

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, APRIL 20, 2009.

Mayor Benton called the meeting to order.

Reverend George Welch, White City Methodist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approval of the Minutes of the Regular Meeting on April 6, 2009, and the Minutes of the Special Meeting on April 9, 2009.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Regular Meeting on April 6, 2009, and the Minutes of the Special Meeting on April 9, 2009.

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

Mayor Benton proclaimed April 2009 as CHILD ABUSE PREVENTION MONTH.

Mayor Benton proclaimed May 1, 2009 as ARBOR DAY.

Mr. Paul Williams, Urban Forester, said on behalf of the National Arbor Day Foundation, he would like to present the 20-year Recognition Award for the City of Fort Pierce.

Mayor Benton said 20 years ago Commissioner Burdge started the ball rolling in this direction.

Mr. Williams said Shirley Walker, who is Chairman of the Fort Pierce Tree Board, has worked diligently as their Chairman for many years together. The City Commissions and all the citizens of Fort Pierce since 1989 have worked to make Fort Pierce a Tree City USA. He would like to congratulate the Mayor, the City Commission, and the citizens of Fort Pierce for 20 consecutive years of being a Tree City USA. Every entrance to the City will have the new 20-year sign. He invites all the citizens of Fort Pierce and all the elected officials to Friday Fest, where they will celebrate Arbor Day for 2009.

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

Letter from Pam Gillette, Main Street Fort Pierce, thanking the City of Fort Pierce Public Works Department for their help and support.

Pastor Reeves said his comment is about sharing. They as leaders have come together to help fight this gang violence in their community. In the process to put together programs, in his research he also found out that the City has buildings that could be utilized for these programs that are being offered in the community. They are running into a lot of stigma that these buildings that the City owns, they are not being able to put programs together in there. They are asking the Commissioners and the Mayor to look into these buildings that the City has purchased

for the utilization of non-profit organizations. There is the PAL's building that he went over and talked with them. And also there is a couple more buildings the City purchased. These non-profit organizations at this time do not have grant money to actually put these programs on in the City and those buildings could be utilized for these organizations during the summer so they can keep these kids off the street. He is asking them to look into that and make some kind of recommendations that these buildings could be utilized for non-profit organizations, not just be utilized just for one organization, but all organizations that are in this City that is in operation as a non-profit organization. At this time he is asking that they please understand it is not about who he knows or who they know, but it is about all the organizations. Let's work together as a City to stop this problem. There are so many people looking for a spot; and every time they get out there to find a building they could utilize, they have to go to Port St. Lucie. He thinks if these buildings are in the City of Fort Pierce, they shouldn't have to travel to Port St. Lucie to be able to put on programs for their youth in this City. Tradition has opened their heart for the programs that they bring down there. The City of Port St. Lucie Community Center is opening up for them to bring the kids down there. But these buildings that the City owns is up here and he needs to be able to use those buildings. So he is asking that they look into that and help them out.

Ms. Debbie Denning said she is from the Fort Pierce Jazz & Blue Society, she is the new Vice President. She would like to bring to their attention some of the values they have as an organization to their community. They have received funds in the past from grants that they brought back into their community. Over \$40,000 went back to the community last year in this last season, with \$20,000 directly to the Fort Pierce Redevelopment Agency zone. Right now, they are expanding their educational programs and they are working with some of the school principals, one in particular being Garden City. They are trying to bring more musical programs to the schools, with plans to expand to other schools in the area. The biggest item they work with is their scholarships. The value of their scholarships has gone from \$500 to \$1,000 per scholarship; and the ability of only giving one or two, this year they are able to award three \$1,000 scholarships to students throughout the community who might not otherwise be able to pursue a college education. This year's three scholarship winners are Michael Herman, who is a tenor sax player from Vero Beach High School, and two young ladies from Lincoln Park Academy, Brittany Stone and Vernicia Carpenter, who are both vocalists in the area. They are real excited to be able to do this. They are going to be presenting their awards on Thursday, April 30th, and they

would love for everyone to come to their Jazz Jam at the City Community Center. Speaking of the Community Center, they are actually expanding and working with them on their summer camp program, if all goes well, with an interactive involvement with the children who are going to be there. Their Craft Market is something they work very closely with the Fort Pierce Farmers Market, bringing up to 3,000 people to this City on a given Saturday morning that probably wouldn't be here if it weren't for the Farmers Market and the Craft Market together. Go down there and ask somebody where they are from? Most of the people they see are not directly from this Fort Pierce area. When they are finished with the market, they are eating in their restaurants, they are shopping in their stores, they are going to their theater, they are getting their hair cut downtown, and lots of other things which, without the Markets, they wouldn't be here. They have been working very closely with the Downtown Business Association in their fundraising efforts. They gave them their list of vendors in trying to help them expand their horizons. Basically she wanted to make sure they know exactly what an impact they have on the community.

Mayor Benton said he wants to thank her for everything she has done and the Jazz & Blues Society. But in the last couple of weeks he has received some letters from... One of his neighbors told him there is a certain vendor at the Craft Market that seems to think the Mayor is trying to close them down. He had several functions to be at Saturday, so by the time he got down there they were closing up shop. If somebody could get the message around. Like she said, they bring in 3,000 people downtown. That is a blessing for Fort Pierce. The Mayor is not looking to close them down. The Mayor is very thrilled that those people are coming here. So wherever that misinformation is...

Ms. Denning said what has happened, their organization has worked very hard to reorganize their guidelines, to adhere to the original agreement that it would be hand-crafted items from local artisans. A lot of people have come in and brought their buy/resell items made in China. That obviously is not a hand-crafted item from a local artisan. They are having issues with addressing that. They have given them the guidelines. They have been asked, if they want to continue working with them, that they bring in handcrafted items. The new guidelines are not going to take effect until their November 1st membership renewal and they will go from there. They are given plenty of notice between now and November to re-evaluate the items they sell.

Mayor Benton said as long as they don't think the Mayor is doing this. The Mayor doesn't put that on, but the Mayor is in support of what they are doing. Everything is the Mayor's fault.

Ms. Denning said she is not sure where they got the idea that the Mayor is the one that is handling that. He can give them her phone number and she will take care of it.

Commissioner Alexander said he heard her say it has to be

handcrafted?

Ms. Denning said yes.

Commissioner Alexander asked she is telling him he can't come down there and buy a booth and sell whatever he wishes as long as it is legal?

Ms. Denning said if it is a handcrafted artistic item.

Commissioner Alexander asked what about the Farmer's Market part?

Ms. Denning said the Farmer's Market is not handled by the Jazz & Blues Society.

Commissioner Alexander asked they co-mingle, right?

Ms. Denning said yes, they do.

Commissioner Alexander said he just doesn't understand that. Maybe they can all hash that out with the public. Do they have that many talented people in the City of Fort Pierce or the surrounding area that will make hand crafts every week, 52 weeks out of the year?

Ms. Denning said yes, throughout the Treasure Coast area, absolutely. They are there every Saturday.

Commissioner Alexander said maybe he had the wrong idea about the Farmers Market.

Ms. Denning said the Farmers Market and the Arts & Crafts Market are on separate sides of the street. The Farmers Market have their vendors in another area and they have items that are grown throughout the state and country that they bring in. But the crafts are what the Jazz & Blues Society is looking at.

Commissioner Alexander said when he used to go to a farmers market, he could find everything there. It didn't matter where it came from. He won't be debatable. He just didn't realize that the public would be scrutinized like that.

Ms. Denning said they have had some issues, people have come to them and said it looks too much like a flea market. They don't want a flea market in Fort Pierce.

Commissioner Alexander asked who doesn't want a flea market?

Ms. Denning said the public. Does the community want a flea market?

Commissioner Alexander said he is not debating that.

Ms. Denning said maybe someone else could handle that type of venue; but not the Jazz & Blues Society.

Ms. Ethel Rowland said she is here to ask their support for a bill that has been introduced in Congress by Senator Jim Webb,

Democrat from Virginia, and Senator Arlen Specter, Republican from Pennsylvania. It is the National Criminal Justice Commission Act of 2009 introduced March 26th. It will create a blue-ribbon commission charged with undertaking an 18-month top to bottom review of their entire criminal justice system. Its task will be to propose concrete wide-ranging reforms designed to responsibly reduce the overall incarceration rate, improve federal and local responses to international and domestic gang violence, restructure their approach to drug policy, improve the treatment of mental illness, improve prison administration, and establish a system for reintegrating ex-offenders. This legislation is urgently needed. The United States has by far the worlds highest incarceration rate with 5% of the world's population. Their country now houses 25% of the world's reported prisoners. More than 2.38 million Americans are now in prison and another 5 million remain on probation or parole. Their prison population has skyrocketed over the past two decades as they have incarcerated more people from non-violent crimes and acts driven by mental illness or drug dependence. The costs to their federal, state, and local governments of keeping repeat offenders in the criminal justice system continue to grow during a time of increasingly tight budgets. Existing practices too often incarcerate people who do not belong in prison and distract from locking up the more serious violent offenders who are a threat to their communities. Transnational criminal activity, much of it directed by violent gangs and cartels from Latin America, Asia, and Europe, has permeated the country. Mexican cartels alone now operate in more than 230 communities across the country. Mass incarceration of illegal drug users has not curtailed drug usage. The multi-billion dollar illegal drugs industry remains intact, with more dangerous drugs continuing to reach their streets. Incarceration for drug crimes has had a disproportionate impact on minority communities, despite virtually identical levels of drug use across racial and ethnic lines. Post-incarceration re-entry programs are haphazard and often nonexistent, undermining public safety and making it extremely difficult for ex-offenders to become full contributing members of society. So she is asking that the Fort Pierce City Commission support this bill and send a letter of support to Senators Webb and Specter.

Mr. Havert "Coach" Fenn said he chose to comment on an issue that will be presented by the Mayor later on the Agenda, it has to do with renaming of Avenue D to another name. He did go to the Mayor's office and leave him some newspaper articles going as far back as 1982 when Havert Fenn got involved in trying to revitalize the Avenue D corridor. He got involved because something had to be done. In years past, it was a jewel on the northwest section. He saw where it was going down because businesses were closing. At that time they had Father Richard Barry here. Father Barry said to his congregation - in which he was in attendance at the Episcopal Church - that they are praying here and there, so after they finish praying, get up and do something about it. That stuck with him. Here they were criticizing what was happening to Avenue D. But who was doing something about it? He has a folder on Avenue D all the way back to 1982. He saved it because there comes a time about every five or six years someone comes up with the brilliant idea

to change the name of Avenue D. To what? If they cannot change the minds of their citizens, changing the name is not going to do anything. He has these articles which he shared with the Mayor. He has another article here where one of their citizens wanted to say something to him relative to something being named in his honor while he was a public official. He was working for the people. This gentleman said, change the name of Avenue D to Havert Fenn Street. He couldn't hardly finish the article before he called him and said no, please don't push that idea, because anything that would happen on Avenue D, there is Havert Fenn, he has done it again. So he stopped that push. In recent years after getting out of the public segment, he has joined up with groups. At the present time he is serving as the Chairman of the Lincoln Park Main Street. They were certified the last two years, going into their third year now having to do something with the northwest section. What they are asking people to do is come join them, help them with what they are trying to do. He thanks the Commission and God that they have the Fort Pierce Redevelopment Agency, because they are the ones that are giving them the needed funds to do what they see happening on Avenue D in the northwest. So if they have an idea that they want to help that segment of their community, come and join them. He knows they all have the privilege of petitioning their government officials for things, just as he is before them now, everyone has that choice. But he is saying, please have their deep thought into the request he is making at this time. He wants them to understand that the Lincoln Park Main Street Program has nothing to do with the name that is being circulated as Lincoln Park Main Street. They have nothing to do with that. No one has talked to them about naming it Lincoln Park Main Street. They have a Main Street, it is certified by the State. They are 501(c)(3). So they don't need this. They need help, so please help them. Those who do not live or have businesses in this area, they will be as proud of the northwest section as they are for the downtown and especially on their riverfront, which is a jewel to this community. Please do some good thoughtful thinking before they are persuaded. This will be about the fifth time somebody has come up and said, let's change the name of Avenue D. But not to Havert Fenn Street.

Mayor Benton said just for the record, this is probably the fourth or fifth time since he has been involved with the City, from the Planning Board to the City Commission to the Mayor, that this has been discussed and brought in front of them. His job is to bring it forward, especially when there is a petition. But he knows the history there. By no means is this a done deal. There will be some brief discussion later tonight amongst the Commissioners. If there is interest from three Commissioners, then they would go through public hearings and public debate on it. But first it has to get the support of three Commissioners.

Mr. Joseph Jenkins, 2305 North 19th Street, said he is here to again voice his opinion concerning the Fort Pierce Utilities Authority. He knows that tonight they are going to discuss the renaming of Avenue D, but he really wants to re-focus the Commission tonight on more serious issues. There was a national tea party protest due to taxes, but still folks outside of the

City limits are being unfairly taxed. Taxation without representation is against their constitutional rights and it continues to be overlooked. The FPUA continues to operate under this status. He just can't fathom how they continue to charge folks such as himself, because they have not been annexed into the City yet and he can't vote in the City. So if he has a problem with what is going on in this City, he is paying utilities, but he has no right to vote. He thinks they need to sit down and revisit this. The Mayor just pointed out that before the name change of Avenue D could even take place, it needs the support of three Commissioners. The FPUA can raise the rates with only the support of two. He thinks that is unfair. He thinks they need to revisit the Charter. They have had at least three Commissioners voice their strong opinions, but to no end because of that Fort Pierce Charter. He wants to make his plea that they revisit this situation, sit down with the FPUA. He knows they need the \$5 million transfer in these tough economical times. But there has to be a better way to operate this Utilities Authority. He just thinks that their constitutional rights are being violated. He is speaking for the folks who have not been annexed in - Paradise Park and Sheraton Plaza - who continue to pay enormous electric bills. They feel they are being washed out of their communities because they can no longer afford to live there. They are passing off on providing for their children. They talk about kids in the streets and being neglected. Folks are finding they can not properly clothe and feed their kids, and their kids are finding other ways to make money or do for themselves. This compiles the problem. Chief Baldwin and he have spoken on several occasions about kids and how they are getting involved in these criminal activities. A lot of these kids are coming from good homes, but they are just living in tough economic times. He is not for the renaming of Avenue D by the way. Again, he just really would make a passionate plea to the Commission to revisit this Charter and the running of the FPUA and see if they can come up with some really good solutions to that situation because it has not went anywhere. The weatherization program is in place and some folks are using it, and their light bills are still very tough to deal with.

Mayor Benton said if he is not familiar with the cap-and-trade program, he needs to be, because that could raise everyone's electric bills 10% to 80%. So his suggestion is, get educated on something called cap-and-trade. Luckily the President is understanding on this, but Congress and the Senate need to be aware that they can't afford higher utility bills. And that is one thing that will do throughout this Country. Take a look at it.

Reverend Willie Kitt, Vice President of the African American Conference of Ministers, said they drew up a petition after reading the newspaper on Friday that this would be on the Agenda tonight about renaming Avenue D. They have here 1,660 signatures of people who said they do not want the Avenue D name changed. Please take great consideration of this. In just a couple of days they were able to get 1,660 signatures, so there are a lot of people who are very troubled about the renaming of Avenue D. They are satisfied with Avenue D. They notice how

the City has invested hundreds of thousands of dollars improving the conditions out there. And other business owners are also working to improve their businesses. He had the privilege of having dinner at the Russ's café (Granny's Kitchen) today, an outstanding place. They have completely renovated it and other places out on Avenue D. So the business people on Avenue D are going all out to make it second to none. He has been here 67 years and he is hoping to die and be buried here; and he wants to always before he goes to sleep be satisfied that Avenue D is still there. Many more people they talked to, many historical churches, many historical buildings on Avenue D, folks are satisfied with this name. He and many other preachers in the Ministerial Alliance are saying changing the name is not going to cure or decrease crime, they have to change conditions. He believes the City Commissioners know that because they have invested millions of dollars. Even now there is a lot of renovation going on. So it is obvious they believe that the Avenue D name is no hindrance to the businesses or to the community. So they are asking them tonight to please consider this 1,660 people who took their time out to sign this petition and said no, please don't change the name, let it remain like it is.

