

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

Mayor Benton called the meeting to order.

Reverend Warren Bennett, 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 R. Duke Nelson; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

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The next item on the Agenda was Approve Minutes of the Special Meeting on April 10, 2006; and the Minutes of the Regular Meeting on April 17, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Special Meeting on April 10, 2006; and the Minutes of the Regular Meeting on April 17, 2006.

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

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Mayor Benton presented a proclamation in honor of **Fort Pierce Police Captain Terry Barcelona** upon his retirement in appreciation of his 31 years of service.

Mayor Benton said he thanks Captain Barcelona for all the years he has been here, 31 years. He met with Captain Barcelona one night very late probably about seven years ago at the foot of South Bridge in the middle of a hurricane. Captain Barcelona is one of those guys they could count on. He was there, he got out and did the job. They are going to miss him. He has been there for the City.

Fort Pierce Police Captain Terry Barcelona said the time has gone by fast. It seems like just yesterday he started with the City of Fort Pierce. He would like to thank City staff for allowing him to do everything they allowed him to do with the Emergency Management and promoting him up through the ranks. He hopes during his time here with the City of Fort Pierce that something he has done has helped to make the City of Fort Pierce a little bit better place to live.

Mayor Benton said there is also a plaque here for Captain Barcelona. It says: July 6, 1975 through September 13, 2006 - For Your Outstanding Commitment and Dedication, Friendship, Loyalty, and Service given to the Fort Pierce Police Department and its Employees. We wish you the best in your retirement. From your friends.

Mayor Benton said there is also a watch and a badge. This says: Your presence has been felt from the very first day. It is with heartfelt thanks that we salute you today for all that you have done for the Fort Pierce Police Department and the City of Fort Pierce. We thank you. You will always have our respect and admiration. Your friends at the Fort Pierce Police Department.

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Mayor Benton proclaimed May 21-27, 2006 as "**National Public Works Week**". Bob Hood was present to receive the proclamation.

Mayor Benton said he thanks Mr. Hood and the Public Works employees for all their hard work. The reason why everyone got their power back on after all these storms is because Public Works was out there making the roads accessible to the utility trucks. So it was a team effort and they really thank him for the job he does.

Mr. Bob Hood, Director of Public Works, said he just wanted to thank all of the Commissioners, City Manager Beach, and Deputy City Manager Recor, for the support they have given Public Works over the last year. They couldn't have done it without them. He truly means that. This proclamation is going to hang in the Public Works booth at the Convention to be held next week in Tallahassee. It exhibits the City's commitment to their Public Works Department to do its job to maintain the assets of the City. They appreciate it.

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Mayor Benton proclaimed May 20-26, 2006, as "**National Safe Boating Week**". Commander Ronald Lancour and Staff Officer Danny Davis of Flotilla 58 were present to receive the proclamation.

**Commander Ronald Lancour** of Flotilla 58, said he is here tonight representing the Coast Guard. He is from the Coast Guard Auxiliary. Each year the Coast Guard celebrates one week of Safe Boating Week, although they believe that every week is safe boating week. May 20th starts their Safe Boating Week this year. To kick that off, they are doing an open house at the Coast Guard station.

They invite everyone to come to that open house, bring their families, there will be something there for everyone. It is a terrific way for the public to show their support for the people who put their life on the line for them day in and day out. They all saw the photos and pictures on CNN and the rest of the news with Hurricane Katrina. Their own station right here in Fort Pierce, which he thinks Fort Pierce is very fortunate to have, last year had almost 365 search and rescue missions just out of their location, with almost 90 lives saved just in Fort Pierce. The area of responsibility for Station Fort Pierce is from Jensen Beach up to Sebastian. On Saturday on May 20th they will have hopefully, if it is not on duty on some search and rescue, the Coast Guard helicopter showing people how to do a search and rescue out on the water. They invite everyone to come, that includes the general public as well. He thanks them for the proclamation and their support.

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Then next item on the Agenda was Mr. Joseph Jennings, RAW DAWGS, to give presentation on the results of the Anti-Gang Program.

**Reverend Jerome Rhyant** said he just wants to give them a brief update. He is working with Joseph Jennings, who is an Advisory Board Member of the Love Center and has been for over 12 years. They have had great success. He has provided the Commission with a schedule which identifies the schools they visited this week. They have had over 400 kids to register for the after care programs. He is very excited about what he has seen happen as of today and all of last week. He just wanted to share that with the Commission. They also have a letter from one of the schools and letters from the kids talking about the impact and experience they have had this past week.

**Mr. Joseph Jennings** said he is a national motivational speaker from Atlanta, Georgia, and he has been speaking in Florida for over ten years. He is excited to finally run across some people who are actually able to be pro-active in terms of the whole gang involvement thing. He is excited. They have been in schools last week and this week. He has a meeting tomorrow with twelve known gang members and the next day with the same that sought them out and said they want to sit down and they want to talk. He believes there is an answer. G.D. Burtin once said, a hundred years from now, it is not going to matter the kind of house they lived in, the kind of car they drove, the amount of money they had in the bank, but that they were important in the life of a kid. He thinks the greatest investment they could ever make... They can talk about boats, they can talk about oceans, they can talk about all of it; but until they talk about saving children, then he thinks they are going to be missing it. So they have had a tremendous time. He just wants to congratulate Commissioner Coke for pushing this. He knows it works. They stayed at that school today probably for three hours, they would not let them go. As a matter of fact the Principal booked them for the first week in August and she said they have to start this off. He believes there are some things he has done nationally and he looks forward to networking with Jerome Rhyant and the rest of them. They have answers to it, but it has to be aggressive people who are really determined to try to end this thing or certainly combat this whole gang thing. Again, he thanks them for the opportunity.

Mayor Benton said they are glad he is here. Where is he going to be tomorrow?

Mr. Jennings said they are going to be at Indian Hills. It was amazing that the places they went to at first, the people were kind of apprehensive, especially the first school when they brought in 1,300 students. But when the presentation went on, the teacher just smiled. As they read the letter, not only do they address the kids, they address the teachers who are dropping out like flies. The average life expectancy of a teacher nowadays is five years. Most speakers can't really... They come and have an assembly and there is no fruit to it. This has fruit that falls from the tree that exact day. They have 100 letters. Those are the letters they picked up on the way out of the school today. They have an opportunity of doing all the schools and taking their time. They don't have to hit it real hard and never do it again. It has been an ongoing relationship. The great thing about it was the fact that they brought in different organizations, like from the Police Department. That is one thing he told the Chief is he needs to have a Police Officer with him because they are on the same team. Not only do they need to show that the police is not the enemy, the teacher is not the enemy, the parents are not the enemy, but there is an enemy. They need to be able to attack that. He thinks they have some programs that would be long term that definitely they could sit here and it could be a model for the rest of the country.

Commissioner Coke said those who have not had the opportunity to go, they can run up and see Joseph Jennings when he speaks tomorrow. She went to watch the children to see what their reaction to the programs were. Mr. Jennings was so commanding that she found herself paying attention to him rather than the children.

It was amazing. Every school she managed to go to with them, the kids just swarmed up afterwards - Joseph, Joseph, Joseph. And if they read some of the letters, it is just amazing how quickly somebody can touch a kid and maybe turn their life around. She

would like to thank the Commission, staff, and the general public because they had many organizations volunteer to help with care programs for these children. She appreciates everybody's support.

Commissioner Alexander said he just wants to add on to that he knows when she went there, she saw a whole lot of kids. All those kids are not bad. They have some good kids in this community and they need to impress that. There might be gang members, but they are still respectful.

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

Letter from Gloria Grimyser, President of Colonnades Association #2, thanking the Building Department - particularly John Alcorn, Marc Myers, and Dan Hawkins - for their cooperation and assistance.

Letter from Rick Pohle, Williams College (Taconic Golf Club), thanking Mary Beth Birsky, Director of Indian Hills Golf Course, for her hospitality.

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

Mr. Hector Arias, City Engineer, said as the Commission requested at their last meeting, he sent letters to the Chamber of Commerce and the Treasure Coast Builders Association. They received their comments last Friday after lunch and he did not have enough time to prepare anything to be sent to the Commission in time for the Agenda packet. He is requesting a motion to postpone this public hearing until June 5th, so he has time to answer the comments and be able to send them back the information, so he is ready to be back in front of the Commission with a final ordinance.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to postpone the Public Hearing on Ordinance No. K-421 on second and final reading until June 5, 2006.

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

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

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

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

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

Commissioner Alexander asked since this is housekeeping and they expect for the public to pay for these receptacles in their utility bill, what assurance does he have that everybody has a receptacle, whether it be as simple as the containers for the recyclables? That is the responsibility of the City to take upon itself to collect monies for that. So where is he assured that each and every household has these items they are being charged for? He raised that question at the last Commission meeting about individuals being charged for these items and they don't even have them. If he had them, he can use them even if it is nothing but a planter, but at least he has what he is paying for.

City Manager Beach asked is Commissioner Alexander referring to the recycling element of this plan?

Commissioner Alexander said yes.

City Manager Beach said as he understands this program, those receptacles are distributed throughout the community on a regular basis and are also given to people by request. If they call and ask for it, if theirs are lost, stolen, or damaged, it would be replaced. This service, as the Commission has discussed in the past, not everyone takes advantage of it. However the assessment to accomplish it is a matter of law; and it is a matter of law that was created in this County some ten to fifteen years ago that they will contribute to recycling through this process. An awful lot of their community does not participate in this, they simply choose not to. If they don't, no one has really been charged with pushing that issue.

Commissioner Alexander said but again, his question is, when he says people moving every day, whether they move from one address to another, they move to another address. What assurance that, because of the fact that is an item on the Fort Pierce utility bill, right? So everybody pays that regardless?

City Manager Beach said yes, it is on the utility bill.

Commissioner Alexander said so he just wants some assurance to the public. If they ask him, he is able to tell them he doesn't know anything about public utilities.

City Manager Beach said what he can tell them is that the service is available. If they do not have containers, there is a number they can call to get those containers delivered. But at the same time, it is voluntary in the sense that if they choose not to separate their aluminum cans and newspapers and put them out on the curb, no one is out there forcing them to do that. But they are going to pay for it.

Commissioner Alexander said he is missing his question. If they go and turn on services at a particular address, what assurance is

there that those items are at that address? Whether it is for the garbage, whether it is for trash, whether it is for recyclables. If they go and turn that service on, they should be accountable for making sure those items are at that residence.

City Manager Beach said absolutely. If those are not there, then whoever is needing that service should call to have them delivered.

Commissioner Coke said maybe they could find a way to have it verified that all the necessary receptacles are there at the time they turn the service on. This would probably help clean up the City also.

Commissioner Nelson said he thinks Commissioner Alexander has a point. The U.A., when requested to activate service, it goes out to check to see whether or not those services provided by the U.A. are in fact in order. There is nothing that says that the services that are provided by others are there, like the garbage cans and all. Maybe that is something that should be part of their checklist with respect to activation. The U.A. could say the request comes from unit so and so, do they have everything there for the garbage and all that stuff? There are a lot of garbage cans. There are big 90 gallon cans that usually are laying around, some four and five at houses sometimes. It might be worth looking into.

Mayor Benton said the unfortunate thing with the recycling is the County is telling the City how they are going to do it. If the Utilities Authority is required to put forth any effort as far as checking to see if those containers are there, he guarantee they are going to charge for it. Unfortunately, this is a mandate the County has put on the City and the County has told them this is how they are going to collect it.

Commissioner Nelson said he begs to differ. It is not the County who is mandating this. It is the State who says they will minimize or limit the amount of refuse they put in the landfills. It is a State requirement.

Mayor Benton said right. But not everybody recycles. If they live in a condo on South Beach, they don't have to pay for this. It is the way the County has done it.

Commissioner Nelson said the idea being, trying to reduce the landfill. Notwithstanding, he is not going to dwell on that too much. What he wants to talk about is dwelling units. He is going to vote against this because he has not received the information he requested last meeting regarding dwelling units. They do not have a particular size for various houses, apartments, or condos in terms of square footage, etc. Their ordinances do say that they are allowed to have so many units when they go to various zoning. He was looking at an action today where a piece of property rendered R-4 had a unit capacity of ten units per acre and it was 2.6 acres on the tract, but he doesn't know how big the units are. So he is going to vote against it until he gets that data he requested. Of course, if it passes, it passes without him.

Commissioner Becht asked can staff give them a report on the feasibility of having somebody check to see that there is the big container there as the power is turned on? He is not as concerned about the recycling bins; if people want them, they can call. He would like to know there is a big container at that house as the

power is turned on. Maybe it is not an issue, but apparently it is.

City Manager Beach said it is not an issue. It is something probably related to the recycling. Clearly, if they live in a home, they produce trash; and they can't get that trash picked up unless they have some means of doing it. In Fort Pierce they can't do it unless they have one of the containers. If they want their trash picked up, they call the Solid Waste Department. If they don't have a container, Solid Waste will bring them a container. If there is an issue here at all, it is an issue with recycling. And as the Mayor indicated, that is something that somebody else works on and is responsible for. But even then, if a member of the community wants to recycle, they can call a number and someone will bring them containers if they don't have them.

Commissioner Nelson said he knows for a fact they don't recycle as much as they should. But they do in fact put garbage beside the streets that could go into both the recycle container as well as the 90 gallon containers for refuse of leaves and limbs and so forth. There needs to be something. Like Commissioner Coke pointed out, they are trying to keep their City cleaner. There must be a greater focus on getting these containers out there and making sure they are there from both the recycling standpoint and the garbage and leaves trash pickup.

City Manager Beach said there are certainly ways to do that.

Commissioner Coke said she would suggest, rather than incur a large expense with the Utilities Authority, she knows the Utilities Authority does put different informational pieces in all of their utility bills. Perhaps the City could produce an informational piece with the phone numbers of who to call if they do not have their recycle bins or their trash bins, please call this number and they will be happy to provide them. They could ask the Utilities Authority to include it with their monthly bills. That way if there is any confusion and people are missing those items, they will have the information at hand.

Commissioner Alexander asked will they take care of the language barrier as they do that?

Commissioner Coke said yes.

Mayor Benton said they used to have somebody that did that. Unfortunately, she was killed in the line of duty. But when Petra Opalewski was here, that was something she did. But unfortunately, he doesn't think they replaced her.

Those voting in favor of the passage of Ordinance No. K-422 on second and final reading were: Commissioners Becht, Coke, and Benton. Those opposed: Commissioners Alexander and Nelson.

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The next item on the Agenda was Mr. Philip Gates, Visions of Fort Pierce, report on the Lincoln Park Charrette results and to advise of proposed Neighborhoods & Districts Comprehensive Plan Element.

**Ms. Elise Rollins**, President of Lincoln Park Business Association, Inc., said she thanks the Commission for having them here. The Visions of Fort Pierce and Lincoln Park Business Association is welcoming the opportunity to come before them today. They are

honored to be here in the continuation of their partnership in rebuilding the northwest Fort Pierce community. It is their goal to establish a strong bond in their relationship as they both work into the 21st century. Their main objective is to continue with successful ventures such as the Lincoln Park Summit, the Lincoln Park Square, and now the Lincoln Park Charrette. It goes without saying that natural and manmade disasters have caused a great setback in their plans for improvement. However, they come from an old school of thought to take lemons and turn them into lemonade. They thank God for doing some of their work for them. Hopefully, if He decides to return this year, He will find that they have built on a solid foundation. The Lincoln Park Business Association, Inc. was founded on the principles that the key to true success in the community is the fusing together of the rich resources of their diverse society. Their government, businesses, charitable organizations, cultural groups, religious institutions, and concerned citizens, all united in an effort of community pride and economic prosperity. They still believe in these principles. It is no longer good form to talk about helping each other and not do anything. For the time has come for that type of action to begin to take place. The legacy they leave to their children is to insure that all in Fort Pierce share in its prosperity and rapid growth as they begin and continue to enhance the level of beauty in their City. She thanks the Commission again for having them today and look forward to working with all of them in striving to make Fort Pierce a better place for everyone to live. She will present to them Mr. Philip Gates with their Lincoln Park Charrette follow-up report.

**Mr. Philip C. Gates**, Visions of Fort Pierce, said he thanks Ms. Rollins for her very nice, very good words. In the Agenda packet they have the Lincoln Park Charrette results that include recommendations. Of course, these recommendations are for their information here tonight. There is no need to make any decisions here this evening, but to take these recommendations back, ponder them, and weave them into their business as they go forward with this community. In their packet they will find the results. Wherever they see the orange italic statements, these come from the 136 pages of extensive minutes to the meetings that are in their Charrette booklet. They are welcome to go through there and take a look and see what the citizens talked about and what they did, but he thinks they will find that reflected here in the report as they move through it. They will see different maps of the area. They will see maps where the neighborhoods are divided up into five minute walks. They will see quotes that are there with those. One of the quotes is, it is very important that they move forward, their community together; because if one of them fails in their community, all of them fail. Of course, as one of the participants in this Charrette who is a Vice-President of Riverside National Bank said, homeownership is the key to revitalizing the area. But they also want to keep people in place that are there. As they go through this, they will see that City staff did participate. Jon Ward participated and they are extremely happy that he did. And one of his quotes was, the key to this project is to build, not only a park, which he was talking about the Moore's Creek Linear Park, but also a neighborhood around it. Mr. Brian O'Connor participated and they really appreciate him participating as a staff member, because he said when they do these things and when they do this, they will be creating a situation where they have neighborhoods who care about houses and that care about neighbors. Mr. O'Connor went through what the CDBG can provide in the way of assistance in making downpayments on homes and the SHIP programs,

and he talked about housing stock and about pattern books that will create good urban development in a neighborhood that needs some help. They talked about their historic districts and the houses that have been rehabilitated. They talked about Zora Neale Hurston and her Dust Track Trails. They even talked about preserving the historic buildings and moving through and doing things like this. Commissioner Nelson's building on Avenue D, he is sure can benefit from some of Mr. Ward's work that he is getting ready to move forward with. And a quote from their Mayor that the FPRA has made a contribution of \$1 million to promote business along the Avenue D corridor, because in their eyes that is the only way they are going to get drugs and blight out and get business and people in. Another important part of the Charrette was talking about the Avenue D corridor as a tourist attraction. Many people brought this up about having restaurants and different types of business and professional space there on the Avenue D corridor and even the Highwaymen there. Of course, Margaret Benton was there to talk about the Martin Luther King Commemorative Committee that had acquired the theater a few years back with the idea of preserving it as a historic building, one of the few remaining African-American Historic Theaters in the country today. Obviously they talked about their strengths and weaknesses, and their facilitator helped them in doing that. Commissioner Nelson and Commissioner Alexander provided unswerving support to help provide and get the City staff here to participate with them. Unfortunately, because of out-patient and many funerals going on, they could not attend; but they were there in spirit and he appreciated the support they gave them as they went forward for moving toward the Charrette. They appreciate also the Commissioners who did attend - Mayor Benton, Commissioner Becht, and Commissioner Coke - in participating with the facilitator and with a professional team to go over the strengths, the weaknesses, the opportunities, and the threats that are in the community and in the community as a whole.

Again, the extensive minutes are available here for them to read through and corroborate what they do have here in quotes. They moved through the Design Workshop where everybody rolled up their sleeves, sharpened their pencils and pens, and discussed and talked as part of the community. They engaged in conversations to move forward and design their community and design the things they wanted and talk about the things they wanted and the opportunities that lay ahead for the community as a whole to participate in doing this. Then those citizens selected a person to participate in explaining these issues they had worked so hard on to the remainder of the citizens. They appreciate very much, them doing it, and they can see the pictures. Because that is an important part of the Charrette, it is always a moment to look forward to, which is when they sit down and don't say anything else. None of his team members may say anything else, but the citizens are there to do the talking through him. So what they do now is they talk about the recommendations that came out of the Charrette. There is a little bit of preamble that talks about that issue. Now is the time when the citizens can make recommendations to the City, to make recommendations to the Lincoln Park Business Association, and to make recommendations to developers who come to participate in that.

Right now he would like to call Anthony Stubbs to come up here and talk about some of the things the City can do, such as the Linear Park and other things.

Commissioner Alexander said he and Mr. Gates had a discussion about this report (Lincoln Park Charrette Citizens Report) before they came in here tonight. And he heard Mr. Gates speak of everything everybody else spoke of, but he didn't hear him speak of what they

discussed about this. This is a rendition - he didn't know it in the beginning - of the Lincoln Theater.

Mr. Gates said he had expected Margaret Benton to come tonight. Is she here?

Commissioner Alexander said Margaret Benton met with the City Commission last Wednesday when she asked them to match the grant for the Lincoln Theater.

Mr. Gates said yes.

Commissioner Alexander said she had a rendition. This is not the same rendition. Again, in conjunction with MLK, he could understand if he had the Vision of Fort Pierce as he spoke to him today about it. But it is not in conjunction; and they still present this to the Commission as a Vision of Fort Pierce, and with this rendition which is just not going to happen. He asked Mr. Gates today; and again, that is his concern, it wasn't addressed. Now so they don't get off on the wrong foot, this Vision of Fort Pierce should not have the Lincoln Theater on it. Because Vision of Fort Pierce, it is not their project. That is the MLK project and it is to be presented as that.

Mr. Gates said Commissioner Alexander is exactly right and there is nothing wrong with that, because the MLK Committee is working very hard to go before the Trust for Historic Preservation at the State of Florida level to get that. They have been facilitating and helping them to move forward on that project by helping them give an example on the forms that need to be filled out. They also invited them to participate and they did. When they met with the Executive Director of the Trust for Historic Preservation and also their committees and their directors.

Commissioner Alexander asked does he understand what he is saying? Mr. Gates presents him with one thing and it just has the Visions of Fort Pierce on it, not in conjunction with the MLK. No MLK on here, period. He just wants to be perfectly clear that when he presents something to the Commission, this whole Commission is looking at what the Visions of Fort Pierce is doing. He is not saying there is anything wrong with it. He is just questioning how they do it.

Mr. Gates said if they turn to this page in the report, they will see a quote that the Martin Luther King Commemorative Committee...

Commissioner Alexander said this is what he is talking about, it says Visions of Fort Pierce.

Mr. Gates said they had a professional team there who worked on some architectural renderings, that is correct. But again, the Martin Luther King Commemorative Committee acquired the theater a few years back with the idea of preserving it as a historic building and it is one of the few remaining African-American historic theaters in the country today. They will be talking about that here this evening before they are finished. They certainly hope that they can move forward with that.

**Mr. Anthony Stubbs** said he grew up in Fort Pierce. What they now call the Moore's Creek, they just called it a canal. It consisted of the canal and Taylor Creek and 25th Street, which was a canal also, the black community. He graduated from school here and left

here in 1977 and came back and he came upon this project. He was against it first. Then when they started talking about building up and doing this and that in the community, he said okay, fine. But then it hit him again. They are talking about building the Moore's Creek project, condominiums and businesses. Hopefully it is a business for the black entrepreneur. But then it hit him, what about the people who already live in that community? What if they want to buy a house there, will they be able to afford a home there? They had a discussion at a meeting and they said from \$100,000 to \$140,000. About a month ago he came upon an article in the newspaper saying home price range start from \$140,000. That is not doing the community any good. They are pushing them out. Not him, but some people, the low income. Some people don't make over \$20,000 a year who would like to stay in that area. He just wants to make sure they make it possible for people to stay in that area that want to stay there. He hopes it is not where the big condos come in, the big boats, and the people. He hopes it is not that kind of situation. Like he said, he was born and raised in Fort Pierce and he went through the hard times in this City. Why people don't go to Sunrise Theater? When he went to Sunrise Theater, he could look through the front door, but had to go through the back. He would never go there now. But that is his opinion. There are a lot of bridges that need to be mended and he hopes they start by this project here.

Mayor Benton said just to update him on this, the City is already working on this. The Fort Pierce Redevelopment Agency is purchasing property. At the Charrette, he saw the pictures of the homes they are looking to put in there. Those are very affordable homes. It is hard to build something today under \$100,000. But there is the SHIP program out there. There is the ability to help people. But it is going to be working people, probably young families, but it will be workforce housing. But the Commission is doing what they can to make this affordable. They can't give them away.

Mr. Stubbs said that is true; but they can make every means possible to make sure they get the opportunity everybody else has.

Mayor Benton said he assures Mr. Stubbs they are doing that. In fact, at their next meeting they will be buying more properties. That should be reality. They will see homes he would expect within the year?

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said yes.

Mayor Benton said they have been working on this for some time. It is just acquiring property sometimes takes a long time.

Mr. Stubbs said he would like to interject the one problem they had earlier with the City Manager about the trash recycles, if possible, that Commissioner Alexander was talking about.

Mayor Benton said at the end of the meeting. They have a very lengthy agenda tonight, but they do have time at the end of the meeting if he would like to stay and speak under Comments from the Public.

Ms. Rollins said she wants to address the issue that Commissioner Alexander brought up about the Lincoln Theater, if she may please. Lincoln Park Business Association and Visions of Fort Pierce is

not attempting in any form, manner, or purpose to put on an identity of taking on ownership of the hard work that the MLK Committee has put forth. They asked the MLK Committee to participate in the Charrette process. This is an example of what the granting from the Historic Trust Board looks like. They had a Historical Trust Committee come down several months back, she can't remember when, and Ms. Benton was introduced to them at that time. They asked them to become part of the Charrette process. This does not mean because it is in this report that they are taking ownership of their hard work. All it means is that they were part of the process that went on, as everyone who was there saw that Ms. Benton did participate in that Charrette report.

Commissioner Alexander said she misunderstood him then.

Ms. Rollins said she is sorry if she did.

Commissioner Alexander said he doesn't see Lincoln Park Business Association's name on here. He doesn't see the MLK Committee on here. He is speaking about what was presented to him. If she is taking that wrong...

Ms. Rollins said no, she just wanted to clarify that point.

Commissioner Alexander said she doesn't have to clarify what he says. He is saying what was presented to him. He sees a picture of the Lincoln Theater here and only Visions of Fort Pierce there. He doesn't see Lincoln Park Business Association. He doesn't see MLK. That is all he is saying. He won't discuss it. They don't have to get into any bickering about that. He is just telling her what was presented to him.

Ms. Rollins said they had joined together as an entity. Visions of Fort Pierce was an entity of Lincoln Park Business Association, Hibiscus Park, and River's Edge. She just wanted to clarify that. Not MLK, they did not become a part of the Visions of Fort Pierce group and sign off on that as they showed them when they came in and did the first presentation. Only those three entities. They came under an umbrella of Visions of Fort Pierce. All they are trying to do is present a report. No one is trying to take any specific ownership of anything. They did this as a Visions of Fort Pierce.

Mayor Benton said this is something he can ask Mr. Ward, who was heading up the Cultural Affairs Council and now the Fort Pierce Redevelopment Agency. But the City has committed to the Theater, and he believes they have a grant writer.

Mr. Ward said certainly as part of their efforts as a City and certainly as part of his efforts when he was still with the County as the Cultural Affairs Director, they have always been interested in seeing this Lincoln Park Theater redeveloped into a cultural center for that community. They recognize very clearly... He knows he has the full support of this Commission in recognizing very clearly the contribution that kind of a cultural element can make to the entire area. So he thinks they have a great partnership going between the City and the MLK Committee and certainly they have already seen their commitment to this in volunteering to match the grant with the State. He looks forward to great things there.

Mr. Gates said remember, this product is here in draft form right now, it is not finished totally. They expect, after they make these recommendations to them, that they will all make recommendations too and be able to incorporate that into the draft report as they move forward. Anyway, they recommend that the City provide financial assistance for the rehabilitation of the Lincoln Park Theater, which the FPRA did just recently, and confirmed that it had been in the budget. They hope they will be able to use that match with the trust for Historic Preservation and some County contributed money to do the architectural engineering and get a roof over the place to stop its continued deterioration. They recommend the City prepare and adopt Land Development Regulations.

Those are detailed here, some of them. And that they adopt a Performing Arts District, which is a special area plan. Once the Commission adopts a Neighborhoods and Districts Element of the Comprehensive Plan, a special area plan should be prepared for the Performing Arts District so such a plan would protect the wishes of the citizens from inconsistent development proposals that may be brought forward by private or public entities in the future. The Performing Arts District, anchored by the Lincoln Theater, will go a long way into encouraging businessmen, people from outside and inside the community, give them the strength to move forward to encourage development in that district. Would Jasper like to come forward and talk about some of these development issues in historic preservation?

Mayor Benton said they need to bring this to a close, if Mr. Gates could summarize this. They have the report. The majority of the Commission and a lot of their staff was at this Charrette.

Mr. Gates said he just wanted to make sure they all knew there were citizens here who did want to speak on the issue.

Mayor Benton said this is not open for citizens. Mr. Gates made a request to be on this Agenda. He made his presentation. They have a very lengthy agenda tonight.

Mr. Gates said they encourage the rehabilitation of existing buildings. They emphasize Historic Preservation. The Weed & Seed program is moving forward. They hope they can enhance activities for youth. They recommend the Lincoln Park Business Association be allowed to move forward however they can in development here in the future to help to work with the City and staff to administer and help distribute funds from the FPRA for business development, refacing the buildings, or anything else that can be done there, or assistance in qualifying people for SHIP programs or anything else, provide technical assistance to businesses, establish an identity campaign, support civic and public activities, and establish a maintenance program. They recommend to the citizens that they participate in public meetings, which is extremely important. They hope they move forward to organized neighborhood associations and historic preservation districts and crime watches. They certainly hope that the City can coordinate with the city housing programs and the developers together to move forward to provide good housing stock to the people of the district and the people who want to come and invest their sweat equity into the district. Again, participate in the Performing Arts District opportunities that will move forward. Of course, they went through the process as they went forward with their agenda. They have attached maps that show the Avenue D Historic District, City of Fort Pierce Future Land Use, and also the zoning that is there now. Does anybody have any questions on this portion of the Lincoln Park Charrette?

Commissioner Becht said he is going to thank Mr. Gates and everybody else who was involved in putting this together, the citizens and the staff. He focused on the recommendations to the City because that was what was of most interest to him. Mr. Gates mentioned that this is a draft report. As it is finalized, what he would like is less generalities and more specifics. There is a couple of concepts in here that he doesn't recall having been discussed at any length that morning. He apologizes, but he had to leave in the afternoon. But the Neighborhoods and Districts element, that is going to be expanded on. And if they are going to move forward on it, it obviously has to have public hearings on it.

But the Performing Arts District idea, he needs some more particulars on that. He doesn't think they will find the patience to deal with those concepts tonight. But as they finish the final draft, those are of particular interest to him on how they might move forward on those issues. The one thing he would like, if it is dealt with in all of the language that is in here, Mr. Stubbs came up and he mentioned a very critical problem. The City is doing a lot of the things already that are recommended in here, but it is impacting the citizens that are there in a very negative way.

What he needs as a Commissioner is more specifics on how do they minimize the impact on these folks, these residents, these voters. How do they do that?

Mr. Gates said that is a very good question he should ask City staff. They are not in charge of making staff recommendations or telling the Commission specifically in every area what to do, how to do it, or anything else. They can work with the staff to help assist them in providing people who work and live in the community to help them work forward in a positive way to help the citizens such as the Lincoln Park Business Association which they just talked about.

Commissioner Becht said that was some of the specifics he was hoping would come out of the Charrette, but maybe he was too optimistic. He does appreciate the report.

Mr. Gates said they do have that. If they would like, if there are any other questions about the Charrette, except for the draft of the neighborhoods and district, he can move on to that if they would like him to now.

Mayor Benton said before he moves on to that, it would be in everyone's best interest that he wait with that. They are going through their Comprehensive Plan update right now. That should be brought to the workshops or to the Planning Board, but starting at the City Commission is not the right path to go on with this.

Mr. Gates said they talked about that issue; and what they wanted to do was not to surprise anybody on this issue of neighborhoods and districts. In doing so, they just wanted to be up front and tell them they are on the Agenda at the May 9th Planning Board meeting, which the State of Florida requires the local planning agency to move forward into adopting comprehensive plan changes or adopting a new Comprehensive Plan or any changes to a Comprehensive Plan. It will be May 9th at 7:00 p.m. But they do have in their packet here a letter from the Treasure Coast Regional Planning Council (dated April 4, 2006) that he wants to make sure they understand before they go to the Planning Board on the issue. Michael Busha (Executive Director of Treasure Coast Regional Planning Council) says in his letter, "Our review of the draft element indicates that the proposed amendments would be considered

consistent with and supportive of the Strategic Regional Policy Plan. Conceptually, the preparation, adoption, and implementation of special area plans appear to be an excellent approach to neighborhood development/redevelopment/revitalization." There is also a letter from Julie Evans, Community Planner from the Department of Community Affairs (dated April 12, 2006)...

Mayor Benton said he doesn't want to interrupt him, but he has a letter that came today from Julie Evans. It sort of supersedes that.

Mr. Gates said the Mayor can certainly talk about that if he would like. Anyway, her boss and she got together, reviewed this plan, and moved forward. Her letter says, "The goals and policies contained in the draft element build upon the existing pattern of development in Fort Pierce, with its notable architecture, walkable scale, and variety of land uses. As you stated in our earlier conversations, the Neighborhoods and Districts element encourages infill development, possibly through density transfers, and has the potential to assist in implementing the County's Town, Villages and Countryside Element. The element will be of great value to both the Fort Pierce and St. Lucie County as built areas redevelop, and infill happens and new neighborhoods and districts are created over time." He thanks everyone; and if there are any other questions they would ask, they would be happy to respond at this time.

Mayor Benton said if he would like to have a copy of Ms. Evans letter dated today, it might help him.

Mr. Gates said they will pick that up tomorrow from Mayor Benton.

Mayor Benton asked should that letter be read into the record?

City Attorney Schwerer said since the Charrette report contained a letter dated April 12th from the Department of Community Affairs and this letter of May 1st was just received today, it is probably sufficient that they direct the City Clerk to put it into the record, but she doesn't have to read it. She can just make it part of the record and that supplements the report they have today.

State of Florida  
Department of Community Affairs

May 1, 2006

Mr. Dennis W. Beach, City Manager  
City of Fort Pierce  
100 North U.S. #1  
Fort Pierce, Florida 34950

Dear Mr. Beach:

This letter is to clarify some of the issues raised by my letter dated April 12, 2006 to Ramon Trias regarding the "Neighborhoods and Districts" document that he provided to the Department for an informal review. The Department understands that the "Neighborhoods and Districts" document is not a proposed comprehensive plan amendment formally submitted to the Department by the City of Fort Pierce, and has not been reviewed as such. Rather, it is a document containing suggested guidelines for urban design and redevelopment developed by Mr. Trias and a group of interested citizens as a possible plan amendment to be submitted to

the City. The letter to Mr. Trias was part of informal technical assistance provided to interested parties by the Department and not a comprehensive plan review.

It should also be understood by all parties that for the "Neighborhoods and Districts" document to become part of the comprehensive plan, it must first go through the formal transmittal and adoption procedure for amending the comprehensive plan as outlined in Chapter 163, Part II, Florida Statutes. This procedure requires that the City hold an advertised public hearing during which the proposed plan amendment is presented. The Department is aware that the "Neighborhoods and Districts" document did not go through this process, and as such has no formal standing in regard to the City's existing comprehensive plan.

In addition, let me remind the City that it has not yet adopted its school siting requirements, or its Evaluation and Appraisal Report (EAR)-based amendments from the last round of EAR's, and is therefore not currently able to amend its plan until these are done. The Department acknowledges that it is providing technical assistance to the City's consultants to resolve these outstanding comprehensive plan issues and expects to continue to do so as long as needed by the City.

If you have any questions or need further information on these matters, please contact me at (850) 922-1816 or Roger Wilburn at (850) 922-1822.

Sincerely,

/s/ Julie Evans  
Community Planner

Commissioner Nelson said like Commissioner Becht, he would like to commend Mr. Gates for the work they have all done thus far. However, he has noted some disconnects between Mr. Gates and his organization and the Staff of the City of Fort Pierce. He is wondering to what extent is he coordinating his efforts with those of staff and vice versa.

Mr. Gates said they have been extremely pro-active in trying to work with the Commissioners, the Mayor, and also City staff. They did have staff participation in the Charrette. They have written letters requesting the remainder of staff to participate with them and they have talked to them and they want the staff to participate with them, and they look forward in the future to continuing to work with staff and work with everybody on the staff.

Commissioner Nelson said he recalls that the Commission's charge in addressing this was to have him and staff work together. He thinks it is going to be ultimately the City's responsibility to come up with this Comp Plan. They have timetables by which that is to be accomplished. Do they have a date on that timetable for that Comp Plan first input?

Mr. David Recor, Deputy City Manager, said the Comprehensive Plan will be transmitted December 2006 of this year. That is the tentative deadline. They are in the fourth of six public workshops. The fifth is coming up.

Commissioner Nelson said there looks like there is some data in here that might be considered. But as an official body, they are

going to have to rely on their Comp Plan input and they charge them to try to dovetail as much information as they have accumulated into that by working with staff in that regard. He finds it disturbing to note that in his citation for the grant for the Lincoln Theater that the grant was submitted on the part of the MLK group. They got a letter just recently indicating that they want no part of that. So there is a need for some coordination with that group as well. He mentions also the fact that Mr. Gates cited in his presentation a letter from DCA (Department of Community Affairs), and they recognize that perhaps they are looking at him as a private entity and perhaps not having any legal standing to provide input to them and ask questions to them. He thinks they will have to do something to coordinate that effort with staff and through staff in that regard. They have the Treasure Coast Regional Planning Council with the same type of issue. He mentioned earlier when they addressed this issue that they are going to have a real challenge with this task. People challenge staff, there is a political term, challenged, and all that stuff. It is going to take a lot of good will and genuine sincere efforts on the part of everybody concerned. Somehow or other they have to get together. The ultimate objective he is trying to see in this Charrette, and particularly for the Lincoln Park area, is to improve that area; but they have to do it within the confines of the procedures that they have established. He personally likes some of the recommendations they came up with. He is sympathetic with the fact that when they do the Moore's Creek Linear Park concept, that they have a plan there; but at the same time they have to be cognizant of the fact that they are going to usurp the dwellings of a lot of people there who are going to have to be back-filled in some fashion. He doesn't know exactly how this is going to play out and is going to be addressed by this group or the staff or the Commission, but be mindful of the fact it is going to be a monumental hit to this community and it has to be addressed in a very positive way to make it effective. But in the meantime his comments on this for Mr. Gates is thanks for the report he submitted. There is a lot of work that went into it, but let's do some more coordination with staff to try to get this thing resolved. Of course, they have to recognize the protocol in dealing with organizations like the Treasure Coast Planning Council and of course the Department of Community Affairs.

Mr. Gates said all very good points. Remember, this is a citizens initiative and this is a citizens report. It is not the report of one individual. It is the report of many individuals. They will find 136 pages of detailed notes of what the citizens did, what Commissioner Becht said, what Mayor Benton said, what Commissioner Coke said. It is all there to be reviewed and looked at. But they have always been extremely pro-active in wanting to participate with the Commission and with the staff. They will continue to work toward that goal.

Commissioner Nelson said that is why he accepts the report. But he has no choice at this juncture but to take it and hopefully it will be transmitted to staff and what they see they can use, they can incorporate into the comp plan or wherever it is appropriate, that it will be done.

Mr. Gates said yes, they furnished 12 copies of this and 27 copies of Neighborhoods and Districts and he is sure it was distributed to everybody that needed to have it. They gave Ms. Steele the number of copies she wanted and she distributed them. And also they gave the Planning Department copies. Again, on May 9th they are on the

Planning Board Agenda and they will talk about Neighborhoods and Districts. The citizens will have a chance to voice their opinions and the members of the Planning Board, which is a group of hard working people who have worked on comprehensive plan changes in the past, and most recently in the near past. But they hope they will take all these issues and move forward and give them good changes to the comprehensive plan which will enhance the City of Fort Pierce, its old European design, and will not cause gridlock to their community from the outside.

Mr. Recor said he thinks it is important to note that the Neighborhoods and Districts concept is on the May 9th agenda for information purposes only. There is no action on behalf of the Planning Board.

Mayor Benton said he thinks there is a lot of merit to it, but they have to go through the process. It takes almost a year. He is sure it will take longer than that. But everybody has to go through the same process. And the Comprehensive Plan is directed by citizens.

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The next item on the Agenda was Mr. Leslie Lasenby to discuss Insurance for Widows of slain Police Officers.

**Mr. Leslie Lasenby, Sr.** said an item was brought to his attention recently. It is a subject that he is sure has fallen through the cracks of their system through no fault of anyone that he knows of, nor could they expect anyone to be fully aware of the ever-changing statutes that have been rewritten within their State. He would like to let the City Commission know at this time that as of July 1, 1993 State Statutes, Chapter 0112, Section 19, Paragraph 2, Subsection G were changed regarding the widows of slain officers within their State. Prior to this date it was not a requirement that the widows be supplied insurance from the past employers of their spouses. The widows of Willie Ellis, Grover Cooper, Jimmy Wouters, and Danny Parrish are not to the best of his knowledge receiving any insurance benefits from the City of Fort Pierce. This is at times a hard subject for him to discuss as he personally knew three of these slain officers and still remain close friends of two of these officers widows who served the City of Fort Pierce and gave the ultimate sacrifice of their lives in the line of duty while serving this City. He also does not know of any City within their State that has not stepped up to the plate and grandfathered the widows of previous slain officers into their group health insurance programs. The cost of this venture for the City would be that of the four widows only, as the descendants are now adults. Consideration for the widows of their slain officers would be greatly appreciated by himself and many others.

Mayor Benton said he wishes he would have brought this to them back in July of 1993. He really thinks it is something they should be doing, that is his opinion; but he will hear from the rest of the Board because he thinks it is a great idea and it is something they owe these folks.

Commissioner Alexander said he spoke to Mr. Lasenby about this issue. He is more concerned in reading the Statute on that, that it was speaking about individuals being remarried. Out of the four, how are they going to address the issue if these widows have been remarried?

Mr. Lasenby said there was a period of time where if they remarried, the statute did not change. They have one widow he believes, he does not know of any others, who had remarried. But the retirement benefits continued on for Ms. Parrish even though she remarried prior to that time. Had they remarried, the benefits would have ceased. On Ms. Parrish they did not cease because that Statute had been changed to cover them even if they remarried.

Commissioner Nelson said it looks like this was enacted to become effective July 1, 1993. Is the City in fact making any payments to any officers families that were involved on that date or after that date? Can the Finance Director or the City Manager tell him?

City Manager Beach's said his understanding is, they are not.

Commissioner Nelson asked they are not paying anybody?

City Manager Beach said that is correct.

Commissioner Nelson said if it is something that should be done, he thinks they ought to do it for those people who were killed in the line of duty as of July 1993.

City Manager Beach said the situation is that they have not had any officers slain after that date. The subject in front of them is whether or not this Commission will apply this statute that was passed. This law was actually passed he thinks after 2000, but they made it retroactive back to 1993. The slain Police Officers in Fort Pierce, all of them died prior to 1993. So the way the State law was rewritten simply did not apply to those officers. What is being requested of them this evening is to make this policy applicable all the way back to the one officer he thinks died in the 1960's.

Mayor Benton said the first one, Willie Ellis.

Commissioner Nelson asked what would be the ramifications? They have bargaining situations, insurance carriers, and all this kind of stuff that has to be addressed in the event that they were to enact this. He would think that staff should have in fact provided the Commission with those ramifications if they were to act on it.

Commissioner Coke said she too spoke with this gentleman during the week. She can understand Commissioner Nelson's concern that there might be ramifications through the insurance company, etc. However, she thinks if they are just looking to expand upon a State Statute that there must be a way around it, because if they could do it for a State Statute from 1993 to now, then the City ought to be able to find a way. She is sure their competent City Attorney could find a way to put this in effect for the officer's widows that it affects prior to that. She for one would support that they do that.

City Attorney Schwerer said he did not comment on this because essentially it came to him by way of the Agenda. As they know, things are automatically placed before the Commission and not necessarily with staff comment. There are a number of issues. If they support in concept the idea of utilizing public funds to go beyond what they are required to do by Statute, essentially what the State of Florida has said... He can't tell them why, but there must have been a reason why the State of Florida picked the cutoff date of July 1, 1993 as the date of effectiveness for this. That

means that anyone prior to that date would not be covered under the Statute, but anyone subsequent would. He doesn't know what their reasoning is. But if they take action as a City through their normal powers under their Charter and under their Home Rule powers act, they have issues dealing with if they want to extend benefits which are not mandated. Whenever they are mandated by law to give benefits, they have to give those benefits. But when they are not mandated, they have issues dealing with union bargaining, for instance. In other words, this is a benefit being provided to perhaps union members and it will affect union contracts. They need to check that. He doesn't know if they can make the carrier obligated to pay.

Commissioner Becht said he is hearing what he usually hears, that it is more complicated than they think.

City Attorney Schwerer said yes, it is.

Commissioner Becht said if the Commission is in agreement, he would like staff to report back to them in whatever reasonable amount of time they need on the legal issues. He would like to know the life expectancies of the widows and the ramifications. Can they cut it off at age 65 when Medicare should kick in? The issue of the remarriage, maybe some of them have remarried and now aren't married. And if they have coverage with other employers, he is not interested in providing something that they already have. But he definitely wants to take care of these women who lost their husbands who were taking care of the City. But they do not have enough information to vote on it tonight. They need more information to know what the actual cost would be to the City. He would like to know - what it is going to cost, and how do they legally do it? He doesn't think they can do that tonight.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to request staff to report back to the Commission in 30 days on the various issues concerning the proposal to provide insurance for widows of slain Police Officers.

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

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The next item on the Agenda was Ms. Shaira Iveth Leon request **Alcohol Beverage Permit** for Leon & Martinez Wedding at the Fort Pierce Community Center in Indian River Veteran's Memorial Park on May 6, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Alcohol Beverage Permit for Leon & Martinez Wedding at the Fort Pierce Community Center in Indian River Veteran's Memorial Park on May 6, 2006.

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

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The next item on the Agenda was Mr. Andrew Ingle, Hibiscus Children's Center, request **Alcohol Beverage Permit** for Offshore Big 3 Fishing Tournament at the City Marina on May 5-6, 2006.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve Alcohol Beverage Permit for Hibiscus Children's Center Offshore Big 3 Fishing Tournament at the City Marina on May 5-6, 2006.

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

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The next item on the Agenda was Mr. Robert Whitt, Blues Alliance of the Treasure Coast, request **Alcohol Beverage Permit** for Picnic to be held at Jaycee Park on May 21, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Alcohol Beverage Permit for Blues Alliance of the Treasure Coast Picnic to be held at Jaycee Park on May 21, 2006.

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

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The next item on the Agenda was Ms. Natalie Neil, St. Lucie County Chamber of Commerce, request **Alcohol Beverage Permit** for 10th Annual Fishing Frenzy to be held at the City Marina on May 19-20, 2006.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve Alcohol Beverage Permit for St. Lucie County Chamber of Commerce 10th Annual Fishing Frenzy to be held at the City Marina on May 19-20, 2006.

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

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The next item on the Agenda was Ms. Wendy Wolff, Fort Pierce Multilateral Center, request \$10,000 in Public Funds for **Frontline for Kids Caribbean Fest**.

**Ms. Wendy Wolff**, President of the Fort Pierce Multilateral Center and Frontline for Kids, said they came as a group. They have Mr. Gayman with them, their Executive Director; Mrs. Hortense Spivey, Mrs. Christine John, Mr. Mike James, Mrs. Mary Butler, and Mrs. Peggy Harris, all of which are Board members for Frontline for Kids and the Fort Pierce Multilateral Center. They come before them tonight to discuss their Caribbean Fest 2006. As they may know this was Reggae Fest last year and the year prior. They have expanded it, brought some other types of music in to appeal to more folks. It will be held at Lawnwood Stadium on May 29th from about 1:00 p.m. to 11:00 p.m. They are requesting the City become a partner and grant them \$10,000 to make this event happen.

**Mr. Jerome Gayman**, Executive Director of Frontline for Kids, said he is glad to be here with the Commissioners once more. If they have received a packet from them, they will see some of the things they have done in partnership with the City. They are very excited about the partnership here and the other partnerships that they formed within the County and the City, something he would dream for the kids here become a reality.

Commissioner Coke asked how much money did the County give him this year?

Mr. Gayman said they are working with the County. They have asked for help. The County asked for their hotel bill and they submitted those to them. They are committed to helping with the usual \$2,000 toward the hotels.

Commissioner Nelson asked they had a big success last year, right?

Mr. Gayman said yes.

Commissioner Nelson asked did they make a profit?

Mr. Gayman said anybody who has talked or dealt with promoters will tell them getting information from promoters is like pulling teeth.

Commissioner Becht had told him the last time to go back to the promoters and bring figures; but every report they will give them will be verbal, they don't want to give anything written on paper.

He didn't feel comfortable taking anything verbally because he could not substantiate that, he couldn't collaborate it, he couldn't defend it. They will tell them things like they sold 2,000 tickets. Five hundred tickets were given to VIP. He asked could they fax him the actual numbers and receipts, and they just wouldn't do it. So based on that, they decided enough is enough. They are going to do it hometown. They are going to do it in-house with citizens of Fort Pierce. They have learned over the past two years how to do it and they are doing it.

Commissioner Nelson asked are they going to budget for it this year?

Mr. Gayman said yes.

Commissioner Nelson said he didn't see one.

Mr. Gayman said obviously they didn't think the Commissioners would need the total budget; but yes, they have a budget.

Commissioner Nelson asked did he ask for \$10,000?

Mr. Gayman said yes.

Commissioner Nelson asked how much did he ask from the County?

Mr. Gayman said the County has a stipulation he thinks through the Tourism Board. They have a maximum of \$2,000 they give away.

Commissioner Coke said for Heads on Beds.

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, to approve \$10,000 in Public Funds requested by Fort Pierce Multilateral Center for Frontline for Kids Caribbean Fest to be held on May 29th at Lawnwood Stadium.

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

Mayor Benton said all right. His wish has been granted and they expect to see Maxi Priest.

Ms. Wolff said they expect him to be there. She thanks the Commission for their time and generosity.

Mr. Gayman asked are the Commissioners coming?

Mayor Benton said he has been waiting for Maxi Priest for two years now.

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The next item on the Agenda was Requests for Public Funds forwarded by the Fort Pierce Redevelopment Agency for City Commission consideration.

City Manager Beach said this is being brought to the Commission as a result of the Fort Pierce Redevelopment Agency referring these requests to the Commission. There are four different requests that include scholarship funding for students firefighters to attend IRCC, the Treasure Coast Opera Society request for funding, a request for advertising for the 2007 Fort Pierce Billfish Derby, and also \$5,000 for Granny's Gang to get children to the Black on Black Crime Conference in Miami. This is on the Agenda at the FPRA Board's direction. Any of these that the Commission wants to take up and deal with, they can certainly do that. But what they have discovered in reviewing these is that the paperwork associated with the request for funds is not part of this documentation. Is he stating that correctly?

City Clerk Steele said that is correct.

City Manager Beach said as an example, in the previous Agenda item for the Frontline for Kids they saw a very specific application that laid out who the organization was, what their documentation was, what their status was as a 501(c)(3) and so on. He is advised by the City Attorney's office that is a necessary component of these applications to the Commission for funding; and to consider these applications for funding without that, it takes away this public hearing process that is required in the City policy. So unless there is something on this Agenda that is of immediate concern that needs to be dealt with, he would like for the Commission to give staff another Commission meeting to get the folks in here to deal with the paperwork that is necessary to present this.

Commissioner Alexander said he was the culprit in this matter with a couple of these issues. Again, he speaks to staff about making it a public forum when the request is asked. He requested two of these items, one particularly for Granny's Gang, he used them as the vehicle. But he requested these funds for the community for the kids. It is not just in particular for Granny's Gang, it is for any of the kids that come up. Again, when he makes these requests and if there is any form that needs to be signed, sealed, or delivered, then whoever he takes it to should make sure that Commissioner Alexander doesn't look like some kind of knot on a log. They can just say to him, they need forms filled out. Both of these requests came from him personally, and not Granny's Gang. He used Granny's Gang because they have been a vehicle for raising money every year for these kids.

City Manager Beach said he is right about that. If that was the source of these requests, then whoever he made those requests to should have provided him with the paperwork that was necessary. What he is asking all of the Commissioners is, if they want to pursue these, then give staff until the next meeting to get that paperwork processed.

Commissioner Alexander said on the request for the scholarship for firefighters, he would yield to that. But on the request for the kids, believe him when he reads Black on Black Crime Conference in Miami, they will be offended by that being said, because that is prevention of crime in the black neighborhoods.

City Manager Beach asked is it necessary that it be acted on now or can it be acted on in the Commission meeting in the middle of May.

Commissioner Alexander said the time period on this has a lot to be done as far as the hotel arrangement and they have deadlines on these items. At the FPRA meeting he asked them to withdraw it because he felt out of place. And he was offended by the actions from the City Attorney and Mr. Ward.

Commissioner Coke asked since time is of the essence here, do they not know of a church that would qualify that they could run that money through to fund that for the kids to go down there?

Commissioner Alexander said he thinks the question was, do they have a 501(c)(3)?

Commissioner Coke said what she is saying is, she is sure he knows a church that would be willing to run the funds through there and fill out the paperwork and whatever else. She thinks if that were the case and they were going to have them fill out the paperwork retroactive and the will of this Commission was to go ahead...

Commissioner Alexander said again, he wasn't abreast to paperwork being done. He insists on it being done.

Commissioner Coke said she knows, because Mr. Jennings is here looking to get paid and she got a call last week saying they didn't fill out any of the paperwork. Well, four months ago somebody should have said she has to fill out paperwork.

Commissioner Alexander said he just wants to know who is going to take that responsibility that these kids are being registered and hotels and food are being provided for them. So whatever they want is fine with him, but he needs to hold somebody responsible for it; because it has been two weeks now that have gone by, so that is two weeks of lost time that they have to put this in motion. For the scholarship for firefighters, he is going to give the college a call and get a request in writing and whatever paper they have to do. But this one is an urgency now. He doesn't even have the dates on it. He thinks it is next month, in May?

**Ms. Maxine Green** said it is May 31st to June 3rd.

Commissioner Alexander asked do they have ample time by May 31st to get this taken care of?

City Manager Beach said they certainly have time to put the application together. But what he hears his concerns being expressed is whether or not the organizers of this event are going to be able to make their own plans in that time frame. He doesn't know the answer to that.

Commissioner Alexander asked can he put this on his desk and he can find out for him?

City Manager Beach said he can find out. What he can do is find staff to deal with this application process. He can do that. Now, whoever is putting on the event is going to have to make the decision as to whether or not that timing will work for them in terms of reservations and that sort of thing. When is their next Commission meeting?

Commissioner Alexander asked can he get him to confer with the Attorney General in the State of Florida? They can find out directly from the horse's mouth, because this is the one who is promoting this is the Attorney General's office out of the State of Florida and out of the State of Georgia. So they can do the correspondence through their office and find out exactly what can be done.

Commissioner Coke asked would it be sufficient if they requested that Mr. Beach do everything humanly possible to contact the Attorney General's office who is sponsoring this? Maybe they have something set up.

City Manager Beach said he would be happy to work on this. He is not clear on what the question would be to the Attorney General. He understood earlier that it was an accommodations issue - could they make the reservations and get the commitments in a time frame if this didn't get approved until the middle of May? That is what he thought the question was, but he is not sure.

Mayor Benton said he knows the Sheriff has sponsored this a couple of years. He knows it is a good program because he has been there when they came back, Ms. Greene has had him there. He just wants to make sure there are enough chaperones for the kids. To him, that is not an issue because they have done it before. But for the City's liability, he would just like to make sure there are chaperones for these kids, so the kids don't wander off. It has happened before. But he thinks it is a good program.

Commissioner Coke asked is there a dollar amount for a non-501(c)(3)?

City Clerk Steele said \$1,000.

Commissioner Coke said that is not going to help them.

Commissioner Alexander said all he needs is a church.

City Clerk Steele said a 501(c)(3) organization.

Mayor Benton asked how did the Sheriff fund this? Is there any way they could give the money to the Sheriff to fund this? It could be a lot simpler. The City could make a donation to the Sheriff's Department.

City Manager Beach said there is always a way to do this, if this is what the Commission wishes to accomplish.

Commissioner Becht said he would like to get it done. If the kids can make reservations 20 or 30 days in advance, he thinks it will be cheaper reservations. So if Mr. Beach can figure out a way to do it, he would like to get it done.

Mayor Benton asked can they make a donation to the Sheriff's Department for this?

Commissioner Coke asked does Chief Savage have some way they could run it through the Police Department? What about Weed & Seed? Would this qualify to run through Weed & Seed?

City Attorney Schwerer said the Law Enforcement Trust Fund.

Chief of Police Eugene Savage said yes, there is a mechanism where he could give them some funds, but it wouldn't come back before the Commission until the next Commission meeting. And that is through the Law Enforcement Trust Fund, which is the same mechanism that was used a couple of years ago to send them to one of the conferences.

City Attorney Schwerer asked what is the dollar amount on that?

Chief Savage said that is at his discretion.

Commissioner Alexander asked don't they have officers going to this conference?

Chief Savage said yes, he has several officers who are going to the conference.

Commissioner Alexander said this is done on an annual basis, right?

Chief Savage said yes, it is.

Commissioner Alexander asked so they won't have this dilemma next year?

City Manager Beach said all he would need is direction from him or the Commission to do this and he could get it done?

Chief Savage said he just needs the approval of the Commission to make the expenditure.

City Manager Beach asked in a Commission meeting?

Chief Savage said yes.

Mayor Benton asked can they do that now?

City Manager Beach said there are processes they have to go through to use these resources. It is the same difficulty they are having with what they did here. They need the public advised of this, that it is going to happen, and then they approve it. Is he stating that correctly?

Chief Savage said yes. If it had been presented to him, he would have made the authorization and brought it to the Commission for approval.

Commissioner Alexander said he just wants them to know, he didn't know it could go through the Police Department.

City Manager Beach said no one else did either. What is why they are working their way through this. If the Chief will put this on the next agenda, they will move that forward. Is that acceptable to everyone?

Commissioner Becht said yes. But one quick question. He doesn't know how the process works. When will they have the money? If the Commission approves it on May 15th, will they have a check on the 16th, or how does this work?

City Manager Beach asked is it a reimbursement, or is it...?

Chief Savage said he will just make it happen.

City Manager Beach said so that one is handled. Does anyone want to deal with these others? Do they want to talk about any of these other three, or can they put them through the process?

Commissioner Coke said the only other question she had is, she sees this one for the Opera Society. It seems to her, hasn't that been going through the budget process annually?

City Manager Beach said that is correct. But unless he is mistaken, this is in addition to what is in the budget. The City currently has \$20,000 in the General Fund budget for the Opera Society. This is a request in addition to that.

Commissioner Coke said she knows they did something in last year's budget and then they did another emergency grant to them. She is not sure how much that was and the time frames involved. Whenever this comes back to them, whether it is now or at the next budget time frame, she would like to know all the funding the City has given them in the 2005-2006.

City Manager Beach said what he is hearing her say is, put it in the budget process.

Commissioner Coke said she thought they always did this and for the Jazz Society in the budget process.

City Manager Beach said yes, they do.

Commissioner Coke said she knows last year that both the Jazz Society and the Opera Society came back to the City Commission for additional funding during the course of the year and they approved both of them. What she is looking to do is not have six different things during the course of the year so that they lose track of it completely. She doesn't mind if everybody wants to do this. But she does want complete knowledge on what the City has given.

Commissioner Becht said when they bring it back.

Mayor Benton said he would just like to make a comment on the Fort Pierce Billfish Derby as somebody who has played a role in that. He would like to compare that or at least get some information, maybe from the Tourist Council, because he doesn't think they put any Heads on Beds. He thinks a lot of those people sleep in their boats or live here, compared to the SKA which brings in hundreds of people who spend lots of money here. So somehow he would like to compare them; because if they allow this, they are going to be sponsoring a lot of fishing tournaments. They have to make sure that these are putting something back in the community. In this case, may Dean Kubitschek can help out because he knows it goes through the City Marina. Let's get some more information from these folks as far as how much they are bringing into the community, like the SKA has.

City Manager Beach said they will do that.

Commissioner Alexander said just an additional comment on that. He understands they are getting national recognition from this. So at least they are putting the name of the great City of Fort Pierce all over the nation. That should be worth consideration.

City Manager Beach said that could be worth something, yes.

Mayor Benton said he is not saying not to do it. He just wants to compare them, because he thinks they need to produce some information.

Commissioner Alexander asked when is this event?

Mayor Benton said January.

Commissioner Becht said so they have got some time.

Commissioner Alexander said if that is an annual thing also, they can do it at the budget time, as an annual event in their City.

Mayor Benton said they have just changed the way it has been run. Somebody was sort of volunteering their time, but now it is a professional organization coming in to run it.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-30

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REAPPOINTING **FRAN O. ROSS** AS **SPECIAL MASTER** TO PRESIDE OVER CERTAIN CODE ENFORCEMENT PROCEEDINGS, MAKING SUCH APPOINTMENT SUBJECT TO APPLICABLE ORDINANCES AND STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 06-30 be adopted.

Commissioner Nelson said he was interested in the report they got concerning the Special Master and what they are doing down there. He will further discuss this at their workshop.

Those voting in favor of the adoption of Resolution No. 06-30 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Consider proposal by Marlowe & Company to continue **Lobbying** efforts in Washington, D.C., for funding of the **Federal Courthouse** construction project in an amount not to exceed \$22,500. (Postponed from April 17th Agenda.)

Mayor Benton said he has seen the report now; and if they would continually make maybe a monthly report and keep them updated, or if anything comes up during that month, he would feel comfortable with continuing.

Commissioner Coke said he is two steps ahead of her because she didn't get anything more than the letter she had already seen last month.

City Manager Beach said what they received - actually he thinks it was today or maybe Friday - was the documentation of the communication Marlowe has had with various congressional offices in the time frame they have been on board. He has reviewed these. It is clear that they are working. He will provide this to all of them. At their previous meeting the Commission was looking for some evidence that Marlowe was working on their behalf. And they have submitted it to his satisfaction. Certainly, if they would

like to review it prior to authorizing this, they can do that; or his suggestion is to authorize their continued employment.

Commissioner Coke said as long as they have some proof that they are doing something, she is happy.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve proposal by Marlowe & Company to continue lobbying efforts in Washington, D.C., for funding of the Federal Courthouse construction project in an amount not to exceed \$22,500.

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

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The next item on the Agenda was Mayor Benton to discuss proposal by Miami-Dade County Department of Environmental Resource Management to allow the Army Corps of Engineers to use **Sand from St. Lucie Shoal** for renourishment on Miami Beach.

Mayor Benton said he knows everybody has seen the letter. All he is asking for is if the City could send a letter saying no. He thinks it is an absurd request.

Commissioner Becht said send a letter saying hell no.

Commissioner Coke said absolutely not, not in their lifetime.

Commissioner Nelson said he had some problems trying to figure exactly where they were talking about. It says about five miles east of St. Lucie County.

Mayor Benton said there is one area out there that has been used for local beach re-nourishment for many years and it sort of fills back in. Why the Army Corps would consider going over 100 miles with a barge for how many times, when there is plenty of sand between Miami and the Bahamas. He just doesn't understand it. He is just looking for a letter from the Commission saying no.

Commissioner Coke said just so the Commission knows, the Florida Shore and Beach Preservation Association sent a letter discussing the fact that they need to make these domestic sand requests before going into foreign waters. They replied that they had asked Dade, Broward, and Martin Counties, but they skipped Palm Beach County. Obviously they knew Palm Beach wasn't going to give them any sand.

Mayor Benton said the funny thing is, that sand just goes out. All they have to do is put it back.

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The next item on the Agenda was Mayor Benton to discuss **Policy of not doing business with City Employees.**

Mayor Benton said in light of some of the issues that have been brought up in the last couple of weeks and seeing they don't have a policy on employees doing business with the City, he just has some concerns with that. He knows it has not been a written policy. He saw a memo that went out from Mr. Beach some time ago explaining that they shouldn't be doing this, but it is still being done. He thinks it should be in the rule books, unless they are going out for competitive bids. That is his opinion. He wanted to see how everyone else felt as far as the other issues.

Commissioner Becht asked is there a policy or is there not a policy in writing?

City Manager Beach said there is a law that governs who cities can do business with and who they can't do business with. There is a provision in the law that provides for employees doing business with the City under certain conditions and certain circumstances. What he has done in light of what they learned recently, he has sent a memorandum to the Human Resources Department and copied it to all the Department Heads indicating that they will not, as a policy, do business with a City employee - not because it violates the law, but because it creates a perception of a conflict of interest. That is going to be their administrative policy. In addition to the administrative policy that he put in place, the Commission can also add it to their Personnel Rules as a matter of a requirement that they are not going to do business with City employees. It is up to the Commission, however they would like.

Commissioner Becht said he doesn't mind doing it on a competitive bid process, because then there is competition and they know they have competitive bidding. But as a general rule, he doesn't see any need to be awarding non-competitive bids to employees. The perception is just horrible.

Commissioner Alexander said he just heard Mr. Beach say he made a policy, right? He thought the Commission was the policy makers. He might make a recommendation. How does he do that?

City Manager Beach said the City Manager is authorized to make administrative policies and those are policies that govern certain aspects of employment.

Commissioner Alexander asked that doesn't have to come by them as a Commission?

City Manager Beach said depending on what the policy is. There are administrative policies and there are Commission policies. But yes, the City Manager is authorized to do that.

Commissioner Nelson said Mr. Beach mentioned that he sent something to the Human Resources. Knowing the organizational structure they have and who deals primarily with purchases as such, are they not extending this to their Purchasing Department as well?

City Manager Beach said it applies to all of the departments as well as the Purchasing Department. When this incident came up a few weeks ago, it was actually something that the Administration was unaware of, simply because it had been checked into previously and because of the ownership of the company, it was not owned by an employee. Within the last two years, the ownership of that company changed from the mother to an employee and they simply were not aware of it. Had they been aware of it, they wouldn't have been doing it to start with.

Commissioner Nelson said when they have policies like this, it should address the totality of the problem. He has a problem with employees selling or buying from the City in any capacity. He would like to see all policies of this nature universal in its application.

Mayor Benton said he thinks it should be a written policy in the rules book so this doesn't happen again. He knows it fell through

the cracks. To be on the up and up, he thinks any employee that does business, if they are going to be allowed to do business with the City, that it be done through competitive bids that are sealed. Do they all agree?

City Attorney Schwerer said the legal caveat is this. He has a memo that is coming out to all of them with a copy of the statute. Employees are authorized to do business with the City under certain exceptions. One of those exceptions is competitive bidding and the other is a rotational basis. There are ten exceptions under the statute. He thinks what the City Manager is telling them is, from an administrative standpoint, notwithstanding the statute, he is going to issue an administrative order prohibiting contracting with City employees. He would not try to develop a rule from the dias tonight. If they are satisfied with his rule, they don't have to do anything. He would not recommend they do a Personnel Rules change because that requires a resolution and formal debate. If the City Manager makes that as part of the administrative order, then that is sufficient. Because now they are starting to carve out exceptions saying they don't have problems when it is competitive bid. He is just telling them the statute doesn't allow it.

City Manager Beach said the emphasis is this, if they find that policy acceptable, if they think the policy he just articulated is acceptable, then really they don't need to take any action. If they disagree with it, then they should.

Commissioner Alexander asked is that the only incident they have had in the City? If they overlooked this for that many years or whatever, they don't have any other incidents?

City Manager Beach said he knows of incidents where the City has hired employees who work for Public Works and hired them on a contractual basis, for example, to mow the Marina, and they would come in on Saturdays and Sundays on a contractual basis and do that. Beyond that he doesn't know of anything.

Commissioner Alexander asked does that cover it? Is he fitting that into the category with everything else?

City Manager Beach said that would fit in the category, correct.

Commissioner Becht said meaning they could not mow any more.

City Manager Beach said meaning they could not contract with the City.

City Attorney Schwerer said for goods or services.

Mayor Benton asked does everybody feel comfortable with that policy? He just wants to make sure they don't have to deal with this again.

Commissioner Alexander said he just wants to know why has it been going on all this time and they didn't feel that it was necessary even with their employees. That is just a part time job. They are trying to limit their employees from making monies?

Commissioner Nelson said when they are talking about administrative authority to the City Manager, he thinks there is a limit of \$10,000 on that, is that right?

City Attorney Schwerer said that is the limit for expenditures. But when it comes to controlling the work force and the hours and the conditions of employment and things like that, that is what the City Manager's jurisdiction is. The Commission is at a different level as far as their authority, they have a lot of powers; but when it comes to the City Manager directing what the work force can and can not do with respect to certain rules, he has that authority. The Commission too has that authority if they want to amend the rules and regulations. He is simply saying, they don't need to amend the rules and regulations if they agree with this policy. If they want to start the process of amending the rules, that can be done. But he is not recommending that unless they disagree with what the City Manager has issued.

Mayor Benton asked if Mr. Beach could send a current memo out maybe tomorrow with this policy on it, that way everybody who works for the City gets a copy of that. Is that all right with the Commission or is the Commission looking for a formal rules policy, so this doesn't happen again?

Commissioner Nelson said he is for the formal rule. Let's make it up front, universal, and applicable to all.

Mayor Benton asked does the rest of the Commission agree?

Commissioner Becht said they have heard both the City Manager and the City Attorney say they would prefer to keep it as an administrative rule. Let's leave it at that. Keep it simple. If it is a problem again, then they will make it a formal part of the Personnel Manual.

Mayor Benton said if they can get a copy of that and if everybody feels comfortable with it, they will keep it there.

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The next item on the Agenda was Discussion on request to the Fort Pierce Utilities Authority to relocate electrical utilities underground for FDOT Project for 25th Street from Orange Avenue to Avenue Q.

City Manager Beach said they have a letter attached to this agenda item that was sent by the Director of Utilities Authority. This is in response to the Commission at the last meeting requiring that the overhead utilities on 25th Street be buried underground as part of that project. They sent that letter to the Utilities Authority Director and he responded with the attached letter indicating that he understood that it was within the Commission's purview to make that requirement; however, he doesn't believe that their authority extends to the point of requiring that the Fort Pierce Utilities Authority pay for the underground utilities. In other words, if there is a difference in the cost of relocation and the cost of going underground, Mr. Boudreaux believes that whoever is requiring that has a responsibility to participate in that cost. That is not the City Staff's interpretation of the ordinance. It is not the City Attorney's interpretation of the ordinance. The City Engineer does not interpret it that way. They believe factually that this Commission has the authority to require that the Utilities Authority put the overhead lines underground and require that they pay for it. Some of the issues that exist with this concept is that, regardless of who pays for it, these are citizens of Fort Pierce. Approximately 25% of their electrical customers do not live inside the City of Fort Pierce, but 75% of them do. Regardless of who pays for it, whether the Fort Pierce

Redevelopment Agency pays for it or whether the Utilities Authority pays for it, the bottom line is the customer pays for it, period. It really is a judgment call on the Commission's part as to where they want those costs applied. Do they want them applied to the utility rates or do they want them applied to their Fort Pierce Redevelopment Agency or to their ad valorem tax base? That is really the question he thinks that is in front of them, is whether or not they want to push the U.A. into this or not.

Mayor Benton asked what have they done in the past with all of their redevelopment along Avenue D and Georgia Avenue? His understanding was they had a partnership.

City Manager Beach said the City has participated, but they did that prior to this most recent ordinance that was passed. The ordinance they are dealing with now was passed a year or a year and a half ago?

Mr. Hector Arias, City Engineer, said it was about two years ago.

City Manager Beach said prior to that, they had a joint agreement where the Utilities Authority would do a certain amount of the work and then the City would do a certain amount of it. It was as much as a 50/50 split, more or less. But the City participated with the U.A. In addition, they didn't and don't always require that they go underground with the utilities. He will use Georgia Avenue as an example. If they look at Georgia Avenue from U.S. #1 going west, they only put the utilities underground for maybe three or four blocks; and then what they did is reconstruct the utilities on the side of the road. It turned out fine. It looks good and they limited the crossings of the roads and things of that nature. Commissioner Becht had asked the Utilities Authority today to provide a comparison of the cost of going underground for these utilities and staying overhead. He thinks there is a difference in cost somewhere in the \$1.2 million range. It costs that much more to bury them than to relocate them. The Utilities Authority is more than willing to relocate the utilities as a part of their responsibility, but they would very much like to have some participation in the undergrounding itself. This is a Fort Pierce Redevelopment Agency eligible area. They can participate if they choose to. He sees three options. One is, they can just insist the FPUA do it, and they will because that is what the ordinance says. Number two, they can agree to participate through the Fort Pierce Redevelopment Agency. And the third one is, that they allow the U.A. to decide, at least in conjunction with their City Engineer, as to what goes overhead and what goes underground, some combination of it. Because that is a real wide right-of-way and he doesn't know going underground is going to add that much to the quality of it.

Commissioner Alexander said he understands that Commissioner Becht received this information, but Mr. Boudreaux sent the City a letter that he chose not to put this information in. His concern is two points. The City made it an ordinance that the individual, if they have any repair work done on their home and they have any damage to their mast, that they have to place theirs underground. And he is telling him that they are going down 25th Street and they are going to remove all these poles and relocate them, but that is not like a repair. How did the ordinance read for the public?

City Manager Beach said he didn't mean to imply that is what they were going to do. What they are going to do is what this

Commission decides to do. What the U.A. is saying, what they are telling them is they are willing to do is relocate the utilities at that cost. If the City is going to push them to go underground with this, then they are going to have to debate with them this issue of who pays what.

Commissioner Alexander said his concern is the public safety. They have already had a couple of lives lost because of obstruction of view. Probably the City is being sued now about this, he doesn't know, but it doesn't matter. Because of the fact that those are very dangerous corners coming from the east to the west of 25th Street. They pull up there, they can look all the way down, they have poles lined all the way down that is obstructing the vision. Where does the public safety come in? It is dangerous out there.

City Manager Beach said which is justification and a reason to go underground with them.

Commissioner Alexander said okay, that is public safety.

City Manager Beach said absolutely. The fact that this Commission wants them to go underground is sufficient. That is enough.

Mayor Benton said the point is they are doing it all over the City, period. They don't say they are going to do it here and not there. He knows on the beach, he doesn't know whether they finalized anything, but the U.A. is expecting the Redevelopment Agency to cover a big chunk of the cost.

City Manager Beach said they have discussed that with the U.A., but they haven't made any formal...

Mr. Arias said they have to also bear in mind that they have other utilities that they want underground, which is cable and telephone. If they make a precedence of helping the Utilities Authority with money for underground, he is going to have two companies knocking on his door asking is the City going to help them to do it too? In fact on the A-1-A project, he thinks the City is paying about \$2 million to help the Utilities Authority to do the underground along the A-1-A project. They wrote this ordinance to bear in mind they are trying to change the tune of the City of Fort Pierce. For any project, for anything that will be reconstructed or rehabilitated, they will have to go underground. Like Mr. Beach says, it is a matter of who is going to pay for it. He is just the enforcer, he is trying to bring out his point of view. It is not only the U.A., it is cable and telephone too.

Commissioner Coke said her first inclination would have been to partner with the Utilities Authority on this. However, in light of the fact that they have recently discussed and agreed on citizens having to pay their own way, then they need to expect the Utilities Authority to certainly do the same. She guesses there is a lot more she could say about their profitability and things over there and where they are spending money that they could certainly realign some of it to go toward this type of project which is betterment to the public good and public safety. And it will in the long run make the U.A. more profitable, because when there is damage during storms, they won't need to go out and spend all that money in overtime and overtime bonuses getting the City back up and running. She thinks at this juncture in time, it is the Utilities Authority's responsibility to bite the bullet and do this.

Commissioner Nelson said the Mayor sort of hit it on the head when he talked in terms of requiring or doing something in one part of the City and not doing it in another. That is wrong. They need to be universal in their efforts when they have major construction. They should very definitely in the guise of health, safety, and general welfare, try to put these things underground. Certainly when they have new construction or damage that is major in proportion, they should go underground. He doesn't subscribe to the idea of forcing in a confrontational fashion. The tone and tenor of the exchange in the letter coming from the U.A. and some of the comments he has heard, it appears they can work some type of collaborative efforts to insure that they have at least some underground installations along the lines that the City Manager mentioned, because there are going to be certain areas that perhaps it is impractical to go underground. But as a general rule, when they have major reconstruction or new construction, they should in fact do it. And if they can do it in a collaborate effort with the Utilities Authority, he thinks they should work toward that end and come up with some type of shared arrangements, rather than at this juncture saying the U.A. will do it. As time goes along, they get this new construction going on, it will become SOP going underground, it will be just normal procedure that they go underground.

Commissioner Becht said he believes it is time to change the policy and that FPUA needs to be treated the same way the City treats their private citizens. They told their private citizens that they are going to be required to put it underground, so now they need to tell FPUA that. His decision to do that is supported by spreading the cost of this project on 25% of the rate payers of FPUA that are located outside the City of Fort Pierce. Furthermore, this will leave more dollars in the FPRA to do what they are supposed to do. When they weigh everything, he thinks the balance tips in favor of insisting that FPUA put them underground as a private citizen would have to. Do they need a motion on this?

City Manager Beach said just direction.

Commissioner Becht said that would be his direction is that they politely but firmly tell the U.A. that the City is not asking any more of them than they are asking of their private citizens.

Commissioner Nelson said there has to be some collaborative effort. Remember, this whole thing is on Road 615, Martin Luther King Boulevard. The project there is being done by FDOT. They are already committed, have drawings and everything slated for that project that is getting ready to start. He would not want to see that delayed in any fashion. He is not sure as to whether or not any or all of those utilities can be placed underground. Does Mr. Arias have any feel for that?

Mr. Arias said he doesn't see any reason why not. There is nothing impossible in engineering. He thinks they should define what is practical and what is profitable. His aim as a citizen and the City Engineer is to provide the gateways to the City with beautiful roads, no utilities above ground, landscaping, sidewalk, bike lanes. They have done it and they are going to do it on U.S. #1, they are going to do it on A-1-A, they did it on Georgia Avenue, and he thinks they should continue with this type of thing. He thinks if they are going to turn the City around, they are going to have to turn the City around. They cannot go half way.

Commissioner Alexander said he agrees with Mr. Arias. If they don't do it now, it is going to cost later.

Mr. Arias said in addition to that - he doesn't know if they read the paper in the last few months - there is a movement around the State thinking about going underground, that is the way to go to avoid the damages from the hurricane. Now they have a new ordinance making citizens connect underground to the power, which is a great ordinance. He thinks it is just going to make it more beautiful and more practical.

Commissioner Coke said Fort Pierce was ahead of the curve. They passed that ordinance before they started putting it in the newspapers.

Mr. Arias said that is the reason they did the ordinance. Again, he is only an enforcer; but as a citizen, everything is looking great.

Mayor Benton said if one of those concrete poles comes down on somebody or something with an accident, somebody is going to be dead. He knows people have died from those poles.

Mr. Arias said that is right. They know who is going to pay the tab.

Commissioner Becht said it happened on Virginia Avenue.

Commissioner Coke asked does Mr. Beach know where they are going? It is four to one to tell the Utilities Authority to do it.

Commissioner Becht said except their good friend Commissioner Nelson, who is drinking the friendly water over there.

Mayor Benton said they will nicely put it to them tomorrow.

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The next item on the agenda was Interim Director of Planning to advise of his approval of a **Minor Site Plan Amendment for Prestige Concrete** at 4170 Selvitz Road.

Mr. Travis Gibbons, Planning Administrator, said he would like to advise that the Department of Planning has approved a minor site plan amendment for Prestige Concrete on the corner of Prosperity Drive and Selvitz Road. The change to the plan included an increase to the main building size of roughly 2,400 square foot. In addition, there was a removal of a 1,000 square foot building on the property as well. So the net increase was only about 7%. Also, the paving area where the blocks were to be stored was concrete and part of that has been removed to meet South Florida Water Management District regulations. It is now being replaced with stabilized turf which will have more percolation and more open space. It has been reviewed by all agencies and been approved. Staff recommends approval.

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Commissioner Becht asked where are they with the **Impact Fee Study**?

Mr. David Recor, Deputy City Manager, said he doesn't know.

Commissioner Becht said the reason he is asking obviously is this is almost a 31,000 square foot building (Re: Minor Site Plan Amendment for Prestige Concrete at 4170 Selvitz Road), and he

suspects they would have had to write a pretty check if they had impact fees.

Mr. Gibbons said they do have impact fees.

Commissioner Coke said not for the City of Fort Pierce.

Mr. Gibbons said the City will get a small proportion of it, but they will be paying an impact fee to the County.

Commissioner Becht said right; and once it goes to the County...

Mr. Gibbons said the City will get their 1% back at the end of the year.

Mr. Recor said he does recollect where they are on the impact fees. Staff had selected or recommended...

Mr. Tony Barnes, Director of Purchasing, said Tindale-Oliver & Association. They are in negotiations.

Commissioner Becht said the reason he is asking is not so much to get a blow by blow detail on it, but these are dollars here that just slip through the cracks because they need to get it done. That is the only point he is trying to make.

Mr. Recor said it is on the fast track.

Commissioner Coke said they don't want to start throwing around phrases like fast track when she is sitting here with the time line from last October of when it was going to be. The last thing she got, after she complained because it wasn't on in March when it should have been, was Commission approval to negotiate May 1st. So let's redefine the words, fast track.

Mr. Barnes said there are some problems with some clauses in there. One is time of the essence, the other is indemnity. As soon as they can straighten those out with the City Attorney, they will have the contract back to the Commission, hopefully next meeting.

Mayor Benton said he put that item on the workshop agenda. So hopefully they will have those answers then or maybe a contract in hand by then.

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

Commissioner Alexander said he would like Items 26d (Computer Voice Stress Analyzer and Operator Training); 26e (Driving Range Netting at Indian Hills Golf Course); and 26g (Property acquisition for Moore's Creek Linear Park) removed for discussion.

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

a. Approve Specific Authorization #2 (to Agreement for Professional Services for South Beach Stormwater Retrofit) with CAPTEC Engineering, Inc. to provide designs for repairs to **Indian Hills Golf Course** canal bank erosion in the amount of \$33,500; 75% Natural Resources Conservation Service Emergency Watershed Protection Program and 25% Stormwater Management Utility funds.

b. Approve Change Order #1 to Contract with Sunshine Land Design (for **South Beach Stormwater Improvements**) for additional drainage structures and upgrade to baffle boxes in the amount of \$171,020.80; Funding from Florida Department of Environmental Protection (\$50,733) and SMU Bond No. 1 (\$120,287).

c. Accept bid from Johnson-Davis, Inc. in the amount of \$106,787.00 for restoration of Culvert Crossing for **Mayflower Canal** at Ixoria Avenue; Funds from Stormwater Management Utility Bond. Bid No. 5595

f. Approve Application for Grant to be submitted to the Florida Communities Trust for funding 75% of the costs for land acquisition for **Moore's Creek Linear Park Project** (25% match from Fort Pierce Redevelopment Agency).

h. Approve reducing the code enforcement lien/fine in the amount of \$71,300 against **1905 Avenue N**, owned by Anthony Parris, to \$1,000 upon payment of the \$1,000 fine plus administrative costs of \$913.79 within 60 days (\$1,913.79 total).

i. Approve release of code enforcement lien/fine in the amount of \$158,500 against **1602 North 17th Street**, owned by Charles Hall, Sr., upon payment of \$925.79 in administrative fees within 12 months.

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The next item considered was Item 26d, which had previously been removed from the consent Agenda: Approve purchase of **Computer Voice Stress Analyzer and Operator Training** for Police Department from National Institute for Truth Verification in the amount of \$6,680; Funds from Law Enforcement Trust Fund.

Commissioner Alexander said he just wanted to ask Chief Savage a question. This is a necessary evil? They haven't ever had the use of this type of machinery or analyzer to hire individuals? They have to go through this extreme to hire?

Police Chief Eugene Savage said they have used a CVSA machine since he came to Fort Pierce and started that particular program. Prior to that, they were using the polygraph or lie detector for all applicants to go through.

Commissioner Alexander asked this is not a new item, this is a replacement?

Chief Savage said this is an upgrade. They are going to the next model.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve purchase of Computer Voice Stress Analyzer and Operator Training from National Institute for Truth Verification in the amount of \$6,680; Funds from Law Enforcement Trust Fund.

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

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The next item considered was item 26e, which had previously been removed from the Consent Agenda: Approve repair of Driving Range Netting at Indian Hills Golf Course by Currie Crewing & Nets, Inc., in the amount of \$26,600.

Commissioner Alexander said he sees that big word, Hurricane Wilma. Did they not have damage to the same netting from Hurricane Frances and Hurricane Jeanne?

Ms. Mary Beth Birsky, Golf Course Director, said with the first two storms, Hurricanes Frances and Jeanne, they had the first total destruction basically of the netting by the first hurricane, which was Hurricane Frances. What they found out was that was still under contract. They found out that the contractor put in illegal netting, they didn't put in the right amount of tension on the netting, so the City didn't pay a dime and the contractor took care of that. Hurricane Wilma did create some damage to the netting. They got FEMA involved. FEMA has agreed to pay for \$7,000 of the total cost according to Le Thomas (Risk Manager). The remainder is pending insurance because they do have the netting insured.

Commissioner Alexander asked are they going to have this problem every time a hurricane comes through here?

Ms. Birsky said hopefully they won't. She can't answer that. It all depends on the severity.

Commissioner Alexander asked is there any safeguard? Is there any way to collapse those nets where they will be confined to the ground or protected?

Ms. Birsky said according to Currie Crewing & Nets, Inc., it is safer to keep the netting up; because what that does, what the poles will do is create a little bit of resistance and it helps to not collapse the whole thing, because it is built on sandy soil.

Commissioner Alexander said he just needed her explanation on that. But his concern really was on the southern end of the Golf Course. He brought this question up concerning the neighbors.

Ms. Birsky said she has met with the City Manager, who talked to her about the issue Commissioner Alexander had. They do have some errant golf balls, usually from golfers like Commissioner Becht who have trouble hitting straight. She is just kidding. Basically what happened is, since the first two hurricanes after the Golf Course was designed they lost a lot of trees along that side of the Golf Course, which would have provided a lot of protection. Public Works had to take down some of those trees because they had fallen and they were in danger with the electrical line. Today she met with the Deputy Director of Public Works (Nicholas Mimms) and Paul Bertram (Parks Superintendent) and they are going to berm that area, make higher berms, put in more trees. The other issue is, just so everybody knows, they also want to protect the Golf Course, because they have had trucks driving onto the Golf Course this past week and did donuts all over the fairway. So it is a double edge sword. They are working on it and they are going to resolve that as soon as possible.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve repair of Driving Range Netting at Indian Hills Golf Course by Currie Crewing & Nets, Inc., in the amount of \$26,600.

Commissioner Becht said he had the pleasure of playing in the Eddie Enns Tournament and it was well run and a true delight. He was playing with Paul Williams (Urban Forester) and Mr. Williams talked about putting a line of trees up there on the tee box. He doesn't know if he was there in that group Ms. Birsky was talking about.

Ms. Birsky said Mr. Williams was not at the meeting today, but she did talk to the City Manager about possibly getting him involved.

Commissioner Becht said he is not micro-managing; but she was talking about putting trees out there on the road right-of-way, and he thinks what Mr. Williams was talking about is to put them right there on the edge of the tee box.

Ms. Birsky said yes, they plan on putting them near the seagrapes they planted.

Commissioner Becht said she will figure it out. If she would, talk to Mr. Williams, because he was out there when Peter Buchwald (Zoning Administrator) shanked one across the road.

Commissioner Alexander asked did she do a friendly visit to the neighborhood?

Ms. Birsky said she has spoken to the different neighbors. It has been difficult being very friendly when she is getting called names, but she is handling it.

Mayor Benton said maybe what they need to do for folks like Peter Buchwald and Tony Barnes when they play those two holes, just give them a double bogey and tell them to hold the ball.

Ms. Birsky said just to mention that on every single golf cart starting tomorrow there will be a sign on each of the golf carts saying to their patrons that if they do hit something onto other people's property, that is private property and they are expected to resolve the issue.

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

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The next item considered was Item 26g, which had previously been removed from the Consent Agenda: Authorize property acquisition of five lots for **Moore's Creek Linear Park** (for a total of \$699,172) from the Fort Pierce Redevelopment Agency - one lot for \$13,100 to be purchased immediately and the other four to be purchased upon receipt of a Grant Agreement with Florida Communities Trust.

Commissioner Alexander said in the last FPRA meeting they were speaking about the City acquiring those properties. When the Fort Pierce Redevelopment Agency puts funds into something, it automatically reverts back to the City, right? Is that how they laid that out? He had asked the question before about the money they spent on Sunrise Theatre, and it became the City property, right?

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said in this particular instance, they are entering into a real estate contract. It is a contract with the Agency, so the owner of record is recorded as the FPRA. Normally this wouldn't be for the purposes of normal City business, it would be a transparent transaction because the City in effect owns the agency, that they

are one and the same. But for the purposes of the Grant Agreement with the Florida Communities Trust, they view this as a separate matter, so they have to make the transfer. It is an unusual event.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to authorize property acquisition of five lots for Moore's Creek Linear Park (for a total of \$699,172) from the Fort Pierce Redevelopment Agency - one lot for \$13,100 to be purchased immediately and the other four to be purchased upon receipt of a Grant Agreement with Florida Communities Trust.

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

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Commissioner Coke said many months ago they talked about and moved the code enforcement liens to the **Consent Agenda**. It seems to have worked relatively well. She would like to suggest they consider doing the same with **Alcoholic Beverage Permit** requests, so long as all the paperwork is filled out properly. It will save them a few more minutes.

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Commissioner Coke said she would like to ask if they could somehow try to make everybody a little more aware when they are going to have **dual road closures** inside of a block. She knows they have North Indian River Drive closed and the FEC railroad crossing closed. People knew the railroad crossing was coming; however, the people who are doing the work on North Indian River Drive haven't even always made the signs available when they are going down the street. So someone could be turning there and all of a sudden it is dead-ended and they have no choice but to make a u-turn and turn around. If they could maybe coordinate that a little bit better and ask for some more signage.

Mayor Benton said just to add to that. On Saturday or Sunday they put barricades up halfway across South Bridge. What they did was they put them so close to the middle of the road that by today almost every one of them was knocked down. If somebody is going across the bridge in a good-sized truck or trailer, they are hitting them. So if they could explain to those folks, whether it is the railroad or whoever is doing this, to set them back a little ways, because they sure would do some damage to somebody's car.

Commissioner Coke said they never bother to put them back up either. Those have been down all day.

Mayor Benton said those are all laying down now. But tomorrow morning if they could have somebody from maybe the City Engineer go over there and ask to give them just a few extra feet. He knows their intent, but unfortunately it is going to cause some damage. It is a mess.

Commissioner Alexander said he also did a detour over there going across the bridge and he is looking at a detour sign headed toward Indian River Drive and that is closed. He thinks City employees riding around this community ought to spot those kinds of things. He could see people turning down that road and have to turn around. Along with what Commissioner Coke said, the closure of all these roads and especially downtown with Friday Fest coming up, they should have some better signage.

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Commissioner Nelson said they have that sheet running around about the **Commission Workshop**. Have they set a date yet for it? As he glanced at the draft, he didn't see anything concerning the video cameras. He believes there was a brief mention of security at City Hall. Are those two topics on that Agenda?

City Manager Beach said they are on the Agenda. Hopefully, by the time they get to the Workshop, that will be complete. The Agenda he believes is fairly complete. Today he thinks somebody added one or two items to the Agenda. He thinks they now have enough information about the volume of the Agenda to schedule some time to do this. It is a pretty hefty Agenda that all of them have put together, so he is thinking they probably should take two days to deal with those issues. Again, that is going to be up to the Commission. If they don't have two days to devote to it, then give them what time frame they have, and they will start to schedule that. They can probably start scheduling it this week.

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Commissioner Alexander said he just has one question of concern. He received in his package a letter from Gary, Williams law firm. It was a request to be placed on the Agenda (Re: **Yellow Tail Grille**). And as he looked through the Agenda, he didn't see that it was on there, but he saw it was under Comments from the Public.

Mayor Benton said they will have to ask Mr. Schwerer. He believes this is an item that they should not be dealing with.

Commissioner Alexander said again, if they should not be dealing with it, it should not be in their package. Because when he sits here and looks at it, and he will be up half of the night reading things. He read it, so why doesn't he deal with it? Because he is asking the question, why was it placed under Public Comment?

City Attorney Schwerer said he doesn't know anything about how it got in his package. He asked the City Clerk to withdraw it from the Agenda because the Commission is prohibited by law from considering the request in that letter, and that letter of request was to override their Building Official in giving a permit or not giving a permit for certain construction. He talked to Mr. Williams. A letter is going out to Mr. Williams telling him that he has a right of appeal, but his right of appeal is not to the Commission, it is to the Contractors Board of Adjustment and Appeals. He must follow that procedure. For the Commission to take action on an appeal and then instruct the Building Official to do something with the permit is a misdemeanor under Florida Law which is punishable by criminal penalty. So they don't want to have that brought before them. That is why he told the City Clerk to... She copied them with the letter irregardless of whether it is going to be on the Commission Agenda. Mr. Williams was supposed to call him back this afternoon to discuss some final issues, but he hasn't heard back from him, but he expects him to call tomorrow.

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Mayor Benton said it has been brought to his attention the entrance to FEC Railway's Industrial Road down there near Indian Hills Golf Course, it is his understanding there is some **graffiti** in that area. There have been some gang problems, he guesses, they have cut through the fence. The Golf Course has a pump in that pond. If staff can check on that graffiti, because the neighbors are complaining.

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Mayor Benton said he spoke to Doug Anderson (County Administrator) about the **County Parking Garage** expansion, trying to find out what their time frame is. It appears they haven't hired a contractor yet. They are looking to hire one within 30 days. That means they have to hire the contractor, then the contractor will bid on it. If it comes in over the \$2.5 million or whatever the FPRA allocated, then the County doesn't think they will be able to do it right at this time. So he thinks it is very important that they stay in contact. He thinks they need an invitation to Mr. Anderson to make a presentation at the next FPRA meeting. Because somehow they can't be building two garages at one time. They need to make sure they are working with the County on that. One of those has to be open.

Commissioner Becht said on the garage issue, the newspaper carried an article that said the County was thinking about imposing charges on after hours users of that. He thinks that is inconsistent with the Interlocal Agreement. With everybody else's permission, he would like for Mr. Schwerer to read the Interlocal Agreement and perhaps send a letter. He thinks they can impose a charge, but he doesn't think they can do it just after hours.

City Manager Beach said the Interlocal Agreement, as he recalls, gave them the authority to assess whatever charges were necessary to cover their cost of keeping it open after hours. That is how the Interlocal Agreement reads. How they came up with \$3.00, he doesn't know the answer to that.

Mayor Benton said also, he doesn't know if they have seen the letter, but he thinks once they have, he thinks they need to respond to Mr. Gates request that Visions of Fort Pierce help them with their parking garage. He thinks they have been through this parking garage for years now. He doesn't think the City needs their help, in his opinion. He thinks they can get through this themselves. Once they have seen the letter, and it didn't go to Mr. Ward, it went to Mr. Beach.

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Mayor Benton said they are finally **demolishing** some buildings on South Beach - the Holiday Beach Hotel, which they have been waiting for for years, and another house. He just wants to make sure from staff that they complete the job. That means the barbed wire fence in front of the one house and the rest is cleared up, the landscaping that has been let go for some time. But they just don't demolish the building and take off, that they finish the job. Similar to the Circle K.

City Manager Beach said if the City's contractors are doing that, they will do it thoroughly. Where they run into the problem is when the owner hires somebody to do it.

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There being no further business, Mayor Benton declared the meeting adjourned at 9:45 p.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER