Washington, D.C., because it takes that effort and it takes that focus and it takes that time to make things happen. That is not said to be disrespectful toward their Congressmen or their Senators. It is

just a fact of the demands on their time and the fact that they are going a hundred different directions. And if somebody is not focusing them, it is not happening.

Mayor Benton said maybe the Commission can just get a little bit of an update or report on what they are doing. The only thing he wasn't happy with when they went to Washington was, Congressman Dave Weldon was the head of Appropriations from Brevard County which includes this district, the Federal Courthouse, and they didn't even set a meeting time with him. He thought that was rather odd. They went in and spoke to someone in his office. But he should have been included, because he is the man with the money. He just had his concerns.

Commissioner Becht said he was both pleased and concerned. As he recalls, it was Congressman Hasting's office that recommended that they go see Dave Weldon. As they get to see the big picture, he thinks it is clear that they do need to involve him in the process.

On the other hand, the lobbyist gave them information. They went up there thinking they were number one, and they began to see things through their eyes, that the Commissioners were not only not number one as they arrived, they weren't number three as they left.

So he thinks there is some benefit to hiring a lobbyist. Whether it is \$22,500, he doesn't know. What would they lose if they waited two weeks to make a decision on this?

City Manager Beach said he doesn't think there would be a problem at all.

Commissioner Becht said the other thing he had in mind is, they are beating all around the bush, no pun intended. They haven't written a letter to President Bush, to his knowledge. The President didn't put it in his original budget, but they didn't ask him to either. It is just paper and a signature. Why don't they write President Bush a letter and say they are in an area that got clobbered by two hurricanes? He came down and made a photo opportunity a couple of times. It sure would help this area if he would consider funding this year.

Mayor Benton said they should try all options.

Commissioner Coke said she thinks that is a great idea.

Commissioner Becht said they didn't try that one, so he only wanted to mention it.

Mayor Benton said they will put it on the list.

Commissioner Nelson said he is not sure he wants to get the President involved directly right now, because the guys who they have up there are charged with bringing home the bacon for their various districts. The President fully knows that they are required to bring home that bacon. This Commission has addressed it succinctly. He was able to sit in on the Appropriation Committee where Mr. Weldon was Chairman at the time. They were going over the budget for the Attorney General. And he thinks it is very important that they do in fact address those people directly, i.e. their Representatives and Senators. And that they in fact stay in contact with them as much as they possibly can, in addition to those lobbyists as the City Manager pointed out, because they know the ins and outs of things. And the efforts that the various Representatives and Senators are required to address can easily detract from the problems they have in Fort Pierce. But

for the City of Fort Pierce, as a squeaking wheel, and as his voice back home in many cases, it is incumbent that he addresses the issues that the Commission brings forth to him. And it makes a tremendous impact. He thinks it made an impact that four Commissioners and the Mayor from the City of Fort Pierce went to Washington, D.C. to talk specifically to their Representatives about bringing that Federal Courthouse to this town at a total of about \$50 million and they want it done as soon as possible.

Commissioner Becht asked is Commissioner Nelson for or against dealing with this two weeks from now?

Commissioner Nelson said he doesn't think the two weeks are going to make any difference. But the quicker they do it, the better it is. He has no objection doing it tonight.

Commissioner Coke said she thinks they do need lobbyists. She also thinks they need the personal contact. She thinks if somebody wants to see or get an idea across to any one of the Commissioners and they get their secretary's support, they are going to get the Commissioner's support nine times out of ten. That is how it works. She has a couple of concerns though when she is reading the proposal from Marlowe & Associates. It says they spent three months trying to get information and learning all they could about this. Of course, the City paid them to learn that. Now they are talking about they have sent materials to the staffs of Senator Nelson and Senator Martinez, but she hasn't seen copies of what they sent. Also when they were up there they discussed with them, and they said isn't that a wonderful idea, that the Commissioners should be lobbying or contacting all of the Judges to get them to push this issue forward. She hasn't seen anything from them that they have pursued that line. The most impressive thing they seem to think came out of their meetings was Congressman Foley picking up the phone and making a few phone calls. But knowing Congressman Foley, she thinks he would have done that if they had shown up without lobbyists. He was just very helpful to them. Not that she is looking to undermine what they are doing; however, before they spend that kind of money, she would like to see a little bit more accountability on their part. Even if it is not to each of the Commissioners, at least sending the City Manager copies of correspondence.

Mayor Benton said he would agree. It is his understanding that they can't touch the Judges and the Judges can't get involved in this.

Commissioner Nelson said not directly. They played a major role in that Federal Courthouse.

Mayor Benton said they play a role behind the scenes where they would like the location, but they are not going to get involved from that point on. What he would like to see maybe, before it comes in front of the Commission, if that is where it goes, that they can see copies of letters or any kind of correspondence with the Senators and Congressmen.

City Manager Beach said what the Commissioners want to see is some evidence of Marlowe's work on their behalf.

Mayor Benton said right. So when they do the follow-up, they know what Marlowe & Company has done. He thinks they should be writing follow-up letters in the very near future, within the next 30 days.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to postpone action on the proposal by Marlowe & Company to continue lobbying efforts in Washington, D.C. for funding of the Federal Courthouse construction project to the May 1st City Commission meeting.

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

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The next item on the Agenda was Report on request for release of Code Enforcement Lien in the amount of \$24,545.30 against **112 North 11th Street**, owned by Yvonne Terry; and lien (fines and administrative costs) in the amount of \$24,545.30 shall remain charged against all properties owned by Dan Williams, Romain Lubin, and Herbert Rochester.

City Attorney Schwerer said he has requested a title search in order to research the issues presented. If that is received, he should be able to report hopefully by the next meeting.

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

Commissioner Coke said she would like Item 27f (Professional Services Agreement for Space Needs Study) removed for discussion.

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

a. Approve travel and attendance by City Manager Beach to the 2006 **Florida City and County Management Association Annual Conference** in Panama City Beach on May 24-27, 2006.

b. Renew Memorandum of Understanding between the City and the St. Lucie County Chamber of Commerce for the **Seven Gables Visitor Center** for an additional five-year period.

c. Approve piggyback Florida Sheriffs Association Bid purchase of one 2006 **Ford E250 Van** for Public Works Facilities Maintenance Division from Garber Ford Mercury, Inc. in the amount of \$18,540.00.

d. Approve expenditure of \$29,343.00 by the Police Department for purchase of a **Microsoft Exchange Server** email solution from Gateway Business; funds from the Law Enforcement Trust Fund (\$24,343) and FPPD Budget (\$5,000).

e. Approve proposal from RGF Environmental Group, Inc. (single source) for repair and installation of equipment for reconstruction of Solid Waste **Truck Wash Rack** in the amount of \$17,320 (funding from FEMA).

g. Approve ranking of vendors for **Impact Fee Study**; and authorize staff to begin negotiation of a contract with Tindale-Oliver & Associates, Inc. RFP No. 5592

h. Approve travel and attendance by Commissioner Alexander to the

21st National Conference on Preventing Crime in the Black Community, May 30 through June 3, in Miami, Florida.

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The next item considered was Item 27f, which had previously been removed from the Consent Agenda: Approve Professional Services Agreement with PBS&J for Citywide Space Needs Study for the Police Department, City Hall, Public Works Department, Performing Arts Theater, and the Marina, in the amount of \$158,000.00. RFP No. 5576

Commissioner Coke said in the proposal (from PBS&J dated April 5, 2006) under Step III, it has Estimate of Current and Future Facilities Needs - Projection of Operations and Personnel Needs. Her first thought when they were looking at getting a space needs analysis done they had discussed previously the need for a personnel needs study. She thought if they look and see what the space needs are for their current situation and then they decide they need 45 more people to come to work in different departments, then their space needs would be obsolete before they even put that in place. She is reading this and it has a paragraph in here that they are going to project operations and staff levels by relating these to services offered; and this will be, in turn, related to City policy, demographic and geographic issues, and legislated or mandated programs. She is in full support of having this study done, but she doesn't want to put the cart before the horse and pay for this study if they don't know how many people they should be employing to handle their future growth needs.

Commissioner Becht said he would echo that. But in Exhibit A (of the Proposal from PBS&J dated April 5, 2006), where Mr. Brown is responding to Mr. Barnes, it breaks out the different space needs areas that he is going to get into. He thought the Police Department had already ordered their own space needs study. Is he mistaken on that?

City Manager Beach said they started the process for a space needs study for the Police Department, and in the middle of that process, they made the decision to do the entire City. So they incorporated the Police Space Needs Analysis in with this same study.

Commissioner Becht said that is good to know, because he was thinking he was having a senior moment. The Performing Arts Theater, what is contemplated by that?

City Manager Beach said the current Theater Director has indicated that there are some very specific space issues that should be looked at as it relates to the Sunrise Theater. If he may, let him address Commissioner Coke's inquiry. It isn't possible to do a Space Needs Analysis without making projections about the growth of the City and the population of the City and the employment demands based on a per capita number. If they have a City of 50,000 people and their employment level is this, when they have 75,000 people, what is their employment level going to be. They have to do that.

This company will have to do that in order to make those office space needs analysis. There is another product that the Police Department is currently looking for that has to do with a Police Allocation Staffing Analysis. That has more to do with detail assignments of existing Police officers than it has to do with projected needs in the future. It is how they are currently allocating their existing staff. So they may have both of these things going on at the same time.

Commissioner Coke said her concern is, if they are planning for the City space needs at the size they are today. Or are these people in fact going to look at when they annex to their full extent, this is how many people they are going to need and therefore this is the staff needs analysis.

City Manager Beach said yes, they are going to make those projections. And that is what it is, estimates and projections.

Commissioner Becht said the Public Works component of this, the City has been approached by the County in regard to moving that facility. Will this study address or take into consideration there is a remote possibility that whole operation might be lifted and placed somewhere else?

City Manager Beach said they will have to look at this from two different perspectives. One is, the expansion of that existing facility to accommodate growth in Fort Pierce. The other is, what type of acreage and facilities are going to be necessary if they relocate that to another location. So they will have to do both.

Commissioner Nelson said he had a similar question on the Public Works, but they answered that to his satisfaction. There are other enterprise entities that have not adequately been addressed. He is looking particularly at the Golf Course. They have the Theater and the Golf Course, and then of course, there is a need for the other enterprise, the Solid Waste outfit too. Are they looking at them too as part of this?

City Manager Beach said they look at their facilities needs as part of Public Works. The Golf Course, they contemplate and anticipate that staying at 18 holes, which is going to confine its needs. The number of holes they have, the number of people they can accommodate, and that sort of thing.

Commissioner Nelson said Mr. Beach is saying they have 18 holes and it is going to remain.

City Manager Beach said it is the same size. As long as they are playing 18 holes, they have the same facilities and the same level of needs.

Commissioner Nelson said he doesn't think their needs at the Indian Hills Golf Course is comparable to the 18 holes out at Panther Woods. They have a different structure out there.

City Manager Beach said again, it depends on what they are doing with it. Panther Woods is a country club environment and a residential environment, they would have different needs.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve a Professional Services Agreement with PBS&J for a Citywide Space Needs Study for the Police Department, City Hall, Public Works Department, Performing Arts Theater, and the Marina, in the amount of \$158,000.00.

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

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**Ms. Katie Fay** said she is a ESL Instructor at **IRCC** in the English as a Second Language Department. On behalf of all the students

here and the Indian River Community College, she would like to thank Mayor Benton and the City Commissioners for allowing them to observe their proceedings tonight.

Mayor Benton said he thanks them all for coming and joining tonight.

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Commissioner Coke said she is just giving everybody an update. Several months back the Commission agreed to let her pursue this anti-gang program within the schools (**RAW DAWGS**). They have begun formulating a program which, when she gets it all in place, she will give them all copies of it. But Mr. Jennings will be here the last week in April and the beginning of May. They are going to go to four different schools and give anti-drug presentations. She thinks they have lined up about 14 different community organizations to provide after school and summer options to these kids who want to get involved. They have other things to do. The Housing Authority will be sponsoring, while Mr. Jennings is here, a program for parents to make them aware of what to look for with their children being involved in gang activity. And then there will be two more seminars out in the community making people aware of how to tell if their kids are at risk to be involved in a gang.

She will give everybody the firm schedule and invite them all to show up. She appreciates all the help Sean Baldwin (Assistant Chief of Police) has given her on this, she knows it has been time consuming for him. But she thinks it will be well worth it.

Commissioner Alexander asked have they incorporated the Juvenile Justice courts and the facilities in this community with their endeavor? The Judge sits there with Chambers full of these kids. He knows they do community services and things like that.

Commissioner Coke said they talked at one point in time about, once they get the program itself established - not just Mr. Jennings coming and talking to these people - but once they get the care program established for these young people, contacting the judicial system and making it available for them to utilize as a tool.

Commissioner Alexander said he was just suggesting to make an invitation to the Judge, because he is day after day after day dealing with the worst part of it.

Commissioner Coke said that is a good idea.

Commissioner Nelson said he will follow up on what Commissioner Coke alluded to, the gang activities in their area. The people throwing the bomb around Lincoln Park were apprehended as a result of viewing cameras on the campus and in the cafeteria area. He thinks that is a good thing. He understands they were gang affiliated to some extent.

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Commissioner Nelson said they are facing a **hurricane season** here and there are quite a few trees that still need trimming back, some still down cable and telephone lines, and some trees still on private properties that were damaged by the hurricanes. Are they doing anything to possibly try to get those trees away and these building that are in fact are not up to speed, damaged by the hurricanes?

City Manager Beach said they still have a very active code enforcement program going on buildings that were damaged by the hurricane. He doesn't know that they have taken any specific steps

to deal with vegetation on private property. He has seen some of the things Commissioner Nelson is referring to. There are some very sizable trees that were downed on private property. He believes that is going to require the same process that is required for the repair, removal, or whatever of buildings that are damaged.

They are going to have to use code enforcement action to get that repair to take place.

Commissioner Nelson said if they declare it as a public nuisance, give the people a certain time to do it. He is talking about the tree removal. And if they find difficulty in doing it, the City can declare it as a public nuisance and of course do it themselves.

City Manager Beach said that would be the process, that is correct.

He has not directed staff to start on that process, but it may be appropriate that they do that as it relates to trees and vegetation.

Commissioner Nelson said they have some lines in the rights-of-way and trees are enveloping those lines. Wind is going to break them, he is sure. So if they can get Public Works and U.A. folks and Asplundh folks to at least clear those out.

City Manager Beach said if he will give him those specific addresses, he will see that somebody takes care of that.

Commissioner Nelson said he can give him one, right in front of his house.

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Commissioner Nelson said they just approved \$158,000 for the **Space Needs Analysis**. He hopes they don't get this study back and it says all these good things and they doesn't accept this and implement these recommendations.

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Commissioner Nelson said the next subject he wants to talk about, the **Pay Study**. They paid the guy he thinks \$30,000 to do a study for their pay. They got input back initially from the individual, and they sent it back. They got a subsequent report by staff and the guy who made the study they paid for never showed up. They didn't accept the study? Maybe they did and maybe they didn't.

City Manager Beach said they have not accepted it. They have not approved it. The reason Staff hasn't submitted it to the Commission for approval is because they are still refining the document with the consultant. What was submitted to the Commission, and probably submitted prematurely, was the work that was produced by the consultant. Staff was submitting it to them in support of some proposals about wage adjustments. But the document was not complete, it was not in the final form for staff. Several Department Heads hadn't reviewed it to their satisfaction in terms of their agreement with the details of it. They are still doing that. That probably will be back to the Commission for consideration within the next month, if not sooner.

Commissioner Nelson said that is good, because he was looking at the Minutes; and he was talking about, what did they approve? What was the intent?

City Manager Beach said they didn't ask for the Commission's approval of that, that night.

Commissioner Nelson said they approved the money.

City Manager Beach said they approved wage adjustments for non-bargaining positions, that is what they approved. That study was submitted as back-up for the recommendations of staff on that wage adjustment. But it was not submitted for their approval and they did not approve it.

Commissioner Nelson said their intent at that meeting, he thinks Commissioner Coke made the motion and it was seconded by one of these fine fellows up here. He thinks it is appropriate, it was well stated, and he is in support of it. He is concerned about the probability and the possibility of misinterpretation of it in any way.

City Manager Beach said there was some confusion generated by that. There was confusion generated at the staff level. There were a number of employees who were under the impression that the document was a document that had been approved by the Commission and that it now represented what the future pay structure was going to be. But they are beyond that, he hopes; and they will have that in front of the Commission probably within the next 30 days.

Commissioner Nelson asked is the interpretation to be that they are going to pay certain people a bonus check over and above their...?

City Manager Beach said the very specific motion was that employees who were above the range on that pay scale be given a one time bonus payment and the rest of them dealt with at that 11% level. That is what they are in the process of doing. However, this week they are going to get a memorandum from him asking them for some leeway on the administration of that. They will have it before the end of this week.

Commissioner Coke said wait a minute. Maybe they need a little clarification on that.

City Manager Beach said no, they don't right now because it is complicated and it is going to require their assessment and their analysis, and he doesn't want to try to explain it to them without the documentation in front of them.

Commissioner Coke said the only thing she will say is, the way she made the motion and the way they approved it, they are treating everyone even-handedly.

City Manager Beach said absolutely.

Commissioner Coke said she does not want to see any exceptions to the rule, that they are going to treat anybody differently.

City Manager Beach said they have a memorandum coming from him asking for some leeway on that administration and then it will be presented to them formally at a Commission meeting. Hopefully prior to that, they will have the time to study it and either agree or disagree with it, and they will go from there.

Mayor Benton said when he does have this ready, if he would sit down one on one with everyone.

City Manager Beach said he thinks that will be necessary.

Mayor Benton said take a few minutes before the meeting so they don't have a lengthy debate at the meeting and everyone will understand.

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Commissioner Becht said the **Regionalization Task Force**, at least as it is comprised of himself and County Commissioner Craft, they will be meeting with South Florida Water Management District tomorrow. He had written to them and asked them to consider doing what they had done in Okeechobee, which is to hire an intermediary who will come in and that person or group of people will be meeting with the City Commission and FPUA and the County to try to work through this to see if they can iron out the details.

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Commissioner Alexander said he has some concerns with the residents surrounding that **Indian Hills Golf Course**. He thought they were going to make sure that community, their homes would not be targets for those golf balls. He does have some true concerns and he wishes that the City would take some actions to prevent that. He had just complaint after complaint only because he sees individuals he knows who live in that area; and once he gets one comment, he just goes and asks questions. If it was him, believe him, he would be target practicing himself. But he doesn't know what they can do to insure safety in that area, because a golf ball could burst a window out of a vehicle and put dents in cars. What do they think it is going to do up side someone's head? He just thinks the City needs to be pro-active about that. They did it on the northern end of the course where they put up the netting. So no one ever thought about the residents of that community over there?

City Manager Beach said it would be very helpful if he would refer those folks to his office so he could start dealing specifically with what those concerns are. He has heard some of those concerns expressed, but he has not heard from the neighbors and he hasn't heard specifically what the problem is. If he would please refer those to him, he will review options.

Commissioner Alexander said he will. He just thinks they should be pro-active too. They should go out there and knock on a couple of doors, and he will guarantee they won't be greeted well.

City Manager Beach said maybe that would be a better approach.

Commissioner Alexander said that is fine. He just wants for something to be done about that.

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Commissioner Alexander said he had asked at one time concerning the relocation of the tenants on that canal area (**Moore's Creek Linear Park**). And he is looking here that staff only assisted six individuals off that canal to be relocated? In other words, they just ran people out of their residence to wherever they had to go, because they only assisted six people out of all those properties?

City Manager Beach asked is that the report he submitted to him that he received from Brian O'Connor?

Commissioner Alexander said yes.

City Manager Beach said then that should be accurate.

Commissioner Alexander said six people. One of his concerns is, he is looking at one individual, if they relocate anywhere now,

\$1,300. Where did they go, into a dugout or something, a cubby hole? Because \$1,300 is not going to relocate them nowhere in Fort Pierce. That is just his concern.

City Manager Beach said he has the report. He would be happy to sit down with Commissioner Alexander and with the individuals involved in that relocation and go through that in more detail, if that would be helpful.

Commissioner Alexander said he is just bringing it to his attention. Out of all those individuals, they are looking at this area on Avenue B. It is going to be the same thing.

City Manager Beach said he will schedule a meeting with him to talk about that specifically.

Commissioner Alexander said he would appreciate it.

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Mayor Benton said he received a letter from the Army Corps of Engineers and they are asking for a response by the end of May. He is going to get this letter to everyone. Commissioner Coke might know about this. He guesses they want to do some **dredging** here to put sand on the beach in Dade County. As a taxpayer, he finds it hard to believe with all the sand out there off Dade County or as far away as Dade County is, that they want to come up here and take sand and dredge it and bring it all the way down there. He just can't imagine in his wildest dreams how that could be cost effective.

Commissioner Coke said they should fix these beaches first.

Mayor Benton said he will see that everybody gets a copy, but he would like to respond.

Commissioner Alexander said he thought they were asking for the sand that they had tracted off the beach.

Mayor Benton said no, there is a shoal out there that they normally dredge up for us.

Commissioner Coke said there is going to be a hearing on that, she thinks May 20th.

Mayor Benton said he knows there is a hearing. All he knows is, the Army Corps of Engineers has asked for a response by May 31st. So he will see that everybody gets a copy.

Commissioner Coke said there was a Public Hearing on it.

Mayor Benton said he also saw that letter. He thinks they should respond and tell them, no way. He will leave that up to everyone.

Commissioner Becht said he thinks they should respond after they get the numbers in from the SKA Tournament and let them know why they don't want the Army Corps of Engineers to mess up their water.

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City Clerk Steele said Marjorie Gaskin had a request for the Commissioners.

Ms. Marjorie Gaskin, MIS Director, said at their last meeting the Commission approved the **Commission Chambers upgrade**. She is seeking their blessing in starting that upgrade work on Tuesday,

June 6, 2006. That is the Tuesday after the City Commission meeting. The work is to be completed by Friday, June 30th. So there is one meeting that will not be held in the Chambers, because it will not be ready. The County Administrator has stated that the County Commission Chambers will be available for the City Commission to use if the City Manager contacts him. So she is seeking their blessings that they could get started with the project as stated.

City Manager Beach asked is everybody okay with this? He just wanted them to know they were going to be out of this area for a while.

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Mayor Benton said the **Fort Pierce Fire**, their professional football team, has now won its second playoff game. They had one at Lawnwood Stadium and they won their second one last Saturday night. He believes they are one step away from the State Championship. Is there anyone out there who is familiar with the Fire? Who knows who and where they are playing this week? He tried to contact Larry Lee to find out. Somehow he hopes next year they get on board and really support this team.

Commissioner Coke said just so they know, they do really support that team because the Tourist Development Council gave them a \$2,000 grant from the Treasure Coast Sports Commission, which is funded through the Tourist Development Council, which is all of their hotel monies. They gave them, she thinks, an additional \$4,000 or \$5,000. So it is very well supported through their hotel Heads on Beds money they have coming in. She can find out from Tom Colucci tomorrow because he has the whole event schedule because the County is supporting them.

Mayor Benton said after going out to Lawnwood Stadium and only seeing maybe a couple hundred people there, he just felt that somehow this community needs to get behind this team. They were very impressive. They went through quite a debate. They wanted to be called the Treasure Coast Fire and some folks broke off and created a team in Stuart. So they have risen to the occasion, and he thinks the City should be there for them next year and also this year.

Commissioner Alexander asked they still have an opportunity this year, right?

Mayor Benton said right.

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Commissioner Nelson asked how are they doing on the **Skateboard Park**?

Mayor Benton said he has heard everything he has heard. Basically, the County is all talk, she guesses. Six years and nothing yet.

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There being no further business, Mayor Benton declared the meeting adjourned at 9:10 p.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