Mr. Richard DiBernardini said he has been in this town a long time. There is a D Street in every city and state of America. Don't change the grid maps. That is why they have alphabets and streets. Those are the grids. Change the name, they have to reprint things. That means they have to hit the buttons and it costs more money. The only thing wrong with Avenue D is guys jacking cars with pistols over there. Trust him, he is in there at night, he is doing it for free. That is why they are not going to build a Federal Courthouse down the road from the Nowalk Motel, they have crack smokers and everything else. That is a problem with kids. They touch any name in any nation in the land, they are changing the grids and the military strategy of the country. He is the guy who built the manatee in front of that gallery over there. He knows Pat Cochran, Ginny Piech Street, every single one of them. Commissioner Sessions, how is he doing?

Commissioner Sessions said he is doing just fine. How is he feeling?

Mr. DiBernardini said he has been all right. If they would stop stealing his phone off the beach, he would be okay. He is kind of laughing still a little bit. Here is what they need to do. Let's keep it clean. That will bring the tourism in here. If they have an old extra K-Mart bag, hang it on a tree somewhere. If they are walking down the road, take the time to pick up a paper cup. Try not to throw anything away. If they don't like their french fries, don't pitch them out the window or dump their coffee in the morning, it eats up the tare. If their battery runs dead, use some coca cola, it eats the acid off the things. Trust him, he is a pretty smart guy. Help each other. But if they make the land look better here, they will come here. People like cleanliness. The worst thing about it with their little dance down there every weekend is what is left over behind. It is the grease from all the fat foods and fried foods

that hits the brick and it goes into the ground. That makes rats that come out of rocks. They have private fishing cans next to Mangrove Matties too. The U.S. Federal Marshall is a step away. He has been here 22 years. He thinks they are doing a real good job. He is trying to help them on the backsliding. They need to just clean up a little bit. Tourism will be a big part of this county. But at the same time, don't dial 911 too much. They have a lot of kids out there running around with guns with no bullets in them. It is not right. They have children out there stealing people's pocketbooks. He has to go back to work.

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

Chief of Police Sean Baldwin said Ordinance No. L-79 is simply moving one section that was in Chapter 4 of the ordinance to a new chapter. There are actually no changes at all made to the language or the requirements. This is more of an administrative matter.

Commissioner Coke said it was brought to her attention that after the sentence, "...campfires shall be prohibited seaward of the primary dune...", there should have been period. Not "...from the first day of March through the last day of October." Is it possible for them to strike that part?

Chief Baldwin said he believes that is possible. He doesn't think it would impact the ordinance at all. If he could get some assistance from the City Clerk, he believes they can do that right now.

City Clerk said yes, they can amend Section 12-9(3) of the ordinance by putting a period after the words "primary dune", and strike the remainder of that.

City Attorney Schwerer said the current ordinance as it is now drafted prohibits campfires on the beach between the first day of March through the last day of October. Thus it allows campfires on the beach from the first day of November through the last day of February. This ordinance is merely the same, it is already on the books for those dates. So they have a technical issue which he is not going to pass on right now because he really doesn't have the answer, but they are actually taking away certain ability of folks to build campfires on the beach during those times, if such campfires are allowed. He just wants the Commission to understand that is in essence what

this amendment would do.

Commissioner Coke said all their beach signs already prohibit campfires. So if they are working under that premise, shouldn't they have an ordinance that truly reflects the laws their Police Department is enforcing?

City Attorney Schwerer said he doesn't know what the signs say and he doesn't know what the law says either. This is catching him off guard, because this ordinance exists on the books; and all this ordinance they are working with tonight does is transfer it to another section of the code verbatim. What they would really be doing is amending an existing ordinance. Whether that is the status of the law or not, he doesn't know. If there is another section of the code that already prohibits campfires between the other dates, then that is fine. But the Commission needs to understand that by amending this and striking it in the process of adopting this ordinance, that they are changing the existing code. It may cause a technical inconsistency with other provisions of the code that hasn't been researched. Whether someone has an answer from staff or not, he doesn't know.

City Clerk Steele said it already is a technical inconsistency. Apparently when the sea turtle ordinance was first adopted, it prohibited the campfires seaward of the primary dune from March 1st through the last day of October. The ordinance also says, "All ordinances or parts of ordinances in conflict herewith are hereby repealed." The provision that prohibited campfires at all was never repealed. This one lay on top of that one and it was in two different sections of the codebook, so there is already an inconsistency. She thinks what Commissioner Coke is trying to do is make it consistent with what is already existing in the code book.

City Attorney Schwerer said as long as the Commission and the public know that is what they are doing by this ordinance, that appears to be okay, if they are curing an inconsistency. He just did not have information before the Commission one way or another as to whether there was or was not inconsistent provisions, and the City Clerk just cleared that up.

Mayor Benton declared a Public Hearing on Ordinance No. L-79 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. L-79 be amended by striking the words "from the first day of March through the last day of October" from the title and from Section 12-9(3); and that Ordinance No. L-79, as amended, be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-79, as amended, on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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

Chief of Police Sean Baldwin said this is the nuts and bolts of the ordinance changes, this obviously will take a little bit more work and consideration on their behalf. He appreciates their efforts and feedback at the last meeting. He has gotten a lot of feedback on the ordinance from the community, people have thanked him for his efforts and so forth. He just has to say publicly this is not the result of just his work. He wants to recognize some people who have worked very hard on this, so he is not given credit that he is not due. They have three Animal Control Officers who work for the City of Fort Pierce who are extremely dedicated and work extremely hard. They had a lot of input into what is going on here in trying to correct some of the challenges they face. The Humane Society and Mr. Andrews has been involved from the beginning. Mr. Andrews is always very helpful to him personally in this effort. St. Lucie County Public Safety Director Jack Southard and his staff - Ms. Tiffany Bennett and Ms. Karen Taylor. They modeled their ordinance after St. Lucie County's experience with their ordinance and have even incorporated some lessons the County learned into their ordinance. They have been talking back and forth, and believe in the end they are going to end up at the same place. City Attorney Rob Schwerer and his assistant Karen Emerson worked for hours and hours on this ordinance, as well as their City Clerk Sandy Steele. There are several community members who have contributed greatly in this effort. He is not going to name them all, but there are several of them here and he is sure the Commissioners have all heard from them. So he wants to thank them. He doesn't want to take credit for something he certainly didn't do in a vacuum. He had a whole lot of help with this.

Chief Baldwin said at their first Public Hearing they asked him to address some issues and some concerns they had. They asked that he change Section 4-30, the limitation on the number of cats and dogs at any residential or commercial property. This is a technical issue. They wanted to make sure they didn't limit it to any specific type of property, so that change has been made and reflected in the copy that was published to them for the second reading. More importantly, they asked that he address the issue of providing financial assistance to those

members of their community who are at lower incomes and may not be able to afford what they are trying to do here. He gave them a resolution, Resolution No. 09-29, and he is going to recommend that they adopt this resolution along with this ordinance. They did it as a resolution because that is the Commission's method of providing administrative oversight and controlling how this works. He doesn't have a choice in doing what they have resolved for him to do. So it is a way for them to direct the activities and the administration of this program. The first element of that is the Reduced Cost Pet Registration Grant. It establishes a \$5 fund. His intention is to take money that they would have spent on impounding animals and use it to provide the funding to pay half of the registration fee for low income residents to register sterilized pets. There will still be a \$5 co-pay. He feels strongly about that, he thinks all of their residents need to participate in this process. He will remind them that \$5 is what the license fee is today, so there will be absolutely no increase to those residents who need the help the most. The second part is the Free or Reduced Cost Pet Sterilization Grant. What it does is establish a reduced cost pet sterilization for all residents. There is a \$25 co-pay. \$25 is what their residents will pay and they will get a voucher. Staff will work with the veterinarians and the Humane Society. The residents will be able to take their voucher to the location of their choice and pay \$25 toward the sterilization of their animals. Also, it establishes an absolutely free pet sterilization for low-income residents, there will be a zero co-pay. The low-income resident will get a voucher and can go either to the Humane Society or the veterinarians that the City works with, and they will be able to get their animal sterilized at no cost. He knows that was important to several of the Commissioners and he hopes he has addressed that. Some other things are in the resolution also. There is a directive about doing a public education campaign over the next 90 days, before the ordinance becomes effective, so that everybody who needs these services knows about these services. Staff will work with the veterinarians and do everything they can to make sure that word is out. He wanted to put this up on the screen. He knows they saw it in their paperwork, but so the audience can see it. They determine the low income people who are qualified based on the 2009 Federal Poverty Guidelines, which changes every year based on the economy and conditions. It is published by the United States Department of Health & Human Services. This is the same guideline that organizations use across the nation, Healthy Start and some other public assistance programs, so it is a standard. He thinks even their Community Development Division uses this standard. Some additional changes to the ordinance which they didn't previously talk about. In Section 4-22, he added the permissibility of using electronic barriers in order to confine an animal. In Section 4-52 and 4-54, this was just an error, it said "administration enforcement". Enforcement is part of administration, so he thought it best that they strike the word "enforcement" from those particular paragraphs. It does not change the form or function of the ordinance. Another amendment, he doesn't even know what the source of it was to be honest, but he got a copy of a list of concerns with the ordinance that somebody presumably from the community put

together. He just got it today. He can talk about those particular issues if they want him to. One thing he did notice was that the ordinance the way it was written was overly restrictive to female animals in heat. This was the old language, he hadn't changed it, it is an artifact. It actually says if the female animal is in heat, it has to be confined to the house and wasn't allowed outside for any reason whatsoever, which in his mind is ridiculous and just doesn't work. So he changed Section 4-26 by saying that "Female animals in heat (estrus) shall at all times be kept under restraint..." which as they know from the definition is under the physical control of the owner "...or confined within a building or secure enclosure..." He believes that works. Mr. Schwerer hasn't had an opportunity to look at that, so he knows he is looking at that now. He doesn't think it causes any problems. Section 4-72 was very similar. It said if their dog was in heat and was outside of the confines of the house, they could impound it. That is ridiculous if somebody has a dog in heat that is on a leash and under control. So he did basically the same thing with that section, saying "Female animals in heat may be impounded when not kept under restraint or confined within a building or secure enclosure as provided in this chapter." He thinks that addresses that particular issue.

Commissioner Alexander asked are they getting that specific where they are going to know whether a dog is in heat or not?

Chief Baldwin said he doesn't expect Commissioner Alexander to know when a dog is in heat. But his Animal Control Officers can tell when a dog is in heat.

Commissioner Alexander asked they are going to be looking for a dog in heat?

Chief Baldwin said he doesn't think they are going to be specifically looking for dogs in heat, no. The suggestions he is making actually makes this ordinance a lot more friendly to the public. He got that out of comments presumably from somebody in the public.

Commissioner Coke said just to clarify, the way the ordinance originally was written even before any of the changes, wasn't it written so that if an animal was in heat, it couldn't leave their house? And if it did leave their house, even if it was on a leash, it could be impounded? And he has taken that out of here? It becomes a little more user friendly for the dogs and cats.

Chief Baldwin said yes, it obviously is a lot more practical. It was an oversight in their review and they didn't catch it. It has been that way since at least 1993.

Commissioner Alexander asked how many citations have they wrote since 1993?

Chief Baldwin asked for that particular ordinance? He is not aware of any, to be honest.

Commissioner Alexander said he just doesn't want the gestapo stopping by.

Chief Baldwin said again, they are trying to be more friendly. In the end, his recommendation right now is that the City Commission vote to adopt Ordinance No. L-80 as presented in the second Public Hearing, which includes all those corrections, and that they adopt Resolution No. 09-29 along with it, which provides the financial assistance, and also adopt the alternate language presented for females in heat. He talked with their City Clerk, Ms. Steele. She said all those adjustments can be made, it is not a problem, they can do that here tonight.

Commissioner Alexander said he still has the concern when they speak of the fowl. They have peacocks strutting their streets very proudly. He thinks every citizen in the City of Fort Pierce passes by looking for one. How are they going to deal with that, by the book?

Chief Baldwin said the changes in the ordinances restrict peacocks. Those are not allowed to roam at large. They will deal with it by the book. He has been out on a number of weekends over the last couple of weeks and actually heard their Animal Control Officers responding almost all over the City to peacocks that are blocking traffic. This is a daily occurrence. He understands some people think peacocks are beautiful; but those are causing a nuisance and they need to deal with them.

Commissioner Sessions asked the electronic barrier, could the Chief be more specific? Isn't he concerned about safety hazards that could come about as a result of electronic barriers?

Chief Baldwin said he specifically did not put electric fence in the ordinance, because that would cause a safety concern. This is an electronic barrier. It is normally buried under the ground and the dog wears some type of control. It has to be working in order to be effective. In other words, if it doesn't work, it is not controlling the dog, just like if there is a hole in the fence, it doesn't control the dog. There is no doubt in his mind there could be some debate about how humane that is, whether they agree or disagree with it; but the bottom line is, it is a viable solution for people who maybe can't put a fence up in their yard.

Mayor Benton said they refer to them as invisible fences.

Chief Baldwin said the newer ones are wireless, they are proximity. That is why he didn't want to define any specific tool. As long as it confines the dog, that is what they are looking for.

Mayor Benton said a lot of times it just gives the dog a brief shock. Some dogs, they don't even notice it.

Chief Baldwin said actually the newer ones, the more progressive ones, are not even shocking the dogs any more. They are stimulating through static and other things that are not actually hurting the dog.

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

Ms. Karyl Hall, 4302 Edwards Road, said she was surprised to see a completed ordinance when originally she thought they were supposed to do some public input to put one together. She was wondering if there was any information sought from local kennel clubs or cat fancier members, because they have a very knowledgeable animal welfare interest. But that aside, the Chief has already addressed some issues, but she would ask that they also consider exempting therapy dogs as well as service dogs. The County does that, because they do provide a service to the community. Most of them are not naive and realize this ordinance is about money for the City as well as trying to solve a problem. However, making fees high so people can't afford it can backfire. In the City of L.A. when they passed their spay or pay law 2000, licensing compliance plummeted. Broward County charges \$15 and \$31 for their licenses. They do charge \$75 for an un-altered license, but that is tied to in a three-year license and it is also tied to their three-year rabies vaccination so there is no slipping. Miami/Dade has a \$3 fee for their tags, whether the dogs are unaltered or altered. It depends on if they are getting public assistance or not. So basically they are looking at whether they want to license a lot of animals at a lower fee or just a few at a higher fee. St. Lucie County, the first year of their ordinance in April 2007 and 2008, did sell 3,500 licenses. But of that, only 100 were unaltered licenses. Animal control issues are varied and each one has its own solution. So what are the issues in Fort Pierce? They don't know because they don't have any statistics. Data is the link between assessment, planning, and results. And they have none that are meaningful. She keeps hearing how they equate owning a sexually intact pet with irresponsibility. There are some valid reasons for keeping intact pets. How many animals impounded are already neutered? They don't know, because there is no data. Trends in a lot of other areas show cats are the biggest numbers that are brought into the shelter. Chief Baldwin admitted that was an issue here. What are the dog issues? Are they stray, are they vicious, are they owner turned-in? Each one has its own solution, one of which happens to be euthanasia. Closer to home, Palm Beach County did initiate a similar ordinance to what St. Lucie County did. Their licensing compliance dropped to 52.3% with their unaltered tags. And in senior unaltered tags, it dropped over 70%. When questioned, Dianne Sauve - who is the Animal Control Director in Palm Beach - said she expected to hopefully see some change in their numbers within ten years. She noticed from last Monday, Chief Baldwin didn't want to make a guess, then he stated this was interim measure before they went to a mandatory spay/neuter ordinance, but he didn't think they were ready at this time. So where are the statistics of how this ordinance is going to help Fort Pierce? They can't show her, because there is no data. The national average is 67% of owned dogs and 89% of owned cats are already neutered. The issues regarding stray animals, intact or not, go back to cultural and generational attitudes that only education can change. So said she suggests first make the fees more affordable which, with the public assistance and

the changes that were made, they are on the right track. And look at the issues and the wording of some of the other sections of the ordinance and add therapy dogs to the exemptions. But more importantly, whether this ordinance is passed or not, they need to look at the issues and deal with the facts to solve the problems. Right now they don't have any data or statistics to show where these problems are. It looks like they are basically throwing taxpayer money at a problem hoping it is going to stick, but they don't really know what the problems are. So if they could get some valid statistics, it would help.

Mayor Benton asked does she live in the City limits of Fort Pierce?

Ms. Hall said she doesn't, but she is within a block of being annexed.

Mayor Benton said he was wondering how this might affect her.

Ms. Hall said eventually it will, as she becomes closer to getting annexed in.

Mayor Benton said the County has already adopted this.

Ms. Hall said it has. And the therapy dogs are exempt. She has therapy dogs and she also co-leads a 4-H Group. There are a lot of people who have issues with the \$75 intact pet fee. because they feel it coercive.

Mayor Benton said the information she gave him from Palm Beach County, it proves that it is working down there. The numbers he looked at when it came to sterilized pets versus non-sterilized pets, the sterilized pets increased by 13,000 and the non-sterilized pets decreased to 6,000.

Ms. Hall said they also have a lot more programs in play than the City does right now. She knows their programs are getting more up to speed, but they are not there yet. Mayor Benton said they have to start somewhere.

Ms. Hall said exactly. They are going to be in the interim right now where, do they charge this exorbitant fee and don't really have the services right now? Where if they lower the fee, get the services in place...

Mayor Benton asked what is the exorbitant fee?

Ms. Hall said the \$75.

Mayor Benton said that is if someone is in the business of breeding animals.

Ms. Hall said no, it is for intact. She shows her dogs, but she doesn't breed.

Mayor Benton said that is a business. She is doing it and making money.

Ms. Hall said she is not making any money showing her dogs. It is totally outflow cost, there is no income. She doesn't breed, she just shows.

Mayor Benton said what he is trying to do is find a way to lower the cost to taxpayers for all the unwanted animals running the City streets.

Ms. Hall said if they had better data where they could track the problems, then they could find solutions to the problems. That would also help. But right now, they don't have anything, no statistics.

Mayor Benton said in his opinion he thinks they do. The statistics in the County in the first year and a half is one of the reasons why the City is moving forward with this.

Ms. Hall said when they see where they have 8,000 animals impounded and of that 5,100 are euthanized. On the Humane Society statistics, 5,100 are sick, injured, or owner-requested euthanasia. None of those animals are going to be affected by the ordinance. When they look at the statistics on line for the Humane Society, last year it showed 212 animals died for other reasons, but they don't know what those reasons are. Of those 212, those were the only ones that weren't sick, injured, or vicious that they listed in the top section of that statistics.

Mayor Benton said it appears in Palm Beach with the information she gave him, the numbers of vicious and sick animals have been reduced by what they are doing. So they have to start somewhere.

Ms. Hall said if they also look at the numbers for the cats, the cats far out number their dogs. Feral cats is a big part of that where they really don't have anything in place. There are things in place and there are a lot of issues with the laws in Florida where feral cats are considered non-indigenous species, but there are different programs they put in place to sort of bypass that which could potentially help with that as well.

Mr. John Parry said he lives in Fort Pierce. He couldn't disagree more with everything he just heard. First of all Los Angeles is a shining example of a very successful program. The devil is in the details. When the program started, the euthanasia rate in L.A. was at 37,833 animals in 2000. In 2007, it was 15,000. Their intake dropped from just under 60,000 to around 45,000. What they have done in L.A. - and this is where it all gets convoluted - their budget went up in 2000 because of something called Proposition F, where they issued \$500 million worth of municipal bonds to build shelters and paramedic stations. The debt service on those bonds is what is driving their budget up. Also, the shelter manager in Los Angeles is trying to get his overall euthanasia numbers down as low as he can, so what he is doing is filling up all these new shelters - he is doubling them up, he is cannibalizing his enforcement. He is taking everybody who works for Animal Control and now they are taking care of all these dogs. Frankly a lot of the dogs are getting sick and there is a lot of problems with this. What

happened is, they planned the new shelters before they did the differential license. Had they done the differential license first, saw the dramatic results and the reductions in numbers, they would never have built so many new shelters. That is what happened. As far as West Palm Beach, Mayor Benton is exactly right. They have taken in \$500,000 more in 2008 than in 2007, and this license only went in effect April 1, 2008 and the fiscal year ended at the end of August. So the results Mayor Benton talked about were for a 5-month period. \$354,000 more in just license sales, overall \$500,000 more in revenue, and that is including their spay/neuter shuttle that travels around spaying and neutering. Overall communitywide, 2,450 less euthanasias were reported. It goes on and on. This works. One more thing that happened in L.A., they passed a mandatory spay and neuter law just recently after this successful differential license fee was in place. When they did that, the head of Animal Control eliminated the low cost spay and neuter programs thinking that this mandatory thing would force people to spay and neuter regardless of whether they had assistance or not. It is a critical component that they have access for the poorest people. When they think about the results of this, what they get is the most financially challenged people in their community now get a service that they might have to go out and pay \$200 for. This is a way to make people who don't spay and neuter their animals, pay for spaying and neutering for the less fortunate. Cutting through all the malarkey, this is a funding mechanism so poor people don't have to endure cancer in their dogs, so they don't have to endure dogs that want to roam, and they do away with the backyard breeding. Backyard breeding is simply people who think they can breed. They mate two animals, they sell two, and the rest go down to the Humane Society, and the taxpayers pay the Humane Society \$115 an animal. Mr. Andrews and the Humane Society has kept the cost of dealing with their animals in this community to the lowest in the State of Florida. That is in part due to their generous donation of this and their ability to run a very efficient shelter. What they need to do right now is run with that very efficient shelter, partner with the County, reduce population, and save a lot of tax dollars.

Mr. Clem C. Benton, Jr., 1707 Avenue M, said he has a pet, he keeps the pet in his house. He takes it to the doctor more than he goes. Why does he need a license to have a pet? His pet does not run around, he keeps him in the house. Why does he have to buy a license?

Chief Baldwin said what they are trying to do is make sure they reduce the public cost. The City is paying almost \$500,000 a year to impound animals. Not everybody takes care of their animal as well as Mr. Benton does. But even his animal he keeps in the house, there is a possibility that it could escape his custody and be roaming around. They are trying to make sure they have a way to return that animal to him and not have to impound it. He doesn't know if his animal is sterilized or not, but...

Mr. Benton said she is and she has a chip. So why does he have to pay \$5 or \$10 for a license?

Chief Baldwin said so they can return the animal to him and they can help other people in this community be responsible about how they take care of their animals.

Mayor Benton said as a taxpayer, he is paying over \$270,000 a year just in the City for people who aren't responsible for their animals and in the County it is probably closer to \$500,000. They get charged \$115 an animal that is turned in to the Humane Society for those other folks. They are trying to make people responsible for their animals and help the taxpayer get a break at this time.

Mr. Benton find the people who allow them loose like that and get them.

Mayor Benton said that is what they are trying to do.

Ms. Sally Ann Berququist said she is a Port St. Lucie resident who volunteers and helps support Dogs & Cats Forever No Kill Animal Shelter and United Way for Animals of Fort Pierce. She is here tonight with hopeful anticipation that the City of Fort Pierce will pass the pet differential license registration ordinance. She would be remiss not to remind them that they are being supported by the following list of organizations and agencies: Animal Rights Foundation of Florida, St. Lucie County Board of County Commissioners, the Fort Pierce Police Department, the Humane Society of the United States, the Humane Society of St. Lucie County, St. Lucie County Public Safety & Animal Control, Dogs & Cats Forever, Dogs & Cats Forever No Kill Animal Shelter, All Pet Rescue, the SPCA of the Treasure Coast, United Way for Animals of Fort Pierce, and last but not least, the International City/County Management Association. Interestingly, the Fort Pierce City Manager has ICMA on his business card, meaning that he must be ICMA approved. ICMA also approves this type of animal control ordinance. Let's not forget 1,000 local citizens of Fort Pierce, Port St. Lucie, and St. Lucie County who have signed these petitions supporting the enactment of either local pet differential licensing or a statewide mandatory spay/neuter mandate. Clearly these citizens have said they want breeding control legislation and a reduction in euthanasia expenditures. Lastly, United Way for Animals has asked her to present a check for \$4,000 to the City of Fort Pierce Police Department as a confirmation pledge to start a fund for animal registration and for spay and neutering. When such a program exists that they have the power to implement this evening, significantly more grant monies can be applied for and accessed from other animal welfare organizations and state funds. But without a city program, they lose access to that money for the exclusive use of Fort Pierce citizens.

Mr. Christopher Dzadoovsky said under fair disclosure, he wants to tell them he is here as a St. Lucie County Commissioner supporting their effort to pass this pet differential ordinance. He thinks it is important to the citizens of Fort Pierce and the County that they have ordinances that mirror each other. The County is currently working on bringing some of the changes that the City has in their ordinance forward to amend theirs to make

that mirroring happen. In many of the meetings they have had in the recent past, they have talked about having cooperation. He is here to support them in that cooperation. But also in the interest of fair disclosure, their first speaker, he wants to point out and thinks it should have been stated so they know who the individual represents. Based upon information provided him by Source Watch, this individual is associated with the National Animal Interest Alliance (NAIA) Trust. It is reported that this is a group and industry lobby for animal commerce. Their primary agenda appears to be protecting their interests and the status quo, which includes financial interests, legislation, and public perception related to animal agribusinesses, sports, blood sports, entertainment, breeding, hunting, fishing, trapping, fur ranching, and animal testing. What does that mean? They lobby against humane legislation and animal welfare groups such as those who wish to spay and neuter, breeding restrictions and fees, horse slaughter, and the like. They also endorse unnecessary and inhumane surgery such as ear cropping, tail docking, declawing, and debarking. He didn't know what debarking was until he read a little bit more about it. They take dogs and actually surgically alter their vocal cords so they can't bark. At the end of the day, he thinks it is important that they know who is speaking. They have had people here who represent the community. Mr. Parry is a strong advocate for animals. The Humane Society is here. He thinks it is important that all the information is out there. As a St. Lucie County Commissioner, he applauds their effort. This effort will help them to reduce the cost of business in St. Lucie County as well as the City. For Commissioner Alexander, that way they can take some of those saved dollars and put them toward issues and items for children.

Mr. Charles Grande said he is a St. Lucie County Commissioner. He is here to ask that they support this ordinance and give it a try. Earlier they heard a question about data. Yet they have seen the data from both St. Lucie County and Palm Beach County. It is fairly clear and fairly easy to interpret. The number of license tags for unaltered animals has actually dropped a bit. The number of tags for altered animals has increased greatly. The speaker tried to imply that suddenly perhaps people with unaltered animals are going to hide them or...? What is happening is, because of the differential license people are having their pets spayed or neutered, it works. The number of expensive licenses will go down and that is a good thing. The number of reasonable licenses will go up and that is a good thing. They will know where the animals are, they will know who owns them, they will know how to return them when they find them, they won't be burdening the citizens with expensive licenses, and the citizens will be acting responsibly by having their pets spayed or neutered. There was a real question at the first public hearing about what kind of onus does this put on the poor? The Chief testified tonight that the citizens who need help the most will get it. There is a free spay and neuter program, and the license is \$5 for the poor. This really should answer the question, are they impacting anybody negatively who can't afford it? Again, Palm Beach County has demonstrated that the differential part of the license works incredibly well. A little over a year in St. Lucie County shows exactly the same

thing in exactly with the same proportions. People look at how it is really expensive to have an unfixed animal. It is really reasonable to have their animal fixed and be a good citizen and they do it. The population goes down, euthanasia goes down, the shelters wind up better off for it because they get a reasonable number of animals. It is a win/win. There is no downside. He just hopes they work with the County and give it a chance.

Mayor Benton said he sees two working dogs in the audience. Are they in support of this ordinance? They look pretty comfortable.

Mr. Frank Andrews, St. Lucie County Humane Society, said he is here to present this dog bone tie to the Mayor. This is a win/win program and they are entirely in support of it. They will work hard to keep the cost down for spaying and neutering to citizens and to do whatever it takes to make it all work.

Ms. Lynne Zaklin said she lives at 514 N.W. Floresta Drive in Port St. Lucie. She is a Veterinarian Technician. She has served with various adoption groups. This has been the most important thing she feels she has done for animal rescue is this ordinance, working with United Way for Animals and the other brave people who are standing up for the animals that are innocent and can't speak for themselves. She would ask the people who would like to see this ordinance passed, please stand up. (Approximately 35 people stood up.)

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

Chief Baldwin said when Mr. Benton came up, maybe he could have done a better job explaining this. If they take the \$427,000 they are spending on animal control in the City of Fort Pierce today - and he actually thinks that is a very conservative figure, he thinks it is much closer to \$500,000 - but if they assume the \$427,000 and divide that by 40,000 men, women, and children who live in Fort Pierce, they see that every resident, even the children in this community, is paying \$10.67 towards the care and control of animals. He knows by adopting this ordinance they are going to be able to impact that for everybody. He thinks every citizen in this City a year, two years, or three years from now is going to end up paying less for animal control services, not more, by adopting the ordinance.

Commissioner Alexander said he is in support of this. But how are they going to get this information out to the public? He sees the first offense is \$50.

Chief Baldwin said that is a fair question. They went through a similar discussion when they passed other ordinances like the curfew ordinance and so forth. Their Public Information Officer will work on a public information campaign. It is actually part of the resolution, that they are directing him to conduct this campaign. They will use TV Channel 27, the newspapers, the veterinarian offices, the Humane Society, and they will use every animal advocate that is out there in order to do this.

Over the next 90 days he will task his Animal Control Officers with making face to face contact with as many animal owners that they possibly can and hand them a brochure that tells them what the requirements are and, more importantly, how to go about applying for these grants so this doesn't cost them more money than they should be paying.

Mayor Benton asked could they put a notice up in the public schools? Because there is no better way to train parents than through the kids. How many of those dogs are taken care of by the kids? So he thinks that is one of the best ways to educate people.

Chief Baldwin said that is a good idea, he is sure they can. The Utilities Authority has offered in the past with enough notice to stick pamphlets in with their billing. They will do everything they can. It is in their best interest that everybody knows about this ordinance so they can comply with it.

Commissioner Coke said she is glad they are embarking on some educational things. The Chief might consider using the reverse call system. In conjunction with that, she knows a lot of children in school should be taking care of the dog, but more often than not it is mom and dad are taking care of the animals. But they have School Resource Officers in place. How wonderful if they make arrangements to tell the kids how important it is and why it is important. Because if Fido gets lost, they want Fido to come home. If a kid goes home and says they have to do this, the parents are going to listen probably a little bit more than if the Police Chief tells them. She is glad they are looking at education. Do they have an effective date they are going to put this in place?

Chief Baldwin said if passed, it is 90 days from tonight.

Commissioner Coke said now she has some concern. She thought their ordinance mirrored exactly the County's. Now she is hearing this evening that the County had a provision in there exempting service animals. Do they have that reflected in theirs? Is it a necessary thing? Have they spoken with people who provide service animals to get their feedback on it?

Chief Baldwin said he worked with Mr. Schwerer's office quite extensively on this. Companion animal or therapy animal is a term that has been used rather broadly in their society. In his opinion it is overused, because dogs and cats provide therapy. All of them are therapy animals, that is why people have them. What they wanted to make sure is they did exempt those that are providing a service.

Commissioner Coke asked if they are 120 days into this and there is a problem, whether it is with service animals or something else, if this or that is going to be a problem, they can always amend this, can't they?

Chief Baldwin said they have completely revamped this entire Chapter. He fully expects he is going to need to come back to them in six months. Yes, they can absolutely amend it.

Commissioner Coke said she wanted everybody to understand this is a starting point. And if there is a mistake, because they all make mistakes, if they have an error in here that needs to be addressed, they certainly can again as a community look at it and address it at some later date.

Chief Baldwin said she is absolutely correct. Section 4-52(f)(5) says, "Fees shall be waived for any service dog or cat that is specially trained and actively engaged in service to assist the handicapped; however, these animals must be registered and comply with requirements to wear tags." That is the best they could do to define it. It may need to be adjusted. They will find a way in the application process to try to keep track of people they are excluding from fees. That is the best they could do with the definition. Understand, the animal does have to be registered, but the fee is waived.

Commissioner Coke asked the ordinance as prepared this evening did reflect those changes for female animals in heat, they could go outside so long as they were under the control of their owner?

Chief Baldwin said no. What he is going to ask, if somebody makes a motion to pass Ordinance No. L-80, is that they include the alternate language that was presented tonight for female animals in heat.

Commissioner Coke asked at some juncture in time, she would assume soon, they will have a list of veterinarians that are going to be participating in both handing out licenses and spaying?

Chief Baldwin said yes. They did speak with all veterinarians and they received positive feedback with them. The vets were very happy with the County's animal control ordinance. He has every indication that they will also provide the same level of assistance to the City. Yes, they will have that put together and that will be included in the advertising they are doing.

Commissioner Coke said she knows they all laugh since they have been talking about this for a year that they are spending a lot of time on 50 licensed animals in the City of Fort Pierce. So she is hoping that next year when he comes back, he can tell her they have 10,000 licensed animals in the City of Fort Pierce, which is probably a lot closer to the correct number.

Commissioner Sessions said it appears that with the resolution the Chief has addressed the individuals who may be at or below poverty level, by way of a grant. That is the only problem he had with it. It would have been nice if that \$5,000 for that reduced cost for registration would have come from the Chief's budget as opposed to the City's General Fund budget.

Chief Baldwin said it is all coming out of the same pocket.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, that Sections 4-26 and 4-72 of Ordinance No. L-80 be amended to include the alternate language for female

animals in heat; and that Ordinance No. L-80, as amended, be passed on second and final reading.

Commissioner Becht said he will not be able to support all of this, which contemplates more than just the differential licensing. He has a step-cat and a dog from the pound, but there are certain parts of the ordinance that he just can't support at this time. They are going to have to work through them; and as soon as they start having problems, he hopes the Chief will bring it back so they work through the wrinkles in this.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-29

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING ADMINISTRATIVE PROCEDURES FOR FREE AND REDUCED COST **PET REGISTRATION AND STERILIZATION GRANTS**; AND PROVIDING AN EFFECTIVE DATE."

Chief of Police Sean Baldwin said this actually provides the administrative direction to make sure they are providing the free or reduced cost services that this Commission has instructed him to do. The resolution binds him to doing that. His recommendation is that they approve it.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Resolution No. 09-29 be adopted.

Those voting in favor of the adoption of Resolution No. 09-29 were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: Commissioner Becht.

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

Chief of Police Sean Baldwin said this ordinance simply deletes language in another chapter that used to apply to Chapter 4. With the adoption of Ordinance No. L-80, it no longer applies. So this is administrative in nature and it is just cleaning up another section of the Code of Ordinances.

Commissioner Alexander asked what about endangered species like

fowl, the peacocks? He is just letting them know he is not going to be able to support anything that speaks about that.

Chief Baldwin said this particular ordinance in front of them will not impact any endangered species at all.

Commissioner Alexander asked peacocks are not endangered in Fort Pierce?

Chief Baldwin said he does not believe it is an endangered species. He can tell them, it certainly is not endangered in Fort Pierce.

Commissioner Alexander said he heard the Chief make a statement that he had several calls throughout the City of Fort Pierce. So there are multiple places that have these peacocks roaming?

Chief Baldwin said yes.

Mayor Benton declared a Public Hearing on Ordinance No. L-81 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, that Ordinance No. L-81 be passed on second and final reading.

Commissioner Coke said she doesn't want to discuss peacocks, because then they have to talk about the sand hill cranes, which are standing in the middle of the road more often than the peacocks. Is any of this going to give them the ability to get rid of some of the chickens that are all over the streets?

Chief Baldwin said yes. Actually they spent hours discussing how to address the problem with feral chickens.

Commissioner Coke said she has gotten no less than two dozen calls of people complaining about chickens on the street on Sunrise Boulevard and on Oleander Avenue. They are almost causing accidents, school buses are stopping. She knows there is not a lot that they can really do about it; but she is just hoping that something they are doing here might enable them to get people educated. Maybe they need to include that in their education at the schools. Let the children know they are not allowed to keep chickens. Easter chicks is one thing. Chickens is a whole different thing.

Chief Baldwin said actually Ordinance No. L-80, which they have already passed, addresses those issues.

Commissioner Coke said so next year they won't have any chickens running around.

Mayor Benton said one thing they are working on is the buzzards. He has gotten more phone calls about the buzzards. They are going to try to work on that problem. It is because of the

landfill. The buzzards are living in the Oakland Park neighborhood at night and it has made a real mess. The Chief knows about it and is trying to deal with it. For the County Commissioners that are here tonight, they are hoping to have them take a look, if something can be done to the landfill to deter those buzzards from calling that their dinner plate out there.

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

Ordinance No. L-82 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-3 OF CHAPTER 22, ARTICLE I, DEFINITIONS, BY ADDING A DEFINITION FOR STUDENT HOUSING; AMENDING SECTIONS 22-26(c), 22-27(c), AND 22-28(c) OF CHAPTER 22, ARTICLE III, CONDITIONAL USES PERMITTED, BY ADDING SECTION 22-26(c)(11), 22-27(c)(13), AND 22-28(c)(14) TO PERMIT **STUDENT HOUSING AS A CONDITIONAL USE IN THE R-3, R-4, AND R-5 ZONING DISTRICTS**; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Ms. Leslie Olson, Historic Preservation Officer, said this is the second reading of the Student Housing text amendment and they are also introducing Resolution No. 09-28. At the last meeting on April 6th, the Commission requested changes to the Student Housing Text Amendment (Ordinance No. L-82). Student Housing is to be allowed through the Conditional Use process. The Commission also instructed that the R-3 zoning district would be included as well as the R-4 and R-5 zoning districts. And that students would be defined as attending colleges, universities, and institutes of higher learning. These changes have been made to the ordinance before them this evening. The Commission also asked that the Planning Board conditions be used as review criteria. Therefore, Staff has created Resolution No. 09-28 to create an official record of both the map delineating the 1/4-mile radius around Indian River State College, as well as the review criteria that the Planning Board recommended, but taking out the references to the overlay district and anything that was already addressed in the ordinance. Staff recommends approval of Ordinance No. L-82 and Resolution No. 09-28.

Mayor Benton declared a Public Hearing on Ordinance No. L-82 in session and asked if anyone in the audience wished to be heard.

Ms. Marcia Baker said she is a resident of Fort Pierce. First she wants to apologize to any and all who took exception to any of her comments at the last City Commission meeting. Her words were ill-chosen and caused unintended offense. Her disagreement was and is with the process that was being followed, not with anyone either on City Staff or City Commission or representatives of the applicant, all of whom she hold in the very highest regard. She wishes it had been possible to have this project go forth as a PUD or some other standard method,

rather than a text change amendment that affects the whole City. A conditional use application requires mail notice to owners within 500 feet of the properties and posting them for approval anyway. So she does not see what was gained by having the whole City affected for this one project converting newly constructed single-family homes to multi-occupant student housing renters. She needs to correct a response to Mayor Benton's question about notices being sent out for text amendments. She quotes from the April 6th Minutes. Mayor Benton asked, "On a text amendment, do they sent out letters to people within 500 feet?" Mr. Carlin said, "Yes". This is not quite correct. Notices are required for text amendments; but in this case, as in the last one, they were never sent out nor could they be, as the text changes affected a very large area rather than the specific properties that the text change was intended for. Putting aside her on-going concerns with the process, she would like to discuss the definition of student housing and what she perceives to be some problems that should be addressed in any applications for conditional use, especially for conversions of existing buildings. What is the definition of a student? Full time, part time? Would a working family with two children where each adult is taking a night course fall within the requirements? The Fair Housing Act prohibits barring children from rental housing. What provisions would be made to provide security to those residents of student housing? Will leases be required with credit and criminal background checks? At what level of occupancy would a full-time onsite manager and private security be required? What would they include as a qualified college enrollment? Would a business or vocational school be included? How about an accredited on-line college? Here is a hypothetical situation. Take an existing rental complex, perhaps like the 70-unit R-4 zoned one that is advertised in today's foreclosure notices. It is within one block of IRSC. The property is converted to student housing after having the conditional use approved. Remember, any conditional use criteria used for this current application for their conversions would create a precedent for any and all future conditional use applications. This has the potential to double the allowed occupancy within the same existing rental complex and negate the occupancy rules in the City Code. The parking requirements for student housing as suggested do not take into account the possibility that some of the student residents could be comprised of three adult working families with one or more children sharing a three-bedroom house. They are living in very hard times for many families. Although the need for student housing in this area may be great and although she sympathizes with the young students who spoke at the last Commission meeting, there has not been an independent study of the need for student housing. However, there is unfortunately a very large known population of displaced families and single parents who have lost their jobs and who have gone back to school. She hopes if this ordinance passes that their Code Enforcement and Police Department will not bear the brunt of enforcing the law in any new student housing development. She also hopes that effects of this ordinance do not discourage a developer bringing to Fort Pierce a full scale student housing development such as the ones in Gainesville and Orlando.

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

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, that Ordinance No. L-82 be passed on second and final reading.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-28

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING ADDITIONAL REVIEW CRITERIA FOR ALL CONDITIONAL USE APPLICATIONS FOR **STUDENT HOUSING** AS DEFINED IN SECTION 22-3 OF THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE."

Commissioner Becht said in regard to the resolution, he wouldn't want there to be any implication to the Planning Board or to Staff that the criteria set out in there are anything but the minimum criteria that he would want them looking at.

Ms. Leslie Olson, Historic Preservation Officer, said they attempted to address that through the resolution which says "establishing additional review criteria". But if he would like to do something a little bit more clear, they certainly can.

Commissioner Becht said it is just semantics, but sometimes that can mean a world of difference. It would be his recommendation that they call it "additional minimum review criteria", just so there is an emphasis on the Planning Board and/or the Commission and/or Staff can consider anything they think is relevant. He would approve it with the additional reference that it is additional minimum review criteria.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 09-28 be amended to add the word "minimum" so as to read "...Establishing additional minimum review criteria..."; and that Resolution No. 09-28, as amended, be adopted.

Those voting in favor of the adoption of Resolution No. 09-28, as amended, were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-83 entitled, "AN ORDINANCE AMENDING THE 2007-2008 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF FOUR (4) PAGES ATTACHED HERETO AND DESIGNATED AS THE **2007-2008 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 first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-83 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Ordinance No. L-83 be passed on first reading.

Commissioner Becht said the City Commission has an increase of \$7,300. Can somebody tell him what that was for?

Mayor Benton said that was last year's travel and conferences.

Commissioner Sessions asked with regards to fines and forfeitures coming down 75%, do they know the reasons why or what has transpired to have such a drastic decrease?

Ms. Gloria Johnson, Director of Finance, said they had budgeted in their fines and forfeitures what they call Property Code Violations and that figure was about \$156,000 less than what they anticipated. So that is why that number is a decrease in that line item.

Commissioner Sessions said they are doing a lot of forgiveness and mercy. Is that it?

Ms. Johnson said no. It is just when they projected, they just didn't project properly. They thought they were going to get more money than what actually came in.

Those voting in favor of the passage of Ordinance No. L-83 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing on a proposed Amendment to a Developer's Agreement (Reference: St. Lucie County Resolution No. 06-236, A Resolution granting Major Site Plan Approval for the Project to be known as **Cortez Road Multi-Family**).

Mr. Marc Meyers, Building Official, said Resolution No. 06-236 was approved by the Board of County Commissioners back in October 2006 for 93 units and 12 buildings at Cortez Boulevard and 25th Street. There were ten conditions to the resolution for approval. Three of these conditions are creating a problem today. Items #2, #3, and #4 of Section A require signalization at the intersection of Cortez Boulevard & South 25th Street, turn lanes on Cortez Boulevard at the east and west sides of South 25th Street, and the widening of Cortez Boulevard from South 25th Street to the easterly property line of the development. This has not been done. In order to issue Certificates of Occupancy, the developer is asking to amend the resolution that was approved by the County. Normally the City accepts the County resolution, which they have in this case. In order to amend the resolution, it has to undergo administrative review and two Public Hearings. One Public Hearing was at the Planning Board. The second Public Hearing is this evening

before the City Commission. The Planning Board did hear this case on April 14th; and they unanimously approved recommending this be pushed on to the City Commission. There are several issues with this situation. St. Lucie County received \$2 million in HHR (Hurricane Housing Recovery) money that they have invested in this project. They need occupancy of a set number of units prior to June 1st. If that doesn't happen, the State wants their money back. Beth Ryder is here from the County and will speak in the County's behalf. The proposed Agreement (Agreement Amending Major Site Plan and Road Improvement Agreement between the City and Cortez Townhomes LLC) allows for 24 units to be issued Certificates of Occupancy with the acceptance of... He learned this evening it is back to a bond instead of a letter of credit. The Design Engineer has stated that the drawings for the improvements at 25th Street and Cortez Boulevard are 80% done and the project should be completed within a year if everything goes according to schedule. So Staff recommendation is that the Commission approve the modifications the development resolution with the condition that the letter of credit or the bond and the Agreement be approved by the City Attorney as to form and content.

Commissioner Becht said Paragraph 1 (of the Agreement) has the road right-of-way being conveyed to the County by bill of sale. That he assumes is because it is a County road?

City Attorney Schwerer said that is correct.

Commissioner Becht asked he doesn't think there is any chance of that being a City road before this is completed?

Mr. Jack Andrews, City Engineer, said no.

Commissioner Becht said he didn't think so. In Paragraph 3, the provision for the reduction of the amount of security, he started getting some headaches over the reading of that. It talks about the City is going to reduce the amount of their security to 20% upon the issuance of a St. Lucie County Right-of-Way Permit for the work and the posting of the required security as required by the County to have the right-of-way permit issued and the issuance of the notice to proceed. What he would prefer is that when they know the type of security that is going to be required by the County, that they come back before this Commission and this Commission then decides they will knock it back down to 20%. But he doesn't know what kind of security the County is going to require and they may just require a handshake from Mr. Wexler, which he is sure he would love to give them instead of a real bond. But if it is not going to be a completion bond or a performance bond or something to that effect, why should the City defer to the County and just let them decide what kind of security they are going to have, and the City only has a 20% backup? Why can't they just let them come back to the City, and if there is acceptable security at the County, then the City will agree to drop theirs down to 20%?

Mr. Meyers said as far as he knows, the security is a performance bond that the County requires and it is at 115%.

Commissioner Becht said they can just plug that in, if that is agreeable to the applicant. It is a performance bond in the amount of 115% of the estimated cost of the improvements?

City Attorney Schwerer said he believes the way this Agreement was going to work is, the security that the developer was going to give to the City in the form of a bond or letter of credit was going to be 200% of the cost of all the improvements. Then as this Agreement provides, once the permit is issued by St. Lucie County... They have checked with St. Lucie County and St. Lucie County requires that all work done on the right-of-way be bonded at 115%. That will be a statutory performance and pay bond by the County. They have seen that form. They haven't seen this bond yet for the County because it hasn't been issued because no permits have been issued.

Commissioner Becht asked so he is going to go on record tonight and assure them that the County bond will be what they need it to be, so the 20% is more than adequate security for them?

City Attorney Schwerer said no, he is not, because there has been a little glitch here in some of the discussions he had within the last day with the applicant through Mr. Matthes office. The way this was originally intended, the City would get a letter of credit for 200% of the value of the improvements. Then once the permits were issued and the County bond was issued and they were satisfied with the requirements of the County bond, they would agree to reduce that letter of credit down to 20% of the improvements. So it was almost like double security - the County was going to be secured by a pay and performance bond and the City would be secured by a letter of credit. He found out this afternoon that the applicant is unable to get the letter of credit that the City Attorney office has requested. They sent him the form, the conditions, and everything else; but apparently he is unable to get the letter of credit for whatever reason. That makes him uncomfortable, because he instead has sent them a bond which is really a pay and performance bond, but that doesn't cover the City between the time frame of signing this agreement and issuing the C.O.'s up until the date the permits are issued by the County. It doesn't cover them if they are already going to be issuing Certificates of Occupancy and some other things under this Agreement. That is what the security to the City was intended to cover; not that they would get a performance bond that, once permitted, the improvements would be built. So he can't go on record saying he is comfortable with that arrangement. But they are able as a Commission to consider certain things if they are willing to modify the security tonight.

Commissioner Becht said after what Mr. Schwerer said, he would be a lot more comfortable with maintaining the security at the 200% level, albeit bond or letter of credit, whatever he can get, and these are interesting financial times. When he posts whatever he needs to post at the County, bring that back before the City Commission and they will evaluate what that security is at that time. He is not interested in punishing him. He is not interested in making extra money for bonding companies or banks

through the fees on a letter of credit. What he is interested in is getting that intersection signalized and getting it signalized in a timely fashion. Unfortunately Mr. Wexler is coming through after their debacle with the Harbour Isle Roundabout where they are three or four years down the road. He would like Mr. Wexler to address why it would not be fair to him to post the 200%, and when he knows what he has to put up with the County, he comes back to the City Commission and at that time they consider releasing or reducing it.

Commissioner Sessions asked is he saying there is a duration of time, if they accept a security in the form of a bond versus this letter of credit, that the City wouldn't be covered?

City Attorney Schwerer said let him try to explain it perhaps in a different way. They entered negotiations with this applicant whereby the applicant agreed to produce a bond or a letter of credit that was acceptable to the City to cover the obligations of this developer to the City, not the obligations of this developer to the County to build the road, but the obligations of this developer that he would follow this Agreement. Staff is very uncomfortable with bonds, because bonds are always like insurance policies - on Page 1 they give them something, but on Page 2 they take it away. And these are statutory bonds that the developer presented to them. That type of bond is not acceptable because it doesn't give the City security for the time frame when this Agreement is signed up until the permits are issued. It only guarantees that once the permits are issued by the County for the construction of these improvements, those improvements will be constructed under certain conditions and that all subcontractors who work there will be paid. It is a statutory pay and performance bond. So they notified the applicant that is not the type of bond they had in mind when they entered these negotiations. The type of bond they had in mind was a bond that guaranteed to the City certain types of representations or guarantees under this Agreement, not to build the improvements. So there are two different things. Staff asked for a letter of credit. And apparently the developer can't produce the letter of credit after staff devised the form. So it is apples and oranges. Once they get a permit to build in the right-of-way, they have to post a bond with the County. That is required for any developer or contractor doing construction of the right-of-way. If the City gets the bond the developer produced for them, they are not covered at all for the time frame when they sign the agreement up to the date they get the permits, if they ever get the permits. They may never get the permits to do this. He doesn't know that, he can't guarantee that. He doesn't know if anybody can guarantee that they are going to get permits and when they are going to get permits. The timing is critical on this. There is a lot of issues. That is the reason why he wanted security for the City, to cover obligations under this Agreement that in the event those permits were never issued due to faults of the contractor or developer, the City had the right to some security to correct some of the problems they are going to have with this subdivision that is already going to have C.O.'s issued for part of it and granted it is only part of it.

Mr. Meyers said they would be issuing 24 C.O.'s to begin and then they will issue 16 more. They have 7 buildings constructed. There are 12 that are not constructed at this time. There are no permits for the other 5. They will issue 16 when they get the permits and another 16 occupancies when they get signalization and it is operational. They will not issue any more building permits for the rest of the project until this signal is operating.

Commissioner Coke said the County has a vested interest in getting 24 units approved prior to June 1st. They are talking now of 16 units. Does that then default the County?

Mr. Meyers said no. The County needs 16. The developer has asked for the first 24 units to be issued Certificates of Occupancy.

Commissioner Coke said that is not quite how she is reading this letter that is in her packet. So they are not going to give the developer any more than is necessary for the County to maintain the \$2 million Hurricane Housing Recovery money that they received?

Mr. Meyers said maybe Beth Ryder from the County would be better able to answer that question.

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

Ms. Beth Ryder, St. Lucie County Community Services Director, said the Hurricane Housing Recovery Grant is under her Department. She did not know there was a concern here, she had been told they had it all ironed out and everything was cool; or she would have brought her attorney with her to tell them where they are with this, so she does apologize for that. It is 15 units the County needs, but those are scattered throughout the buildings, so that might be where the 16 is. She doesn't know where that number came from, but they need 15. There is a time sensitive thing here. If they can get the C.O. at least for those 15 or 16 whichever, they can then ask the State for an extension so they are not in dire straits. That is really what she needs is a seal on their units so they can ask for an extension so this whole project gets done.

Commissioner Coke asked they need a C.O. on 15 units prior to June 1st in order to retain that \$2 million HHR money?

Ms. Ryder said actually the grant goes to June 30th, but June 1st is the date that is on Mr. Wexler's contract. She doesn't know what to say other than that. She had no idea there was a problem with the bond.

Mayor Benton said it just came up today.

Ms. Ryder said the County accepts bonds. She heard there was a difference between a bond and a letter of credit, but she thought it was ironed out.

Commissioner Becht asked where is the County in regard to issuance of the permit for construction?

Ms. Ryder said she did not realize it was coming up tonight, but she did speak with the County Engineer, who had it on his desk to review today. Then they got stuck on another meeting for about four hours, so she knows he didn't review it. But he assured her it had been through the process and he was the last stop on the review to forward it down. She doesn't mean to be sticking her nose in where she shouldn't be, but is there a way this could be approved contingent upon the developer providing whatever it is the City needs? The County is holding \$400,000 and she knows he has a significant amount of dollars invested, way more than the \$2 million. But they are holding \$400,000. Is there some way they could figure this out so they can apply to the State to extend it? It sure would relieve the tension in her office.

City Attorney Schwerer said the simple answer is, if the City had security that was separate and apart from a statutory performance and pay bond. The Building Official and the City Engineer understands the difference between what they are asking for here. If they had some security under the Agreement, albeit less than the 200% because they may not need that full amount, they would probably be able to work through this. It is just unfortunate when they were trying to work through it, there were some vacation schedules and things from the other side that prevented them from coming to an agreement on this last week.

Mayor Benton said just throwing something on the table, so the County doesn't lose that money, but if they were to maybe put some language out there that if there is a shortfall doing this road improvement, that the County would step up to the plate. It could be done through an Interlocal Agreement that would come back to them. They just want to make sure the road work gets done. The City is being stuck right now (with the Harbour Isle Roundabout), so they want to make sure this does not happen again, and it is a County road.

City Attorney Schwerer asked where is that \$400,000 and where does it go?

Ms. Ryder said the County has it. It goes to the developer upon issuance of the C.O.'s. But that doesn't mean they can't amend it if they need to.

Mr. Meyers said it is \$600,000.

City Attorney Schwerer asked could they amend it to post that as the security for the interim period between the time he gets the certificates? Instead of it being released to the developer, it goes to the City's security until he gets the permits from the County?

Ms. Ryder said Mr. Wexler is nodding his head, yes.

City Attorney Schwerer asked is there any impediment for the County?

Ms. Ryder said no. She would have to take it back to the Board to approve amending the contract, but she can do that.

Commissioner Coke said so they are almost back to the Staff recommendation, to approve of the requested action upon the condition that it be approved as to form and content by the City Attorney. So they are almost right where they want to be.

Ms. Ryder said she did want to correct herself, it is \$600,000.

Commissioner Coke said if the Federal government is going to spend \$2 million, it might as well be in this County.

Mr. Stefan Matthes, Culpepper & Terpening Inc., said he is here representing the applicant, Cortez Townhomes LLC. They have been working very diligently with staff over the last month and a half working out this Agreement. They did come into a problem over the last two weeks with respect to the difference between a performance bond and a letter of credit. They actually went out and got a performance bond for 200% four weeks ago to try to make sure they had everything in order so it could be reviewed. After it was reviewed, Mr. Schwerer did point out that statutorily there was a problem and there was a hiatus between coverage. Typically they do provide performance bonds on construction type projects. There is a problem with getting a letter of credit for a certain amount because they have to have cash in hand to the bank. The bank then goes through a process and writes that letter of credit on that cash. There is a problem with a shortfall with cash right now. There is a loan out there that covers what is going on, but they have to come up with new cash to come up with a letter of credit. They don't have a problem with keeping that 200% bond in place through the duration of the construction if that makes them more comfortable, rather than releasing it or reducing it. But they do have to give the County a performance bond in the amount of 115% upon issuance of the permit.

Commissioner Becht said he may not have made himself clear. He still doesn't know what the developer is going to have to pledge to the County.

Mr. Matthes said they will not know that until they get the final cost estimate. The County will take a look at the cost estimate that he based his 200% on, they will verify it, and they will say they want 115%.

Commissioner Becht said the County has a mathematical formula for that, is what he has been told. He doesn't have a problem with the reduction of the amount of security once he knows what they have to pledge at the County.

Mr. Matthes said they don't have a problem coming back in front of the City Commission and letting them know what the numbers are.

Commissioner Becht said that was kind of his point, rather than Staff making that decision, he would rather the City Commission

make the decision. If it defaults, the City Commission is going to have to pony up the monies to finish the intersection. That is where he is and he thinks they are okay with that. When they know what security they have to put up with the County, come back here and they will sort it out. He doesn't want to make any more money for any more banks, which would be the letter of credit, or any bonding company. All he wants to do is make sure the intersection is signalized. The next part of this is the hiatus. How does Mr. Wexler propose to deal with the City? If 24 are C.O.'d, how does he have a performance security from now until when he pulls the permit?

Mr. Matthes said he doesn't know.

Commissioner Becht asked can he do something with the \$600,000?

Mr. Matthes said yes, they can pledge that to the City. He doesn't know how that would work, but Mr. Wexler indicated this is okay.

Commissioner Becht said he thinks it is a simple assignment.

City Attorney Schwerer said they can work the details out.

Commissioner Becht said he would like to accommodate Mr. Wexler, who has built in Fort Pierce at a time when a lot of others haven't. It is affordable housing. The bond program would help the County. His goal is to make sure there is not a crack where the intersection doesn't get lit. This is very important for the College. It is very important for crosstown traffic for people to get to the College. That is his goal. So what they are talking about is, a simple assignment of his entitlement to an additional \$600,000 from the County until such time he pulls the permit, at which time the bond is now truly a performance bond without the conditions they are concerned about.

City Attorney Schwerer asked they would review whether the City still hold the \$600,000?

Commissioner Becht said they could review it at that time. But once the developer pulls that permit and posts the security...

Mr. Matthes said they already have a security of \$1.445 million posted. It is just that it doesn't become effective, according to Mr. Schwerer, until such time that they pull permits. So they already have that posted.

Commissioner Becht said at that time his expectation is, if they have the security for the traffic light being done, Mr. Matthes client gets his \$600,000. He doesn't know that they get to reduce the bond at that time or not, because they have to post it at 200% and the County is only going to request 115%, so there would be some reduction in the bond and some assistance to him there. Can they all live with that? Is there a problem with that?

Mr. Matthes said there is no problem with that at all.

Mr. Meyers said he is fine.

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

Commissioner Becht said he would like to thank Mr. Wexler and Stef Matthes for being reasonable and working with the City, as well as Beth Ryder.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve the Agreement Amending Major Site Plan and Road Improvement Agreement between the City and Cortez Townhomes LLC., with the additional condition that the applicant will be assigning so much of the remaining monies left at the County, which they anticipate to be approximately \$600,000, until such time as the bond becomes effective, which would be reviewed by the City Commission.

Commissioner Coke asked is he then deleting Paragraph 3, the reduction of the amount of the security, or just changing that?

Commissioner Becht said what he would like to do with Paragraph 3 is to say the City would consider reducing the security at such time as he secures all St. Lucie County permits. Actually the wording the way it is, "The amount of the security may be reduced to 20% upon issuance of the St. Lucie County Right-of-Way permit for the work, posting of the required security as required by the County to have the right-of-way permit issued and issuance of Notice to Proceed to the contractor assigned the construction work." At that time the City would re-evaluate the amount of security. To elaborate on that issue, there is no need for Mr. Wexler to enhance a bank's profitability or a bonding company's profitability by excess security here.

Commissioner Alexander said he is in support of this. But are they issuing for 24 units?

Commissioner Becht said that was his motion.

Mayor Benton said he wants to thank Mr. Wexler and Mr. Matthes and Staff, because they have been working diligently on this for some time now. Also so the public knows, this is to keep the contractor working. Hopefully they will keep this job going and keep people employed.

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

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

City Clerk Steele said the Public Hearing was held on April 6, 2009; but the City Commission did not take action on the application at that time.

Ms. Diann Ploetz, Planning Specialist, said the applicant is requesting a 2-COP license to serve beer and wine for on-premises consumption within 1,600 feet of three licensed establishments, but no churches or schools. At the April 6, 2009, City Commission meeting, no action was taken pending payment of the business tax and fees for the 208 North 2nd Street location and application for transfer to the new location. On April 7, 2009, the applicant paid the business tax receipt and all related fees for 208 North 2nd Street and transferred the business tax to 2553 South U.S. #1. Staff recommends approval.

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

Commissioner Sessions said he hopes they make sure they have the right mechanism in place so this doesn't happen again or more awareness on Staff's part so it doesn't slip through the cracks.

Mayor Benton said usually Code Enforcement is out there checking occupational licenses, but this one he thinks fell through the cracks.

Mr. David Carlin, Assistant Director of Planning, said they have implemented some additional guidelines for the applicants when they fill out the checklist. They are also coordinating with the Building Department and Code Enforcement on these particular applications.

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

The next item on the Agenda was Resolution No. 09-26, Appointing and/or Reappointing Members to the **Historic Preservation Board**.

City Clerk Steele said there were three openings and four applications. Today they received a letter from one of the applicants withdrawing his application, which left three. So in the resolution she will place the names of Paul Samson and Mike Simone as reappointments and Ramon Trias as an appointment, and the resolution will have those three gentlemen's names in it. City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-26

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING AND/OR REAPPOINTING MEMBERS TO THE **HISTORIC PRESERVATION BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 09-26 be adopted.

Those voting in favor of the adoption of Resolution No. 09-26 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Mayor Benton discussion on petition submitted to change the name of Avenue D to Lincoln Park Main Street.

Mayor Benton said he put this on the Agenda because Mr. Christopher Williams had brought a petition to him. Mr. Williams had come to see him several times and said he had talked to many business people. He knows there had been some brief discussion recently amongst the Commissioners up here. He saw some interest in the newspaper. They have talked about this countless times over the years. He brought this to the attention of the Commission to see if there is interest taking this to the next step, which would be having Public Hearings and going from there. So he is looking for input from the Commission.

Commissioner Coke said Mr. Williams wants to be careful when he submits a petition that people haven't written little nasty notes with not so nice words on the top of the petition he is submitting to the City Commission, because obviously this person is not happy with the petition he is circulating. She and Mr. Williams had spoken earlier today. Her theory is, whatever the will of the people of the neighborhood want is what she is going to look to pursue. Her concern is, she thinks they have reached a turning point. They have the Avenue D Boy's Choir, who today did a fabulous performance at the Sunrise Theatre. These young men have not only a level locally where they are known, but throughout the state, throughout the country, and they even attained a certain level of notoriety internationally. And as of Thursday, they will have an Avenue D Girls Choir. So that is her biggest concern. Adults running businesses, they all concern her; but they are not kids. These kids have their next generation and their roots tied there, they are proud of being the Avenue D Boys Choir. So the more she thinks about it, she thinks it might be great when they look to promote Avenue D in the future, to promote it as the home of the Lincoln Park Main Street. Designate Avenue D as the Home of Lincoln Park Main Street, so it kind of changes the nature... She understands the point Mr. Williams is trying to make. But what she doesn't want to do is take yet another generation that is coming up and have them lose their identity. She thinks identity is so very important. That is just her opinion.

Mayor Benton said Mr. Williams has put a lot of effort into this. He believes he has met with most of the Commissioners.

Mr. Christopher Williams said he lives at 1006 Avenue L. He agrees with Commissioner Coke. It is not that he is trying to erase the heritage or nothing. A lot of people say it is not going to change the crime. He is not trying to change the crime. He is trying to establish a new identity as far as outside of crime, drugs, prostitution, and all those things, and now a new problem of gang violence. He just wants to do something to change the stigmatism. He suffered from it growing

up in this town. He is 35 years old. Everywhere he goes outside of Fort Pierce, people know of Avenue D, it is all negative. They have a lot of businesses on Avenue D that would like to have people from Port St. Lucie and from Vero Beach to come patronize their business, but it is not a reality right now because people are afraid of the stigmatism of Avenue D. That is all he wants to do, is to take the bad name, the bad reputation off of it.

Mayor Benton said that is something they as a community are going to have to take some time and change themselves. Because they know things are better than they were 10 or 15 years ago. The problem is, they are not doing the best job of getting that word out to everyone else. He knows a lot of them here are proud of that name and he is very proud of where they have come since he has been involved with the City. He had some pictures from many years ago when Reggan Ellis' father had passed away, his funeral procession back in the 1960's on Avenue D. He was a little kid at the time, he doesn't remember it that well. But there was a lot of thriving businesses, Avenue D was doing very well. There are many reasons during the 1970's and 1980's that things went the way they did. But now in the later 1990's and 2000's, they have come a long way. They have a long way to go, but he thinks they are on track. It is up to them as a community to put that stigma behind them. Like Commissioner Coke, he has always been very proud of the Avenue D Boys Choir. That message they are sending throughout the world is, times have changed.

Mr. Williams said that is it. He represents a different area in time from when Avenue D was a thriving place. His generation, they don't know that. And the generation after that is not going to know that either. He thinks it is only fair that they come up with something that his generations, the generation under him, as well as the generation in the past, can come together and meet halfway. The youth, it is like they do not matter.

Mayor Benton said the youth matters.

Mr. Williams said but he doesn't feel that way right now.

Commissioner Coke said Mr. Williams is 35. He is too old to be saying that.

Mr. Williams said what he means by that is, they have a different generation. He was born in 1973. He has no idea what happened in 1960. He reads about it. But what he is saying is, a lot of people his age only know Avenue D for what it is known for. He is just being serious about it. He just gets tired every time he leaves St. Lucie County and starts talking about Fort Pierce, that is what he gets is bad stigmatism. They can sit here and talk about the past all day, but history has already happened whether it is good or bad. But they get to a point where enough is enough and they have to come up with something that is going to work. They have to start somewhere with something different. That is what President Obama's whole campaign is about, change. He is not trying to erase the

history. It is just they are at the point now where something has to be done about it. Right now if he was to open up a shoe store, a coffee shop, or whatever on Avenue D today, nobody from Port St. Lucie and Vero Beach are going to come here.

Commissioner Alexander said he just wanted to let Mr. Williams know first of all that people are not coming down on him. Sometime Mr. Williams strikes a nerve. They talked about this and all he was trying to let him know that this Commission would not turn him away from any ideas or thoughts he may have. He did not agree to him that he would change the name of Avenue D, because his great grandfather used to work at the lumber company and he only had a path from U.S. #1 that was later named Avenue D and he built his first homestead on it. So he is very proud of Avenue D - good, bad, or ugly. He says that to him because they go way back. So he is letting him know from much love to him that people are not coming down on him. He had a senior citizen call him from a hospital bed to tell him to let anyone know she was born and raised on Avenue D and she would like it to stay that way. There is a thousand stories he has heard why they should not change it. He is not coming down on Mr. Williams. But he hit a little nerve. They can go forth from there. They have a inter-generation program where young and old meet together and they learn some history. Look behind him and he will see all these senior citizens. Wisdom comes with age, so let's bond together.

Mr. Williams said that is what he is all about. Commissioner Coke's idea is a good idea. It is like everybody meeting halfway.

Commissioner Sessions said he wanted to commend him in his efforts in terms of trying to get out and make a difference. Hopefully this is not a stumbling block for him. He personally is looking for the time when they are going to have that great transformation in what has been probably one of Fort Pierce's biggest dilemmas turn into one of the most glorious opportunities. Change is going to come, he can assure him of that. As a matter of fact, change is manifesting its way when they look at what is going on at Avenue D. The crime rate has gone down tremendously. There are not that many people committing crimes on Avenue D now, it is the surrounding areas. When they look at the businesses along the corridor itself, they have some of the most beautiful buildings being revitalized and being remodeled. Granny's Kitchen, they are making a major investment. Some of the finest soul food cuisine he finds right there on Avenue D and he travels all over the world eating. They have a CNS Soul Food, Granny's Kitchen, Miracle Ribs... Look at him and Commissioner Alexander, they didn't get like this by themselves, they patronize these businesses all the time. Not only there, but the beach too. A lot of times when he gets there, they tell him Commissioner Alexander just left. At any rate, he thinks the overall consensus of the people as far as Avenue D is concerned, people want to give it more historical preservation. The change he is speaking about and that he sees on Avenue D is manifesting itself and it is actually happening. People who were identifying with Avenue D perhaps from a negative standpoint, they take it as something to

be prideful about and motivated to change. He doesn't think they want to take away the identity of the corridor, but change the mentality of the people who are on the corridor. Again, he doesn't want to come down on Mr. Williams in terms of his efforts. But this is just something he thinks to some degree has been a blessing for the City of Fort Pierce. He is determined as well as the City - as they can see from the major investments that the City made to make a difference - to make it return back to that positive corridor that they hear so much about but they can't remember because they are not that old. That in itself is motivation for him, because he wants to see it return back to the way it used to be.

Commissioner Becht said he is going to thank Mr. Williams. That nerve Commissioner Alexander talked about that he hit stimulated some discussion, it stimulated some pride, it stimulated some ownership in the community. They need all of that in order to effect the change he talks about. As a young man of 35 years old, he appreciates his energy. It is well-intentioned and properly focused, so good things are going to come of it.

Mayor Benton said he wants to thank Mr. Williams because he knows he is working on several other things in the community. This is just the way the process works. Hold his head up, be proud, and they will accomplish other things.

Commissioner Coke said she wanted to thank him too. They can get together. They have a whole room full of supporters here to try to promote how they can incorporate both things. As long as everybody else in the community comes and does their little two minute commercials, she is going to take two minutes while they have a captive audience and remind everyone here who was very committed a month ago that the Chief put into effect "Operation Cease Fire". She is here to tell them Thursday, Friday, and Saturday night at 5:00 o'clock at the Police Station, go out with the members of the community and the Police Department. She has gone out several times, knocked on doors, talked to these kids, talked to these parents. They are going to listen way more to members of their community who are out there saying they are not in this alone, they care about them, what can they do to help. She is hoping he will show up and ride with them one night.

The next item on the Agenda was Commissioner Coke discussion on request by **Tourist Development Council's** recommendation for funding for St. Lucie County Airport improvements and expansion.

Commissioner Coke said they have recently established a tourism partnership with Grand Bahama Island and are looking to do many things. Golf tournaments that are partly here and partly there. They are talking about maybe even having a motorcycle run that takes place partly here and partly there. A lot of different exciting ideas are coming out of it and they are pursuing those. She had a meeting Friday, it didn't go as well as they thought, but it was the first meeting on establishing a ferry system that will run back and forth between the Port of Fort Pierce and Grand Bahama Island. The second thing they are looking to do is to complete a study that the County needs to do for some

expansion for the Airport. They have an airline already she believes interested in flying commuter flights back and forth. She is going to preface this with, she honestly believes they will be able to get the matching \$50,000 for the grant money they have received through the Transportation Planning Organization (TPO). But since there is some urgency in moving forward with this, the Tourist Development Council (TDC) would like to use the 1/3rd of 1% that has been set aside already to be spent north of Midway Road, they would like to use \$50,000 of that money to use as a matching grant if they can't get it from the TPO. They were very thoughtful in the fact that they recognized that since so little of it is actually designated to be spent north of Midway Road, they didn't want to just move forward without a consensus or agreement of this Commission that they feel it would be a good investment. As such, she is asking for a consensus.

Commissioner Alexander asked are they going to have name recognition for this associated with the dollars?

Commissioner Coke said it is a study. But when they move forward on that, she is sure they will do something.

Commissioner Becht said if he understands her request, she is looking for direction because she sits on the TDC for the City, and she is just wanting to get a consensus from the Commission on whether they want the \$50,000 of the TDC money spent at the Airport.

Commissioner Coke said right, it is TDC money and they could spend it without their consensus; but they respectfully wanted some concurrence from this Commission. (The Commissioners agreed.)

Commissioner Becht said he thinks it is an excellent idea. He appreciates her bringing it to their attention.

The next item on the Agenda was Communications & Marketing Manager discussion on Memorandum of Understanding with St. Lucie County Chamber of Commerce regarding the **Seven Gables House**.

Ms. Anne Satterlee, Communications & Marketing Manager, said for the past ten years the St. Lucie County Chamber of Commerce has been operating out of the historic Seven Gables building which was restored down at the waterfront, operating as a Tourist Information Center for the City (Seven Gables Visitor Center). The second five-year Memorandum of Understanding with the Chamber is coming up the end of September 2009. They have a Memorandum of Understanding with the organization for operation of that facility. Over the past couple of months they have been contacted in the City Manager's Office by various entities wishing to do a public/private partnership with the City for operating an Information Center on behalf of the City of Fort Pierce. What she would like tonight is to have a little direction from the Commission on whether they would like to pursue their current arrangement with the St. Lucie County Chamber of Commerce for operation out of that facility, or would they want to possibly consider an RFP for other entities to come in and give them a proposal on what they could do for the City.

She is here tonight asking for discussion and direction from the Commission.

Commissioner Alexander asked what type of associated cost is it to the City of Fort Pierce to maintain this property?

Mr. Bob Hood, Director of Public Works, said the City's Public Works Department right now maintains that structure inside and out. Depending on how an RFP is written, it could be that somebody would want to propose that they maintain it inside and out. Of course, that would lessen a burden on the taxpayers.

Commissioner Alexander asked what is that cost associated?

Mr. Hood said he does not have the exact numbers, but he can get that for him.

Commissioner Alexander asked about \$25,000 or \$100,000?

Mr. Hood said no, it is not that much. One of the challenges with that building, it is an old building that was never air conditioned. There is not adequate insulation in the walls, so the wainscoting sweats and expands, and they have had problems with that. Urban outdoorsmen or transits have been living underneath it, so they had to take measures there. They had done some damage to it, started fires and stuff. Over time it is an expense.

Commissioner Coke asked if they were to put this out for RFP, it would not preclude the Chamber of Commerce from participating in this RFP, they could submit a proposal the same as everyone else?

Ms. Satterlee said she would believe so.

Commissioner Coke asked right now the City is contributing how much in public funds?

Ms. Satterlee said in their budget it is \$35,000 annually.

Commissioner Coke said so they give them \$35,000 cash plus Public Works. There is not an income value to the City from that?

Ms. Satterlee said to the best of her knowledge, that is correct.

Commissioner Coke said potentially they could eliminate \$35,000 plus Public Works expense and possibly get some income. Or they could accept several proposals and not be happy, and continue with the Chamber operating this. She doesn't think it could hurt to get a proposal, but that is just her opinion.

Mayor Benton said he has to stand up for the Chamber because he can remember for years the only Chamber of Commerce they had here was out on Virginia Avenue that most people saw when they were leaving Fort Pierce. So he was very glad when they moved the Seven Gables house down there and turned it into a Visitor's

Center. He thinks the Chamber have done an excellent job with their volunteers at a minimal cost. The Chamber of Commerce closed their facility out there on Virginia Avenue. The Chamber stands up not only for Fort Pierce but St. Lucie County. He knows Arlo Koletsky and Linda Cox have done a great job. He just thinks they need that partnership with the Chamber of Commerce. But he is sure they need to put together a proposal. He believes their biggest cheerleader is going to be the President next year, Pat Alley is the incoming President. Some great Fort Pierce business people have been President in the last few years.

Ms. Linda Cox, President/CEO of St. Lucie County Chamber of Commerce, said she wanted to make sure all the Commissioners do understand that the Chamber does in fact want to maintain Visitor's Center services downtown. Ms. Koletsky has done an outstanding job since they lost Ann Berner. They are very proud to be downtown. They like providing that service and they are very open to continuing that service.

Commissioner Becht said he would support the Mayor's comments. They need the partnership. He thinks they can work on the partnership and more clearly identify what they expect of the Chamber in that facility. How was the Young Floridian Event tonight?

Ms. Cox said it was outstanding.

Commissioner Becht asked where was that held?

Ms. Cox said at the McAlpin Fine Arts Center. Commissioner Becht asked up here in Fort Pierce?

Ms. Cox said yes.

Commissioner Sessions said he is just a firm believer that charity begins at home. The Chamber of Commerce is a county at large program. There are some individuals who are concerned about the competitive interest they have with their sister city, Port St. Lucie, and they tend to wonder whether or not they are getting their fair share of what they should be getting in light of the contribution. Just a second ago they talked about the Avenue D corridor. That is one of the highest density areas within the County, but there aren't that many businesses out there, at least it is not where it should be. He is wondering if they are not doing something wrong? They need to concentrate more on their home efforts and try to make a difference in their community. Things have changed to some degree. They are more competitive with their sister city. He just thinks that if they were to go ahead themselves from a personal standpoint and start promoting their City and make sure they have the right individuals. This is a very important initiative and agency that can promote their City from a more wholesome standpoint as opposed to St. Lucie County as opposed to Port St. Lucie.

Mayor Benton said as a team effort, just like Comet Creative has with the Tourist Development Council and with the Bahamians who have been coming here. Port St. Lucie has something different

to offer than Fort Pierce. Port St. Lucie has the golf courses. Fort Pierce has the beaches and the fishing. He thinks it showed in the reaction on their faces when he met with them several times. Yes, they are like Port St. Lucie; but they love Fort Pierce, because it has a little more character and a lot more history. At Friday Fest they put on a show second to none with the people they brought here from the Bahamas. It showed they can work together here in St. Lucie County. He thinks they just work a lot better sometimes as a team. There is no reason why they have Main Street and the Downtown Business Association and several organizations. What they really need to do is have all those organizations working together as one, getting on the same page, and they could really promote this City a lot better. He thinks Lincoln Park Main Street is going to be doing the same as Downtown Main Street has done, but they need to be working hand in hand with the Chamber of Commerce.

Ms. Cox said they do.

Commissioner Coke said they keep talking about what they need to do to cut their budget and how much trouble they are in, they talk about that constantly. And here they have an opportunity to possibly save some money. There is nothing wrong with the Chamber and they might come back and say they could do it for less money. But the other thing she has heard up here many times over the years is, they really ought to try to follow Staff's recommendation because they are the professionals and the Commissioners should pay attention to what they tell them. Staff's recommendation is to put out an RFP to determine interest. She doesn't know how that would hurt. It is not going to hurt the Chamber, they can submit the exact same thing they have here, and it may be the best thing going. But it bothers her if they have had so many members from the public and different businesses interested that are in the tourism industry requesting an opportunity to put in a proposal for this. It might be that they are not qualified, it might be that they can not do the job. But she doesn't know why they wouldn't at least look at that.

Mayor Benton said he wouldn't have a problem with proposals. He just got thinking about when it comes to people possibly running their business out of that facility, he just doesn't know how they could run a business and drop everything if they have visitors coming in. It started with Ann Berner and Arlo Koletsky, but when he goes to the Visitor's Appreciation Luncheon, there is literally 100 people maybe or more.

Ms. Cox said yes. This year they did it at the Sunrise Theatre. They sent all of their volunteers to a show.

Mayor Benton said it is amazing the interest they have with the volunteers who spread the word about Fort Pierce all over the area. He has no problem going out for proposals, because maybe the Chamber could come back with something better now that they don't have another facility out there on Virginia Avenue costing them to maintain. He thinks they understand the City's financial issues and challenges today. He doesn't think the Chamber would mind putting in a proposal at all.

Ms. Cox said not at all. She would just caution them to craft the RFP very carefully so they make sure they are getting the response they are seeking.

Commissioner Alexander asked the Chamber of Commerce building out there on Virginia Avenue, who owns it?

Mayor Benton said the City owns it.

Commissioner Alexander asked they were not paying for that building either?

Mayor Benton said the Chamber was maintaining that.

Commissioner Alexander asked why would they have a lot of concerns before the expiration on this? When the public comes with some concerns, why is it...? He doesn't know Ms. Cox. He knows Pat Alley, he is willing to work with Pat Alley. But he doesn't want to be a stranger in his own City. The Chamber does not promote the City of Fort Pierce and they say they do. He is just concerned about the concerns that come before them not answered.

Ms. Cox said the Chamber did not pay the City for rent on the land on Virginia Avenue, but they did pay to construct the building and then turned it over to the City in the end.

Commissioner Becht said what he is hoping to achieve because of past Presidents and future Presidents is they can take advantage of the Fort Pierce link that will be at the leadership of the Chamber and establish the links down to Port St. Lucie that they need to get those folks up here. He thinks the most direct route is right through the businesses to let them know what they have up here. The proposals from the public, he is only aware of two. Maybe other Commissioners have gotten other proposals. But one of the proposals from the public was from a private business fellow who wanted to be paid \$75,000 a year to run the facility and then have his business in the Visitors Center for free. The other was from another private business and they wanted to be paid the same amount of money to run their private business out of the Visitors Center and they would do the same service. Those are the only two proposals he is aware of. He has no problem with doing an RFP; but he would like to make sure they focus it on what they are really looking for. And the two proposals they got from the private sector were very self-serving. The Chamber has not been self-serving, they have been serving.

Ms. Cox said their goal is to serve the citizens of Fort Pierce.

Mayor Benton said he guesses the consensus from the Commission is to go out for an RFP.

The next item on the Agenda was City Engineer update on the A1A Construction Project.

Mr. Jack Andrews, City Engineer, said Phase III (Gulfstream

Avenue to Blue Heron Boulevard), they are nearing completion of construction, getting down to the final end of that. They are on schedule and anticipate being done the second week in May. Phase IIB (South Causeway Bridge to Bayshore Drive), which includes the Harbour Isle Roundabout, they are starting to get into construction there. They have some drainage work going on in preparation. They have a temporary roadway in. So they are nearing where they are really going to start on that section. The remaining section, Phase I (Bayshore Drive to Gulfstream Avenue), is still in the permitting phase, FDOT's comment period. What FDOT does after the plans are completed, they send it out to all of their different departments for comments. Their comment period ends at the end of April. All indications right now indicate FDOT will be proceeding with approving the permit for that. So they are getting down for the end of this process and will be strictly into construction.

Commissioner Alexander said summer is coming soon. He is looking at completion on one of these projects. But are they going to have projects going on all at one time?

Mr. Andrews said the phases are pretty well staggered in their construction. They will be finishing up the southernmost phase (Phase III) now. They will have that area right near South Bridge to Bayshore Drive (Phase IIB) under construction. They will not start Phase I until they get this section pretty well completed. So it will be a continuing process where they are not disrupting the traffic too much.

Commissioner Alexander asked is the public going to have to endure all these projects at one time?

Mr. Andrews said not all at one time, but they will be strung out over an extended period of time.

Commissioner Alexander asked how many years are they talking?

Mr. Andrews said he believes Phase I is scheduled to be completed the summer of 2011.

Commissioner Coke said Phase III is almost done and the street is looking great and the trees are in. When they did the initial cuts into all the side streets, they came and put the brick pavers in or stamped the sidewalk, they built the curb and gutter. But three feet into that, when they go into any of those streets, the cars go boom-boom, because the road that it connects to now isn't level with the road they had. At some juncture in time are they going to go back through and at least smooth that over a little?

Mr. Andrews said yes. They have another layer of asphalt to go on. And at that time, the side streets will be tied in.

Mayor Benton said when it comes to the funding of the Harbour Isle Roundabout, he was told that they were looking possibly at Stormwater Utility money. Mr. Andrews is not going to endorse that, is he?

City Manager Recor said the Commission endorsed that.

Mayor Benton said no, he didn't endorse that and he wants to make it clear. When they discussed that, he told everyone up here they needed to talk to the City Attorney before they did this. Because as somebody who fought to set up the Stormwater Utility because the City was flooding in a lot of places, knowing they probably won't get that money back if that is the route they are going, he doesn't know how they are going to answer to the public when that fund is dried up. He is going to ask one more time for everyone here to sit down with the City Attorney and hear the big story before they finalize this. He had nothing to do with it.

City Manager Recor said they have determined the amount of the balance that is eligible for stormwater-related funding. It is his understanding that on Wednesday, when they are sitting as the FPRA, there will be a full discussion on all of the outstanding capital improvement projects, one of which will be the roundabout. The FPRA Board will be able to determine how they would like to appropriate the balance of the money that was not expended for purchase of the two lots over on South Ocean Drive. He doesn't need to remind them that there are many competing interests for their very limited resources.

Commissioner Alexander asked where is the City with the owner about this roundabout? He hasn't heard that as of yet. But they are going to put the emphasis on the use of public money for something that should have been...

City Manager Recor said he is not sure if he is directing the question to him, but he will attempt to respond. Where are they with the developer? A potentially protracted legal battle.

Commissioner Alexander asked potential? Yes or no?

City Manager Recor said yes, likely.

City Attorney Schwerer said he is going to add one word, existing. There is an existing legal action relating to that. He will be happy to talk to the Commissioner at any point in time that they can get together at his pleasure.

The next item on the Agenda was Marina Manager update on permitting for **City Marina Expansion Project**.

Mr. Dean Kubitschek, Marina Manager, said for the Marina update, what is happening with the FDEP (Florida Department of Environmental Protection) is, they have had gone back to receiving responses or requesting again some additional information. They have responded just recently as April 16th to the Corps of Engineers. And they are waiting for some final comments from the Florida Fish & Wildlife Conservation Commission, as well as the Audubon of Florida. Some Commissioners have asked several times, how can they help? He thinks they are at that point. Staff is going to prepare an information sheet of who they can contact in the State and Federal offices to express their interest in and support of this

project. He would hope to have that list to them within the next week. Any assistance with any contacts he has given to them to make those phone calls would be appreciated.

Commissioner Becht said at the same time, Mr. Williams should identify what the specific problem is. As he calls a Legislator or the Governor or a Cabinet member, if he could have a little synopsis of what the logjam is; i.e., this bureau has not responded or that bureau is trying to involve a separate dispute with Mr. Blackwell in the issuance of a permit for a Marina that is completely unrelated. If that is the nature of the problem, then let them know, so they can intelligently discuss the problem with the Legislator, to hopefully have them call their contact inside the FDEP.

Mr. Kubitschek said he will see that they have that information.

Mayor Benton said just for the record, the City Manager and himself had lunch with Congressman Rooney about a week and a half ago. Mr. Seissiger in the Engineering Department provided the information. He guesses the National Marine Fisheries has thrown a red flag up, where a couple of years ago they did not have a problem with this. Now they have some issues with seagrass, the same people. But they got the ear of the Army Corps of Engineers. The Army Corps was not responding to the City. So they got that information to the Congressman. The next day Senator Nelson was down at Torrey Pines and luckily he got about 15 minutes with him. For some reason the Senator had a Town Hall meeting; and when everybody left, he spent another hour and a half touring Torrey Pines. So they got his ear. They are pushing their local officials in Washington to address this through the Army Corps of Engineers in Jacksonville. Hopefully they got their attention.

Mr. Kubitschek said with this type of project, it is a long time period. What they encounter a lot of times is a change in the personnel with various departments, so it is like sometimes having to start all over again. He remembers when this project did first come on board, Fish & Wildlife was very positive about this project and they really didn't have any input at the time other than they really liked the project. Things changed with time, as well as their organization. So he thinks it is time they go ahead and utilize their expertise and make the phone calls needed to push this along a little bit quicker.

Commissioner Becht said he doesn't like dragging Mr. Kubitschek down here once a month; but it was this kind of problem that he wanted to be aware of as soon as possible so they can call whomever they know inside whatever agencies, inside the Cabinet, etc. But maybe more importantly, the public is going to be constantly reminded on a monthly basis that they have a \$21 million project that they can't start because they can't get State agencies to issue the comments in a timely fashion. Mr. Kubitschek may want to be more deferential to State agencies than that, but he doesn't have to be. Because if they would just do their job and do it timely, they would have \$21 million worth of people at work, as opposed to waiting on some bureaucrat in Tallahassee to get off his pin and issue the

comments and get people to work. So that is where they are and the public needs to know that.

Mr. Kubitschek said keep in mind, this is not just a State issue, this is also a Federal issue. There are a lot of Federal agencies out there that are part of this project and they run with actually no time lines.

Mayor Benton said he thinks the push right now is with the Army Corps in Jacksonville. They just need to get their attention. It is amazing how much weight they have because of a group like the Marine Fisheries Council. He has dealt with them for years. It is ridiculous.

Mr. Kubitschek said they are working with Tetra Tech at this time and they are creating a list for the Commissioners with those questions and answers. Thereafter, if they have any questions, he will do his best to inform them on what they might not understand.

The next item on the Agenda was Finance Director to present Quarterly Financial Report for Quarter Ending March 31, 2009.

Ms. Gloria Johnson, Finance Director, said she is here to present their second quarter Financial Report for the City of Fort Pierce. This report encompasses the General Fund, FPRA, Marina, Solid Waste, the Golf Course, and the Sunrise Theatre. The revenues in their General Fund for the second quarter were \$23,652,972, which is 58.93% of their budgeted figures. The expenditures for the second quarter is \$23,572,786, or 58.73%. The figures in the General Fund Revenue Detail which they have concerns about are Permits - Building Department, Other Permit Fees, and Court Fines. Those they need to monitor closely are Current Ad Valorem, Local Option Gas Tax, New Local Option Gas Tax, and Police Education. Those of low or slight concern are Payments in Lieu of Tax - Housing Authority, and Payments in Lieu of Tax - Lyford Co. Those where there is no concern or is good news is Telecommunications Tax, Physical Environment, Casualty Premium Tax, and Property Code Violations. Ad Valorem Taxes for the second quarter, they collected \$11,395,792, which is about the same percentage as they did last year, 73%.75%. But they are still going to be about \$750,000 light on their revenue for ad valorem taxes by year end. The Local Option Gas Tax is not at the 50% level either, it is coming in a little bit less than what they anticipated. The Telecommunications Tax is a little higher. That is because last year they hired a temporary worker to come in and add addresses to the State's roll to update the data. Therefore, they received an additional \$387,000 in revenue in Telecommunication Tax because they did do that update to their database.

Commissioner Becht said the Port St. Lucie Commission did something recently with their telecommunication tax. Is that the same tax?

Ms. Johnson said it is the same tax. She thinks what they did was increase the tax rate.

Commissioner Becht asked what is the Fort Pierce's rate?

Ms. Johnson said it is 7%.

Commissioner Becht asked what is Port St. Lucie's rate?

Ms. Johnson said they increased it, but she doesn't recall. Commissioner Coke said even when they increased it they were still lower.

Ms. Johnson said they are much lower than Fort Pierce. In the Licenses & Permits category, Line Item 322-10 (Building Permits), they are very low. They have only collected 11.1%.

Commissioner Becht said that one bothers him for multiple reasons. Yes, he voted to approve the budget; but he can't imagine why he would have voted to approve that line item for an increase with permits in Building Department, when in his heart he knew they were going to be in a decline this year. Somehow that one slid by him. They are looking at \$132,000 for half a year and they will be lucky to get that in the second part of the year. Does Ms. Johnson or Mr. Recor have specific proposals for how they are going to deal with that problem? Because they are going to have a shortfall of probably \$900,000 in that particular line item based on his best guess.

Ms. Johnson said that is correct. They will see at the end of the presentation, their General Fund is going to be short about \$1.5 million. This is included in that total as far as the deficit.

Commissioner Becht asked what can they do today?

Ms. Johnson said they have addressed that issue. City Manager Recor has had the Departments go through their budgets and actually address the shortfall in each department, so it was like on a percentage basis.

Commissioner Becht said he is not looking for that. What he is looking at is bloodletting, they are dying here. They are going to lose anywhere from \$900,000 to \$1 million. And he needs something a little more creative out of Staff than they are going to across the board let 10% of this, that, or the other go. He doesn't know what they need to do. He doesn't know whether they are going to consolidate departments, put Building and Code Enforcement Departments back together, have one Department Head instead of two. He doesn't know what they are going to do, but he is looking for something more pro-active than they are going to do something with it next week.

City Manager Recor said please don't believe that is where they are. They actually put a lot of thought into how they are going to address this deficit. As a matter of fact, it was Ms. Johnson's memorandum they got in advance of this quarterly Financial Report that shed light to the fact that they were \$1.5 million short.

Commissioner Becht said that memo which was on March 24th

recommended a freeze across the board, watch the paperclips, etc. In fairness to Mr. Recor and Ms. Johnson, they had a meeting set up a week or two ago, and he could not attend for personal reasons. But tonight, are they going to get recommendations or a report on what they are doing about a \$900,000 bloodletting in their Building Department?

City Manager Recor said he is prepared to discuss what they have done to date. His plan was to go into more specific detail at their Budget Workshop next Wednesday. But suffice it to say, they have identified reductions and expenditures for the remainder of this fiscal year that will come close to addressing this shortfall. That is where the furor came from about the potential layoffs. Because their budget, as they know from the last two years, is pretty lean the way it is.

Commissioner Becht said Ms. Johnson has told him she has cut it every place she knows to cut it. The next cut is going to be people.

City Manager Recor said they squeezed Operating, they didn't budget Capital.

Commissioner Becht said he is okay with pro-active. He just wants to let Mr. Recor know tonight that next Wednesday he is not looking for, they are working on it. Next Wednesday he is looking for, this is the plan and this is going to save them \$900,000.

City Manager Recor said he has the plan and will be prepared to discuss it in detail next Wednesday.

Commissioner Becht asked it is not a plan for next year, it is a plan to balance this year?

City Manager Recor said it is a plan for this year. He is going to recommend that they only do this once. If they are going to bring out that knife and cut, let's do it. And brace themselves for what they expect next year, what Jeff Furst is telling them.

Commissioner Becht said to him, proactive is not raiding the General Fund to cover this year's losses, and then next year they are going to be left with another 20% cut and they are not going to have the General Fund if there is a hurricane.

City Manager Recor said he understands. He has worked with Commissioner Becht enough years now to know what his priorities are and where he wants to go.

Commissioner Alexander said he heard Mr. Recor say he went to each and every department. He is not jumping on the Police Chief, but he just heard they hired new officers.

City Manager Recor said they have 24 vacant positions right now. They are no longer filling vacant positions in the organization, because that enables them to recoup significant dollars for the remainder of this fiscal year.

Commissioner Alexander said he understands that. But he understands the Police Department just newly hired Police Officers.

City Manager Recor said those may have been officers that were funded by the Community Policing Grant. He will clarify that.

Commissioner Alexander said all he is asking is, if Mr. Recor is going to go at each Department, that he do it across the board. That means starting at his office.

City Manager Recor said he is losing an Administrative Assistant position in his office.

Commissioner Alexander said he is not asking that pertinent information tonight. He just wants to say across the board. If there are some new hires, then who is going to be the first one to be fired?

City Manager Recor said when he tasked the Department Heads with reducing expenditures, he did not tell them how to do it. He told them he was familiar enough with their budgets to do it for them. But he expected them to come back and reach the goal, and he gave them the discretion to do so. Every one of them did. The Police Department identified close to \$700,000 in expenditure reductions in this fiscal year and it did not involve the layoff of a single position. There were some vacant positions that they absolutely held frozen. That is not the case with every other department however. Some of the smaller departments, it is more difficult for them to reach a target. The departments didn't cut everywhere that he thought could be cut. So what he plans to do is give them options with a value assigned to them as well as the impact that it will have. The options will likely total more than \$1.5 million. In other words, he wants them to be able to decide where these cuts are going to come from and understand the impacts they are going to have. So far the Police Department has been able to identify nearly \$700,000 in savings without layoffs.

Commissioner Coke said she is going to echo Commissioner Becht's concern. Unfortunately she doesn't have her notes from last year with her. It is hard for her to swallow that when they were formulating the 2008-2009 budget, that they budgeted \$1 million revenue for Building Permits and the actual figure was half of that. And that between the five of them up here and the Building Department and their very competent Finance Director and City Manager, they felt it would be appropriate to put a \$1.2 million figure in as revenue versus something closer to the \$500,000 that was projected for last year. So someplace along the line she thinks they have an error, that something got moved from one place to the other. She is not saying they still don't have the shortfall. But she has difficulty believing that their competent Staff would have taken a \$500,000 figure that they knew was going to go down this year in revenue and increase it to \$1.2 million. Also, she is starting to reach a real level of concern because they have been talking for months now that they needed to get started early with the budget. Of course, her interpretation of that was they needed to get started on next

year's budget. She understands now before they can begin looking at next year's budget, they have to go back and fix this year's budget. And a greater concern to her than all of that is that their Budget Workshop is next week and she has nothing - no back up, no proposals, no cost cutting, anything to look at. She doesn't want to micro-manage line items in the budget, she doesn't believe that is her job. But she does believe it is her job to be aware of it all enough to be able to look at and analyze different possible cost saving measures or even possibly make some intelligent informed suggestions on where else they could look. They are running out of time for her to be able to do that.

City Manager Recor said no, they are not. He respects her opinion. He respectfully disagrees however that they are running out of time. This is the first year that administration has provided this Commission with quarterly financial updates. It is a pledge he made to them when he became City Manager that he would keep them more informed.

Commissioner Coke said she appreciates that. But he did say something a couple of weeks ago - correct her if she is wrong - that they needed to be able to walk into a budget meeting next week and be ready to make the hard decisions right then and there.

City Manager Recor said they will have that information in their hands on Friday in advance of the meeting. Hopefully that enables them enough time to digest it, the impact, and they can have an intelligent discussion on Wednesday. He and Ms. Johnson are supposed to get together today and they have the next few days to finalize it, it is just a matter of putting it into a presentation format for their meeting. He would also like to remind them that they have been trying to get this Budget Workshop scheduled for the entire month. They started on it several weeks ago and there just wasn't the availability of all of the Commissioners until that time. They could have had it earlier had the schedule been able to accommodate differently. But they are on track and they are going to stay on track.

Ms. Johnson said she knows what Commissioner Coke is saying about the \$500,000. Actually that is what they received the first six months of the year last year, they received \$513,000. This six months of this year, they only received \$132,000. They actually received a lot more than they budgeted for last year by the end of the year. This is just a six month report. This time last year at March 31st they had received \$513,000.

Commissioner Coke asked if the actual figure is six months, is the budgeted figure a six month figure, or is it an annual figure?

Ms. Johnson said that is an annual figure. Actually they are collecting what they thought they had budgeted for.

Commissioner Coke said once again, maybe if they just label things differently: Annual Budget, Six Months Actual.

Ms. Johnson asked see Year Lapse 50% in the report? She is telling them they are six months or half into the year.

Commissioner Coke said she understood that. But she was also assuming that the budget then was reflective of that 50%.

Ms. Johnson said no.

City Manager Recor said the 2008/09 Budget is the approved amount. The 2008/09 Actual is what has been spent to date. And the Year Lapse 50% reflects through the second quarter.

Commissioner Sessions said since they are brainstorming, getting prepared for the Budget Workshop, just to put his two cents in. Drastic times warrants drastic measures and they need to probably entertain what so many corporate and government agencies are doing, is a reduction in salaries in lieu of laying people off from work. He doesn't know where they are in terms of that and how they feel about it, but that is something that perhaps they need to consider. If they could all make sacrifices from the top all the way down to the bottom...

City Manager Recor said he is definitely interested in their feedback. He will share with them exactly what he shared with the Department Heads; and that is, before he asks every employee in the organization to shoulder the responsibility to bear this burden, he wants to make sure they have maximized their efficiency across the board. That is what he meant by, if the Departments didn't cut where he thought there was areas that could be cut, that he would recommend that they cut there. They have looked at furloughs, they have looked at a reduction in hours in the work week, they have looked at a variety of things. All that said, it amounts to the same thing - whether or not it is a furlough or a reduction in the hours of the work week - it is still a reduction in pay. They have the increment as far as what it will be. They have the 1% increment. He can tell them it doesn't achieve what they think it might. The reduction would have to be significant to reach that number if that was their sole strategy. He doesn't think it should be. He thinks they should try to use this opportunity to maximize efficiency in the organization. What does he mean by that? He means let's look at those existing vacancies. Let's look at the areas where they may be able to movesomebody who is in a position that would be subject to a layoff into one of those other vacancies and then not fill the position they have transferred from. They can improve efficiency in one area of their organization while filling the need in another. Those are the kinds of things he wants to discuss with them and will be prepared to talk to them about at their Budget Workshop. They are not flying by the seat of their pants here, they have put some thought into this, all of their Department Heads have. They are prepared to make the tough recommendations on what needs to be done to address this deficit in this fiscal year.

Commissioner Alexander said he recalls Commissioner Coke asking for some materials before they go into... He doesn't try to micro-manage either. But they have meetings, meetings, and meetings. This is Monday. If they don't receive anything by

the end of the week, then they will be into next week.

City Manager Recor said the plan is to have a packet delivered to them on Friday.

Commissioner Alexander asked Mr. Recor wants to take his weekend?

City Manager Recor said he takes his weekend every other Monday.

Commissioner Alexander said he doesn't mind, he works seven days a week anyway.

City Manager Recor said he will have the information by the end of the week.

Commissioner Coke said Thursday would be better than Friday.

Commissioner Alexander said Wednesday at the FPRA Board meeting would be better. It is already compiled, right?

Mayor Benton asked is Ms. Johnson almost done with this presentation? Can she summarize?

Ms. Johnson said most of the information they already have and should review it. She is going to go to the summary. When they did this the last time, she told them she is going to compare from first quarter to second quarter where they are now and they can see the differences, these are her projections. In the last quarter she was projecting by the end of the year they were going to have a \$1,193,242 shortfall. This second quarter her projections are now \$1,557,134.

Commissioner Becht said beginning on Page 6 of the Quarterly Financial Report, they have some departments that have overages, meaning they were over 50% for the half year. He expected that in the City Manager's Department with what they did with Dennis Beach. But Human Resources, Finance, MIS, and Purchasing Departments are all for the half year over 50%. In these times it surprises him that they would be over. On Wednesday he would like an explanation - and there may be legitimate reasons, so he will keep an open mind - for why they are over 50%, in this budget year particularly.

Ms. Johnson said she can get the answers to those questions. There are legitimate reasons why they are at that point at this time of the year. This is the summary. They finalized the audit. In the General Fund at end of the year they had an unreserved balance of \$8,239,000. Out of that they have to take out the 10% for their budget reserve. They are taking out \$3 million for the Heathcote Project. So that left them with available resources at October 1st of \$1,239,000. Out of that \$1,239,000, they did appropriate \$971,191 to balance the budget. It left them with very limited amount of money left, they just had enough to balance the budget. These are their second quarter revenues for General Fund, which is \$23,652,972. The second quarter expenses is \$23,572,786. So their overage for the General Fund is \$80,186. This is what they had left if they

had the money they had coming in and they had to pay all the bills, they had \$80,186. So at the end of the 2nd Quarter, General Fund has \$1,319,186.

Commissioner Becht asked over the Reserve?

Ms. Johnson said over the Reserve. The Marina Reserve was \$4,686,588. Their second quarter revenues were \$1,084,126. Their expenses were \$1,062,070. Add back the depreciation \$251,871, since it is a non-cash item. So their current coverage is \$273,927 plus what was available at October 1st. They have available resources at the end of the 2nd Quarter of \$5,234,442. This is the issue they have to start addressing. The Marina needs \$6.5 million to finish the Marina Project. Right now the Marina only has \$4,960,505 remaining, plus he has to have his operating. So somewhere they are going to have to come up with about \$2 million to complete the Marina Project. They have to have that before FEMA kicks in, before they fund the project. So they are going to have to find funding for that. The reason why they don't have most of it is because they transferred \$1.1 million in the 2008 Budget to balance the General Fund. They used money they were supposed to use for the Marina Project to fund the General Fund. Solid Waste is in good shape, the Solid Waste Fund Balance is \$3,565,225. The Golf Course at the end of the 2nd Quarter, they have available resources of \$57,727. And the Sunrise Theatre has a minus \$16,107, they are in a deficit.

Commissioner Alexander said in the monthly statement, he brought that along with him. She says the Golf Course has \$57,727?

Ms. Johnson said that is correct. That is funding availability.

Commissioner Alexander asked the income loss for March in the monthly finance statements she sends, what is he reading for income loss? He will give her a call and she can explain it to him. It caught his eye when he saw that, so he just wanted to know what they mean by that.

Ms. Johnson said he would have to look at the Quarterly Report. Sometimes she has adjustments that may not be in the book. That may not be as current as what she has here.

Mayor Benton said they will look forward to their workshop next week.

Commissioner Becht said he would like to thank Ms. Johnson and Mr. Recor for the Quarterly Report, it is something they pushed for for years. With Mr. Recor and Ms. Johnson coming on board they finally got it, so he does thank both of them.

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

Commissioner Becht said he would like Item #23d (Code Enforcement Lien against 111 Boston Avenue) to be removed for discussion.

City Manager Recor said Staff would like Item #23a to be pulled

and postponed until the next City Commission meeting.

Commissioner Becht asked would Mr. Recor call him and let him know who Evaluator #4 is?

Mayor Benton said let him know too.

Commissioner Alexander said let him know too.

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

b. Approve Change Order No. 2 to Contract with Dickerson Florida Inc. for **State Road 1A** Water/Wastewater Utility Construction in the amount of \$316,129.24 for costs associated with the proposed water and sewer installation in Phase IIB and Phase III.

c. Approve increase in Blanket Purchase Order by the **Sunrise Theatre** for Comcast Spotlight for advertising from \$44,900 to not to exceed \$60,000.

The next item considered was Item #23d, which had previously been removed from the Consent Agenda: Reduce code enforcement lien of \$70,698.37 against **111 Boston Avenue**, requested by J. Curtis Boyd, to \$2,500 contingent upon payment within 60 days.

Commissioner Becht said he wishes Curtis Boyd was here because he wants to talk to him. Mr. Boyd's attorney had raised the fact that he has a conflict. At this point he is not sure he does, but in abundance of caution...

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to reduce code enforcement lien of \$70,698.37 against 111 Boston Avenue, requested by J. Curtis Boyd, to \$2,500 contingent upon payment within 60 days

Commissioner Becht said for the record, the applicant thinks he has a conflict, so he is abstaining from voting.

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

Commissioner Alexander said he thinks Commissioner Coke brought this up quite a few months back about a **Community Garden**. It was put out for RFP and it came back with only one individual and they put it back out because there was only one individual. He is kind of confused on that matter. He doesn't want to be confused.

Commissioner Coke said they as a Commission approved the concept of Community Gardens. Fortunately in the last two or three months there has been a lot of action with nationally known community garden groups coming in and talking. They are gathering materials and things to see how they can utilize some of the vacant lots to set up a community garden. Everybody kind

of laughed at her before. But now that the economy is going down a little bit, people are way more open to that type of suggestion. As a matter of fact, she just got more stuff emailed to her yesterday. They are trying to formulate a plan, she has some wonderful people. The Farmer's Market has expressed an interest. She is going to steal some people from staff, even though they are not happy. She thinks they will be able to move it forward.

Commissioner Alexander said it was put out and no one put in an application but one individual and they feel slighted because when it ended... Maybe he is confused. He wrote down Community Garden because it came to him like that. Did that come out of Jon Ward's Office?

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said no.

City Manager Recor said he doesn't think the City sent out anything requesting proposals for a Community Garden.

Commissioner Alexander said he will get his details straight.

City Manager Recor said let him know and he will follow up.

Commissioner Becht said the gentleman who brought to the Mayor's attention about changing the name of **Avenue D** highlights a problem the City has had. Those who were born here knows it is a perception. Sometimes they themselves perpetuate that perception. He wants to remind each of them they do on occasion perpetuate that and they need to be cautious of it. He thinks each of them have met with Comet Creative over at the Police Chief's Office. He would compliment them on their pro-active attempt to change that perception. He is very appreciative that they have grabbed that bull by the horns and are moving forward with at least some ideas for trying to change the perception. He thinks it is very important. Hopefully they will get that report back in four to six weeks.

Assistant Chief of Police James Nygaard said he believes that is right and he will pass that on.

Commissioner Coke said she is sure everybody got applications for the Transportation Planning Organization's **Citizens Advisory Committee**. They are entitled to two members on that. They have no one. Part of the importance of having people serving on that Citizens Advisory Committee is they then have input on different projects, roads, and sidewalks. Mr. Andrews and she made sure that the City was included in some of the shovel ready projects to get in with the Economic Stimulus Package. Had they had their proper representation on the Citizens Advisory Committee, they wouldn't have had to fight so hard, because it would have come as part of a recommendation from that group. So she would encourage them all to think of someone they can nominate within the City.

Commissioner Coke said she has been bringing this up for seven years and so far she has been successful two years. Once again

she will tell them in her business every single year she puts her **Health Insurance** out to bid. And every single year she saves money, because either the carrier she is utilizing now comes down in price, or somebody else comes in and their price is great - and it will probably be great for two or three years and then they go crazy. They found five or six years ago that they saved a lot of money, even when they were self-insured, from the administrative point of view. Now she has heard a lot of rumblings about the changeover they have had with the policy and whatever. People have come to talk to her, they have dropped letters off to her. She thinks before it gets to a point where they are stuck and just automatically have to renew, that their number one priority is to put this back out for an RFP.

City Manager Recor asked has Siver Insurance Consultants done some analysis?

Ms. Gloria Johnson, Director of Finance, said that has come up. Blue Cross Blue Shield is waiting on their experience before they brought their contract before the Commission again or decided what the rates are going to be. She requested that they give them an extension because they didn't give them enough time to analyze everything. They are supposed to be analyzing everything and Siver is supposed to do a special presentation at their Budget Workshop. At that time if the presentation is not what this Commission wants, she has informed them that the City will go back out for bid. Their contract does give them three months in order to go back out for bids, they do have that option and they can take it if they need to.

Commissioner Coke said she thinks it is very important. They are talking about a huge amount of money here. One local agency that handles other municipalities came and spoke to her. She thinks they have written letters and met with Ms. Johnson and Mr. Recor. Not that they need to go with those people. But she doesn't think in this economic time frame that it is a smart move not to right up front say they are going back out for bid. Blue Cross/Blue Shield can propose what they want; but if they know the City is going back out to bid, they are liable to be a little more competitive. Their Plan Administrator certainly should be more competitive and needs to be more responsive to the needs of their employees. They are not cheap by any means.

Mayor Benton said they went to a meeting with the County to hear about Port St. Lucie's Clinic and he hasn't heard a follow-up. He hopes at their Budget Workshop they can hear something about it.

Ms. Johnson said she has been talking about their insurance consultant, Siver. Of course, they are in this tight situation and the clinic idea has come up, that perhaps they can partner with the County and maybe save money once they gear up and maybe pay a percentage or portion or something like that for their people to participate. That is another thing Siver is going to discuss at the workshop.

Mayor Benton said the County, the City, the Fort Pierce

Utilities Authority, and the School Board, they were all supposed to... Because of the numbers, they could...

Commissioner Coke said Port St. Lucie got theirs up and running in like 90 days. And the County has been talking about it for...

Mayor Benton said Port St. Lucie's is very successful. They heard a presentation put on by Port St. Lucie on how they fine-tuned it and how they are saving all that money. But that meeting it seems like was a year ago and he hasn't heard a follow-up. So if they could have some type of update on where they are at, because the County was very interested in the City partnering with them, and he would think the FPUA. Anything to bring these costs down and give their employees a better insurance policy.

Ms. Johnson said that is one of the things Kathy Gordon with Siver Insurance Consultants is going to talk about it at the meeting.

Commissioner Becht said Chief Ron Parish at the Fire District has had some discussions with someone at the County about using space in the Rhode Island facility for the clinic. He will try to get his contact person so they might have a more accurate idea of what they are doing and when they might do it.

There being no further business, Mayor Benton declared the meeting adjourned at 10:40 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER