

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, MAY 4, 2009.

Mayor Benton called the meeting to order.

Pastor Chuck Longworth, Covenant Tabernacle Church, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approval of the Minutes of the Workshop Meeting on April 16, 2009.

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

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

Mayor Benton proclaimed May 1, 2009 as LAW DAY.

Mr. Michael McSoley, President of the St. Lucie County Bar Association, said in conjunction with Law Day, Bar Associations like the St. Lucie County Bar Association, Law Schools, and Court Systems throughout the nation celebrate an entire week of activities. Some of the things they have going on this week he would like to tell people about. They have what is called "Peoples Law School". They have different area attorneys doing different presentations on various areas of law that citizens may be interested in. They would like to give everyone an opportunity if they would be interested to take advantage of it. On Tuesday evening, Kristen Helser is doing a presentation on Landlord/Tenant Law. Anyone would be able to listen to her presentation and ask her questions. Following her will be The Honorable Burton Conner, Circuit Court Judge, who will be talking about the Real Estate Foreclosure/Mediation Program that a lot of the Circuits around the State are instituting to try to help with the overwhelming amount of foreclosures that are in the State of Florida right now. Wednesday evening on May 6th from 5:30 to 6:30 p.m., Michael Kessler is giving a presentation on DUI Law. Following him will be John Kevin Griffin, who will do an Ask a Lawyer Q & A Session. For anyone interested in asking general legal questions, he will be happy to try to answer if he can. On Thursday night, what has really been the cornerstone of the Law Week activities for the past several years, is the Rupert J. Smith Law Library Reception and the Art & Poster contest. This year there are over 300 poster entries from area students, all with the Law Week theme - The Legacy of Liberty - celebrating Lincoln's Bicentennial. The featured speaker this year is the Honorable Jose Martinez, who is a U.S.

District Court Judge down in Miami for the Southern District of Florida. Also being honored is the Honorable Phillip Nourse who is a retired Circuit Court Judge and James "Bo" Powell who is a former City Manager for the City of Fort Pierce. Paula Lewis, a County Commissioner, will be the Master of Ceremonies. Michael Lannon, Superintendent for St. Lucie County Schools, will present the Poster Contest Awards and will also speak on Education's Role in Shaping The Attitude of Future Generations About the Law. He encourages everyone here and everyone watching TV to take advantage of some of these programs, he thinks would be beneficial to them. He thanks them for their time and for the City of Fort Pierce Law Day Proclamation.

Mayor Benton declared May 2009 as FOSTER PARENT APPRECIATION MONTH.

Mayor Benton declared May 2009 as FIRE FIGHTER APPRECIATION MONTH.

Ms. Alexia Birth said on behalf of the St. Lucie County Fire District and Local #1377, she wants to thank them for their support and this proclamation. On May 15-16, 22-23, and 29-30, 2009, they will see their Fire Fighters in this local area for their Fill the Boot Campaign. The Fire Fighters have been involved with this since 1952 and are very excited to be helping MDA out. They appreciate the proclamation.

Mayor Benton said the Fire Fighters right now are building a house for Habitat for Humanity. He thinks they are doing it in 11 days. He wants to thank the Fire Fighters in this County, they have done a great job supporting this community.

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

Letter from David & Adelina Blandino Lamos commending the Building & Code Enforcement Department and Community Response Officer Melody Sanderson, and Paul Williams, Danny Hawkins, Ivan Alspaugh, and Duane Yazzi, for their professionalism and an outstanding job.

Note from Mike Glynn commending Danita McClendon-Morgan, Engineering Project Manager, for her help.

Letter from Faye Owens, Precious Lamb Kiddie Kollege, commending Dorina Jenkins and Serena Knight, Community Services Division, and Tony Barnes, Purchasing Director, for their good work.

Letter to the City of Fort Pierce from Tommie McCarthy Sr. in appreciation of the Reach Program.

Mayor Benton said the other day when they were having their workshop, he made a comment about a certain Building Department employee working on the weekends. He wants to clear that up. Danny Hawkins (Plans Examiner) has been working on the weekends certifying or signing off on Habitat for Humanity homes on Saturday on his own. So he wants to thank Mr. Hawkins for going beyond the call of duty.

The next item on the Agenda was Interlocal Agreement between the City of Fort Pierce and St. Lucie County - Annexation of the Treasure Coast Education, Research, & Development Authority (TCERDA) properties.

City Manager Recor said included in their packet is a copy of the revised Interlocal Agreement that incorporates the feedback that the Commission provided during their Workshop (on April 16, 2009). The City Attorney's Office was very expedient in turning that draft around, incorporating feedback from both the Commission and Staff. He immediately provided that revised draft to the County, along with a cover letter as discussed during their workshop indicating that they wanted to be partners and noting the various revisions. Ms. Outlaw (County Administrator) responded that the County has yet to have an opportunity to formally review and discuss the revised Interlocal Agreement. The County has indicated they are going to meet on May 8th and expect to provide feedback at that time. The County has also asked that the City postpone consideration of second reading (of Ordinance Nos. L-53 through L-60) in light of the fact that they have yet to formally review the revised Interlocal Agreement. The annexation ordinances are on their Agenda tonight for consideration. It is entirely up to the Commission as to how they proceed. First, staff would like some feedback as far as whether or not the draft hits the mark, did it incorporate everything they expected, does it meet their expectations? Second, he would point out that the County has not had an opportunity to provide feedback on the revised draft to date.

Commissioner Becht said he wants to compliment Staff on getting this turned around in the time they got it turned around in. In Section 3 of the Interlocal Agreement, as he is trying to work his way through how this is going to work, it says "The City and the County will, contemporaneous with annexation of one or more the properties described in Exhibit "A", jointly draft land development regulations..." How are they going to jointly draft land regulations between now and the second meeting in May?

City Manager Recor said he doesn't think they are. As far as the City Staff is concerned, they will work with the County Staff to reach a resolution on this Interlocal Agreement.

Commissioner Becht asked then are they delaying the annexations until the Overlay District is...?

City Manager Recor said that is exactly where he was going with his comment; and that is, at least from the City of Fort Pierce's perspective, there is no need to delay annexation, whether they do it tonight or on May 18th.

Commissioner Becht said Mr. Recor misunderstands his question, because the way he reads this wording, they cannot annex it until they adopt the Overlay District.

City Manager Recor said that was not their intent.

Commissioner Becht said somebody needs to look at it, because

that is the way he is reading it. The other point he has is in Section 5(d), TCERDA Board Membership. He would like for the City Attorney to work through this language, because it appears to him that the City could nominate somebody for the TCERDA Board and then the County would not appoint them to the Board, so it is problematic in that regard. He would like to make it very clear that when the City nominates them, they will be appointed. Since they don't have the ability to appoint, nominating doesn't get them where they need to be.

City Manager Recor said he recalls specifically that was the Commission's intent.

Commissioner Sessions said in Mr. Walker's memorandum to City Attorney Schwerer, he pointed out the issue of the duration of limitations on tax abatements or deferrals. He knows it was the will of the Commission for the most part to mirror what the County was doing; but he pointed out whether or not they need to reconsider that, because who is to say how long the County may want to give deferrals in terms of abatements and tax credits? Just to bring that to the attention of the Commission, is that something they want to look at? Is that something they want to leave as it is? Are they comfortable with that, or do they need to consider a duration of time they actually want to extend that privilege?

Commissioner Coke said she would be very comfortable with doing something equal to both the dollar amount or percentage and the length of time as the County. The County is going to be just as interested in increasing their tax base. They both need to work jointly to do whatever they can to encourage the growth of this Research Park. Does Mr. Recor have any time frame, after the County's meeting on May 8th, when they will get the feedback? Her concern is their next meeting is May 18th and they will need to get feedback from the County and then incorporate that. Hopefully they will have time for a short meeting or workshop with the five Commissioners prior to May 18th. And then Mr. Schwerer will be pulling his hair out trying to finalize everything before May 18th.

City Manager Recor said based on his conversations with Ms. Outlaw, he believes that feedback will be forthcoming within days of the meeting. It is simply a matter of having an opportunity to document in writing the discussions that occur on May 8th. He doesn't have any reason to believe the County will not be forthcoming with its written feedback.

Commissioner Coke said she wasn't questioning that. She is just thinking, they have ten days from the time the County meets until the time the City meets, four of which are weekend days, so that brings them down to six days. To actually get something on the Agenda, that takes another two days. That give them four days to get feedback from the County, all of them get together to meet and make whatever revisions, and get it on the Agenda for May 18th.

City Manager Recor said at least from the City Manager's perspective, they have one more meeting to get this done if they

are going to realize any benefit of annexing these properties in the current fiscal year. If it is not done on May 18th, they have another six months, they can wait until next year. They can do a couple of things. They could have second reading on the annexation ordinances tonight and move forward with the annexations, and allow the City and the County to continue to negotiate and work out the Interlocal Agreement. Or they can postpone as the County has requested, wait for that feedback, understand and comprehend the nature of their comments on May 8th, and still move forward on May 18th with second reading. Understand, the City of Fort Pierce is negotiating in good faith, they want to be partners, they want to work this out. It all depends on the County's response to the draft of the Interlocal Agreement. But Staff is going to recommend that they annex these properties on May 18th, whether or not they have a signed Interlocal Agreement or not. They will continue to negotiate in good faith to bring that Interlocal Agreement to closure, but May 18th is their drop dead deadline.

Mayor Benton said if they are both coming to the table in good faith, he can see the Interlocal Agreement taking more time than May 18th. Because if they have to make changes and then send those back to the County, he doesn't see how they can have two meetings discussing the Interlocal Agreement before May 18th. He thinks they made it clear that they are doing this in good faith and they want the Interlocal Agreement as much as the County does. But from the past with many years of Interlocal Agreements, for the County to meet in the very near future and for the City to get it back and meet again... It has to go to them twice if they want changes and back to the City by May 18th, so they are talking about a lot of lawyer work and a lot of work from both Boards unless everybody agrees, which he hasn't seen that happen in many years and it would surprise him.

Commissioner Becht said he expects this draft is going to require a lot of shuttle diplomacy in order to make it happen. He is committing himself to that shuttle diplomacy. The County has been having workshops, so they don't just discuss it at their formal meetings. As the draft came over from the County, his recollection is the County made a very magnanimous offer to waive objections to contiguity within the City's service area. They discussed that at the workshop. Staff has decided once again - because this is the second draft City Staff has put together - to not put in the magnanimous offer of the County to waive objections to annexations based on contiguity within their service area. Why did Staff, for the second time, not put that in?

City Manager Recor said he thought the position of Staff and the City Attorney's Office was clear from the start; and that is, when they abandoned the Chapter 171, Part II process, the Interlocal Service Boundary Agreement which enabled the County to make that magnanimous offer, when they abandoned that process based on the County's lack of ability, they could not waive the consent requirements of Chapter 171, so instead Staff focused on this as a traditional Interlocal Agreement as provided for in the Florida Statutes under Chapter 163.

Commissioner Becht said so the answer to his question is, Staff is going to put on the record that the County cannot under Chapter 163 waive requirements of contiguity in an Interlocal Agreement. Can they waive contiguity in this Interlocal Agreement?

City Attorney Schwerer said they do not believe that is a subject that is within a Chapter 163 Interlocal Agreement. They are cognizant that the County has stated that position. But the matter on the table right now is the TCERDA Research Park and the surrounding properties. If they will notice, that is thoroughly covered under Section 2.

Commissioner Becht said Mr. Schwerer is not answering his question, or maybe he did. Is he putting on the record for sure? Or he hasn't researched it? Or he doesn't know that they can or cannot waive contiguity in an Interlocal Agreement?

City Attorney Schwerer said the Statute that waives contiguity is in Chapter 171. It is not mentioned in Chapter 163. They are in uncharted landscape. They have said they don't think it belongs in Chapter 163. By the way, there are no cases under Chapter 171, nor Chapter 163, discussing the issue. But waiver of contiguity doesn't waive consent or the need for Annexation Agreements. If they will notice, what they crafted in this agreement is a complete waiver of the need for Annexation Agreements in Section 2.

Commissioner Becht said for the Research Park.

City Attorney Schwerer said and its surrounding properties.

Commissioner Becht said he doesn't remember it saying surrounding properties. It says, "...described and depicted on Exhibit A..."

City Attorney Schwerer said it says, "For its part, the County, its member agencies and dependent special districts shall not object to any annexation as herein authorized." The maps that are going to be attached are not only the TCERDA property, but all of the... How many properties do they have that are up for annexation that aren't in the TCERDA parcel? And that is attached by a map.

City Clerk Steele said she thinks 18 parcels.

City Manager Recor said the only exhibits that are included reference the TCERDA properties.

City Attorney Schwerer said no, the proposed map attached includes all of the properties to the north.

Commissioner Becht said that is Exhibit B. Section 2 references Exhibit A, not Exhibit B. Mr. Schwerer has answered his question, he doesn't believe it is allowed under Chapter 163. The question in his mind is whether it is still beneficial for the City to put the County in a position of having to agree to something that later on they are going to argue is not legally

supportable. He thinks if the County is willing to offer it, then he would put the County in the box of having to argue later on that they know they agreed to it, but they can't legally be bound to what they agreed to, rather than someone not putting it in the Interlocal Agreement.

Commissioner Coke asked didn't they agree at that Workshop they were going to do that.

Commissioner Becht said they already said they wanted it in the Interlocal Agreement. That is his problem, it is not in the Interlocal Agreement. So Staff made a decision that they didn't want it in the Interlocal Agreement.

City Attorney Schwerer said if they want that in this agreement, they will put it in this agreement.

Commissioner Becht said they already told Staff they wanted it in the Interlocal Agreement. They said it the first time, they said it at the workshop. And it is still not in the agreement. That is his problem. But maybe he is the only one up here that remembers they told Staff that.

Commissioner Coke said now it is going to look like the City is flim-flamming the County and that was not their intent. They are trying to negotiate in good faith. But in order for them to do that, they need to present the County with full and complete information. They don't need to backtrack and change their minds. They need to include accurate legal descriptions, maps, whatever it is they need to do. If the ten of them are sitting down and finding some points that they can all agree on, whether those are perfect or not perfect, and then they are going to need to hammer out the rest. She thinks Commissioner Becht's frustration is the same as her frustration. She keeps saying they are going to have these meetings and leave the attorneys at home, because the waters always get muddy, no offense to Mr. Schwerer. But they said at the last meeting that this was clearly something the County had in their proposal to the City, they said they love it and they are putting it in there. This is not Chapter 171 or Chapter 163, it is an Interlocal Agreement. If the County has offered it to them, they ought to say "Thank you very much" and take it.

City Attorney Schwerer said let him be clear. Staff takes their direction from this Commission. This draft Interlocal Agreement was circulated for comment. They are hearing now tonight they want that included, so they will include it. What he is simply trying to tell them is, it is unclear to Staff after reviewing the Minutes. And it takes a long time to review those Minutes because it is very difficult to understand whether they are talking as one or they are talking as three or five. He is simply telling them, they take direction at their pleasure. If they want it in there, they will put it in there. They didn't make a conscious decision to take it out. But are they talking about all properties within the retail service area? If that is it, that is not clear from the Minutes. He will guarantee if they read them, it is not clear. They were talking about the TCERDA properties and the surrounding properties that are up for

annexation now. They will put it in there as the entire retail box. They may get some comments from the County then that is not what they intended. Just like when they talked about the Chamber of Commerce building, it expanded to something else. But he will put that in there. If that is what this Commission wants, he will do it. They take their direction from the Commission. They are not argumentative, they are simply saying give them the direction, they will put it in there. He will have it in there tomorrow.

City Manager Recor said fortunately there appears to be opportunity to do that. If there are additional revisions the Commission would like to include, they can knock those out, and he can get it to Ms. Outlaw at the County before their May 8th workshop on the matter.

Commissioner Coke said let's move beyond this. They have a request this evening to not look at the Interlocal Agreement and postpone it to May 18th and a request to postpone the annexation ordinances to May 18th. Is it possible they can get feedback from the County and they can hammer out what, and on May 18th...? Because she really does want to move forward with the best possible intentions. She would like some definitive answers from Staff. She would like to not only move forward on May 18th with the annexations, but she would like to move forward on May 18th with the Interlocal Agreement as near to agreed upon as they can all get it, subject to then they can bring back changes and/or revisions from the County. That way they are going forward with the annexations. And if they ever work the Interlocal Agreement out, they are there. If they can take the feedback from the County and get a consensus from the City Commission and pass the best possible version, subject to revision later on, she thinks that is a much better effort in bargaining in good faith than just moving forward with annexation.

Commissioner Becht said at the Joint Meeting with the County (March 30, 2009), they discussed this issue of the County waiving contiguity. At that time they talked about what was in their Annexation Agreements, which as currently drafted require contiguity. At the City Commission Workshop (April 16, 2009), when they talked about this very same subject again, they talked about changing their Annexation Agreements. And he is now fully aware that nothing has happened on that idea, where they would change the Annexation Agreements to at such time as the property could be annexed independent of contiguity. So obviously no movement has taken place on what he thought was clear direction at the Workshop on that issue to Mr. Koblegard, saying he needs to modify the Annexation Agreements. And clearly Staff did not understand what he thought was a clear consensus of all of them who were present that they wanted this back in there as a bargaining chip. They also talked about the urban service line and that certain County Commissioners had said they might be able to extend this out to the urban service line. So all of that was discussed. He hopes it is in the Minutes. The ball got dropped. It got dropped from the Joint Meeting with the County where they offered this thing. He doesn't want to belabor the point, but for Mr. Schwerer to tell him there is not

clear direction is extremely frustrating, because they have had the discussion in his opinion over and over. Regardless, is he the only one here other than Commissioner Coke thinking there was a clear direction for this to be in there? If it is only two, then Mr. Schwerer is right, there wasn't clear direction.

Commissioner Alexander said it was clear direction. And the reason he is not talking is because he has too much to say.

Mayor Benton said he missed that meeting, he was ill. He thought the Agenda said they were only talking about the properties associated with the Research Park. He didn't realize it was taking on all properties throughout the County. He did not know that was an agendaed item. He is sorry he missed the meeting.

Commissioner Becht said then there was clear direction.

Commissioner Sessions said yes, it was pretty clear in terms of the Workshop they had. But to give Staff the benefit of the doubt, it is somewhat unchartered grounds. But he remembers specifically because he doesn't want any further ambiguity when it comes down to contiguity with these issues regarding annexation. He is leery of entering into it and going into unchartered waters as it is. But certainly if they can use this as a bargaining tool, this is what enticed him to move forward with this agreement, the fact that they could use this as a bargaining tool so they would not damper any of their future annexation policies.

Commissioner Coke asked do they need a motion to postpone both of these items until May 18th?

Mayor Benton said after hearing this discussion, he believes so, because it could be a lot longer than May 18th.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to postpone action on the Interlocal Agreement between St. Lucie County and the City of Fort Pierce on the Development of the Treasure Coast Research Park, and to postpone second reading of Ordinance Nos. L-53 through L-60, to the May 18th City Commission Meeting.

Commissioner Coke asked can they request of Staff that in conjunction with this Interlocal Agreement and the Annexation Ordinances on the May 18th meeting, if they can have a definite date on when they will be receiving a copy of the revised proposed Annexation Agreement for future annexations?

City Attorney Schwerer said he hates to do this. The Annexation Agreement that the City receives, the Fort Pierce Utilities Authority signs it.

Commissioner Coke said however, they were told at the Workshop that the Utilities Authority was already working on revising the Annexation Agreement so contiguity would not be an issue.

City Attorney Schwerer said that is an agreement signed by the

property owner and the Utilities Authority, it is not signed by the County. It is in the process of being worked through on the language. It now reads that the annexation shall occur without the consent of the property owner, but in accordance with Florida law. It is being amended to read, "In accordance with Florida law or is otherwise agreed to by the County or the jurisdiction of which they are annexing", which is the County. The County isn't signing that and waiving contiguity on each of those annexation agreements.

Commissioner Coke said she doesn't think Mr. Schwerer understood what she was asking. At the Workshop they had a lengthy discussion and they were told that it was already in the works that the Fort Pierce Utilities Authority was redesigning the Annexation Agreements they were providing to property owners. Whereas now it says if they receive water and/or sewer, then if and when they become contiguous to the City of Fort Pierce, they will be annexed. The revised Annexation Agreement the Commission is looking to have the Utilities Authority utilize in the future will omit the contiguous qualifications. So property owners in the future who are looking to sign up for Fort Pierce Utilities Authority services that are not in the City of Fort Pierce now will agree to be annexed.

City Attorney Schwerer said he hasn't seen that revision yet; but he will notify the FPUA that is to be a specific condition and to get it to them as soon as possible.

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

County Commissioner Charles Grande said he just wanted to relay the thanks of the County Commission and assure them they are meeting on May 8th and they will be back to them immediately thereafter. They are just as anxious as they are to get this resolved.

Mayor Benton asked has Mr. Grande seen a copy of the Interlocal Agreement?

County Commissioner Grande said yes.

Ordinance No. L-83 entitled, "AN ORDINANCE AMENDING THE 2007-2008 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE CONSISTING OF FOUR (4) PAGES ATTACHED HERETO AND DESIGNATED AS THE **2007-2008 FINAL BUDGET AMENDMENT**. THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

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

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

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, that Ordinance No. L-83 be passed on second and final reading.

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

The next item on the Agenda was Mr. Bradley Currie, Land Design South, on behalf of Ward Snyder, Walton River LLC, request postponement of Ordinance No. L-76 (Rezoning property located at 5125 Peterson Road from E-3 to R-4) in order to complete preparation of the Brookside Developer's Agreement.

Commissioner Becht said the applicant has requested a postponement and he thinks Staff is in accordance with that. He is going to make a motion to that effect momentarily. What fees if any are they charging for the Staff time in reviewing this?

City Manager Recor said they actually don't charge fees for Developers Agreements, for either staff time or attorney time. It is something they have been contemplating.

Commissioner Becht said as they are going through the LDR Rewrite, they need to review that. He knows Mr. Schwerer's office has spent substantial time on a couple of Developer Agreements. If they had the money coming in, it would help. More recently Mr. Schwerer's office has been involved in negotiating Developer Agreements as they annex properties and there is no provision for fees for that. But he would like for Staff to come back with that as soon as they can.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to postpone Ordinance L-76 for 60 days (to the July 6th City Commission meeting) in order to complete preparation of the Brookside Developer's Agreement.

Mayor Benton asked has Mr. Currie met with the residents?

Mr. Bradley Currie, Land Design South, said they have not formally met with them. They talked with them outside the Chambers during the last meeting. His intent was to get the Developer's Agreement to a point where both staff and he were happy with it, and then he would go and meet with the neighbors on it. They have submitted a draft to the City.

Mayor Benton said Mr. Currie should meet with the neighbors, because he believes this Commission specifically said they were hoping he would come back with something the neighbors agreed to. He wouldn't worry so much about staff as he would the neighbors.

Commissioner Coke said she thought they were relatively clear that the first group of people they wanted him to meet with and negotiate with was the neighborhood. Because if Mr. Currie is happy and Staff is happy, that is one thing. But if he is presenting something that the neighbors can't accept, then they are burning more staff time going back and revising something.

So his first step before he talks to anybody on staff needs to be to meet with the neighbors and see what they want and what compromises can be made here.

Mr. Currie said he understands. He has their information, so he will definitely give them a call first thing in the morning.

Commissioner Becht said he would ask that Mr. Currie give them a copy of the Developer's Agreement that he submitted to staff. For the resident's benefit, that doesn't mean that Staff is going to bless it, it doesn't mean the Commission is going to bless it; but at least they can have some input in the drafting stage instead of at the last minute. It was not his expectation that they would be presented with a Developer's Agreement as a fait accompli. He wants the neighbors involved in the process. He thinks that is consistent with what everybody up here wants.

Mayor Benton said sit down with the neighbors first, he thinks that would work out a lot better. He has 60 days, so that is plenty of time.

Mr. Currie said he will definitely do that.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-30

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **OLD FORT PARK** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE; PROVIDING FOR AN EFFECTIVE DATE."

Mayor Benton said he has been asking for years and he thinks the Commission had agreed that some day they would have a workshop with City Staff and the Historic Preservation Board so maybe they can get closer to the same page. It appears they are on different pages, way out there. This is one group they have never sat down with. But it is creating a lot of problems for the City. Leslie Olson is on board and he has heard a lot of good comments about the work she has been doing and he appreciate her. He is looking to see if there are three Commissioners who would like to have a workshop on Historic Preservation.

Commissioner Becht said yes, he thinks it is a great idea to have the workshop. He thinks Ms. Olson has done a great job of tuning up some of the glaring errors with the way that process works by getting some administrative control so she could make some of the simpler decisions without having to take it to the Historic Preservation Board. That was a huge step. He is wondering, before they have a workshop, if it would be beneficial to ask the Historic Preservation Board to meet with some of the citizens who are in that area and builders who must learn a new range of code to deal with the historic work, and

then have that brought back to the Commission with some recommendations from both the Board, Staff, and the community. Right now everybody is able to articulate lofty goals of historic preservation; but when that meets the pavement, the community is asking, what are they doing? They are putting into practice what the community has said they wanted to accomplish. So he thinks it is very important to have a workshop with that Board and the community. He likes what they are trying to do. It just isn't always being done in a practical or at times in a commonsense way. So he thinks if they have to sit down in a workshop and have interaction... Much like Mr. Meyers did with the contractors in the area, he thinks the end of that process was very beneficial both to the Building Department and to the community, and changes came out of it. So he thinks it is more beneficial to have a workshop with the users of that Historic Preservation Board than it would be for the City Commission initially. Then he would like to come in after that, because there are probably going to be recommendations they are going to have to vote on.

Mayor Benton said he would agree. Somehow they have to make some changes and they have to be able to set direction. When they tell somebody they can't do anything with their historical home, they have to have options in front of them that should have been on paper a long time ago. He thinks there are a lot of things they need to be doing. He would agree with Commissioner Becht, having that discussion with Staff and the Historic Preservation Board and the public and the builders, and then coming back to the Commission with recommendations, giving them the ability to waive the process and take care of some of these issues themselves.

Ms. Leslie Olson, Historic Preservation Officer, asked to make sure she understands, is Commissioner Becht asking Staff to meet with citizens and representatives and engineers, before the Board, and before they meet with the Commission?

Commissioner Becht said similar to what happened with the Building Department and Mr. Meyers. The feedback was it was a tremendous success from the perception of the building community. He doesn't know that they made tremendous changes, but he knows they felt like they understood the process better after that workshop. They did come back with some changes that were implemented because of that discussion. So he doesn't know that the Historic Preservation Board has to be there. But what he is looking for is feedback. He doesn't need to waste her time with this if she is already doing it. There are some members of her Board - he doesn't mean to be critical - who seem to be too much in theory and not enough in reality. This is a great goal, but it has to be practical so the community buys into it. If the community doesn't buy into it, then they are never going to have the goal.

Commissioner Coke said she would agree. But she thinks it is instrumental that the Historic Preservation Board attend that and should be involved in a workshop with the public. It is just her opinion, but she thinks all too often they have lofty ideals and they don't recognize the practicalities of it. And

she thinks every person who serves on a Board - although she thanks them all for their time and efforts - needs to recognize that it is a responsibility to sit on that Board. It is a responsibility not only to this Commission but to the community at large. She hates to cite the situation they recently have gone through, but if they read the Minutes of the Historic Preservation Board, it was basically because the Commission overturned something that they had done; and then they said they will just vote this down even though they shouldn't. Her concern is, they need to be consistent, they need to understand not only what the Commission's expectations are, what the historic significance is, and the community's expectations, but they need to accept the responsibility and have the courage of their convictions. If it should be a historic designated house and the Board is annoyed with the Commission because they didn't see it their way, they can't just toss it back, because it has now cost hundreds and hundreds of hours of Staff and Legal's time because they didn't stand up and do what they should have done. She appreciates everybody's efforts. But if they don't want to do it, then they shouldn't be there. And if they do want to do it, then they need to be responsive not just to this Commission and Staff, but to the community at large. So if they are going to organize a workshop, she would certainly think they should all be invited and made aware of the time and date. But the Historic Preservation Board needs to be in attendance so they understand some of the constraints they put on the community.

Mayor Benton said he would agree, the Board needs to be there listening. And those hundreds of hours have turned out to be thousands and thousands of dollars. Somehow they have to clear that up and get to where the public buys into historic preservation, because it is a good thing. But unfortunately the way it has been presented, it is putting a sour taste in the public's mouth.

Commissioner Alexander said that is what his concern is, the public having input on this. The feedback they got from other properties that have been historically significant to the City, but the neighborhood is not in agreement with it. In reading this information, they are talking about the Old Fort Park. Is there a structure on there?

Ms. Olson said she noticed on her Agenda cover page that she mislabeled it as a structure. It is an archeologically significant site. It was her clerical error and she apologizes.

Commissioner Alexander said they ask others to go to the neighborhoods and find out are they secure in supporting her with this particular site, because there shouldn't be a question. Again, they pay the property taxes in that area. If they don't want to designate it a historical significant site in their neighborhoods, then they as the public are going to rise up argumentative with them about it? He is just asking that question because as he read through that, it is long past due, isn't it? It should have been done 40 years ago. How old is Fort Pierce, 100 plus?

Ms. Olson said the Fort was built in about 1870 something. The burial mound is at least 1,000 years old.

Commissioner Alexander asked so it would be a historic significance, 50 years or more, right?

Ms. Olson said yes, it meets the criteria.

Commissioner Sessions said he agrees they should meet with this Board pretty soon, because he personally has a lot of criticism with regards to a lot of things going on with the Board. A lesson to him personally is, they just need to be more responsible and make sure when they appoint individuals to these Boards, that they are a replica of who they represent, and their position and policy should come from the public. But any time when they are dealing with restrictions on one's property, that deserves the strictest standard of scrutiny, or they are going to run into problems. He noticed in the this application they don't have a consent signature with regards to the County. He didn't see where the County signed consent to the proposed Historic designation. Unlike with the second application (Resolution No. 09-31), he thinks they initiated the process themselves and he feels more comfortable when they do so. But with this one, there is no signature from the County consenting to this restriction.

Ms. Olson said as a housekeeping matter, Staff has been initiating Certificates of Appropriateness on the site anyway because it is already listed on the National Register of Historic Places, which is much more significant than the Local Register of Historic Places. A consent is not required. She didn't bother Debra Brisson (St. Lucie County Parks & Recreation Director) with signing it. The City maintains it. If they would like to postpone it so she can get her signature, that would be fine. It really doesn't do anything to the site, it is already public lands, it is already designated as a National Register site.

Commissioner Sessions said not so much with regards to this particular site, but others that may be in a similar situation where they have maybe a private individual who looks at it as a taking and they don't have a signature on the consent page. He is wondering, is that appropriate?

Commissioner Coke said they always get a signature, they always get approval. If someone owns a piece of property and agrees to have it designated historic, if they sell it to somebody else who sells it to somebody else, then all three of those people down the line are fully aware of the fact that it is historic. Then all of a sudden, someone says this have a nice view and they don't care that it is historic, they didn't read that in the deed restrictions, they just want to tear it down. So she doesn't think they have ever declared anything historic without prior notification to the property owner.

Ms. Olson said they did notify the County. She just didn't ask them sign the application.

Commissioner Coke said the concern then becomes, it is not this property owner who objects, it is ten down the road who then objects.

Commissioner Sessions said what Ms. Olson is essentially saying is that it is not even required anyway.

Ms. Olson said in the code it is not. In the code the way it is written right now, the Board can initiate an application without an owner's signature. That is an option. She knows from her readings of the archive files there was one attempt to do this for the Indian Hills Golf Club and the FEC Railway was not in favor of that, so it was withdrawn. So she knows there was one attempt at doing that at some point, but she doesn't know of any others.

Commissioner Becht said before Ms. Olson and even before her predecessor, Ms. Powers, the Historic Preservation Officer brought one of these before them and it didn't have the owner's signature on it; and they either postponed it or voted not to approve it until she got the signature of the owner. He thought they had made that a part of code. He will not be supporting this until they get the County's signature on it, just to emphasize that he is not going to be part of designating somebody's property without notice, not just a certified letter, but the owner signing a document that can be put in the record, so that everybody who comes after is put on notice that this owner agreed to this historic designation. The County is going to agree to it. But more importantly, he needs her in the practice of getting the owner's signature. He for one would like the code changed to require the owner's signature. Because in his opinion, it will save them a lot of headaches. One particular problem is where the owner is coming forward saying he didn't get notice, but the prior owner did and actually signed something to that effect.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to postpone adoption of Resolution No. 09-30 to the May 18th City Commission meeting in order to get the County's signature on the Historic Designation Application.

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

Commissioner Becht said before they move off this, what direction does Mr. Recor need? He just wants to make sure Staff has clear direction on what they are going to move forward on and when they are going to move forward on this workshop, getting the Historic Preservation Board together with the community. When is that going to take place?

City Manager Recor said they will immediately follow up in trying to put a schedule together. As they know, it is fairly cumbersome to get dates that work for everyone. They actually hit the jackpot when they asked for May 28th for a budget workshop and every one of them was available. That doesn't happen very often. They will get some windows within probably

60 days...

Commissioner Becht said he just wants some commitment that it is going to happen in the next six months.

City Manager Recor said yes, they will make it happen and follow up.

Mayor Benton said it might have to be in the evening, because he knows a lot of those folks and the public works, and they might want to have a say in this.

Commissioner Coke asked do they have a consensus to add a signature requirement to the code? So Staff can begin work on that and they are not facing the same question three, four, or five months from now.

Mayor Benton said he thinks everyone up here has agreed to that.

Commissioner Becht said he is in accord with that. But he is willing to listen to Staff if they say that sounds good and lofty, but it is not going to work because of these particular reasons. He would rather state that it has to be done and then state the exclusions, if there are any reasons where that isn't going to work in all circumstances and tell him what the circumstances are. But the general requirement is yes, they need signatures, except in these circumstances.

Ms. Olson said she thinks that is really the best way to go with it. She didn't get the County's signature on the Old Fort Park just because it is public property and the City is in charge of it anyway. But she will go ahead and get that signature. Usually she would never initiate designation on something that they didn't have an owner's support on, because for one thing it is not politically feasible. Even if it is a very important structure, if the owner doesn't want it, then it probably is not going to happen. Her job then would be to try to sell historic preservation to that owner. However, there is a possibility they might have a situation that they have a structure with an owner who is simply not interested at all in preservation. In order to designate that property, they would have to do that without the owner's support. They might want to have that option available to them, if it is very significant. Commissioner Becht said he is going to leave it to her to define that scenario. In historic districts, he doesn't think they get every property owner who is in a historic district when they do that designation.

Ms. Olson said no.

Commissioner Becht said so everybody up here needs to understand that would be a different circumstance.

Ms. Olson said this will be for individual designations.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-31

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; DESIGNATING **521 NORTH 15TH STREET** AS A HISTORIC PROPERTY AND A LOCALLY SIGNIFICANT SITE; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 09-31 be adopted.

Those voting in favor of the adoption of Resolution No. 09-31 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Discussion regarding funding for the **North 13th Street** Revitalization Project.

Mayor Benton said he thinks everybody who has seen this understands the problem they have. He was informed the other day that the Fort Pierce Utilities Authority has budgeted approximately 50% of the number they see there on the second page (\$972,000) to the tune of a little over \$400,000. He was told that at the Staff meeting today they were looking to get the funding for the complete reconstruction of 13th Street. That would just make two items out of this. He hopes any information provided, like the information he finally got here, has the cost of utilities included in it. That is the issue tonight. He doesn't know when this work is scheduled to start, but Fort Pierce Utilities Authority does not have the additional funding needed, especially for underground utilities on this one. The utilities don't have to be relocated; but if they want to go underground, it is an almost \$1.5 million additional. There are some steep numbers here. So he wanted to find out what the thoughts were of the Commission, maybe to go back to the TPO which is issuing this money through stimulus to see if this additional funding could be added, because Fort Pierce Utilities Authority doesn't have it and raising rates to pay for it is not in the plan.

Mr. Jack Andrews, City Engineer, said they had a meeting with FDOT today in regards to this stimulus project for 13th Street. The original budget cost they submitted to FDOT was for \$2.4 million. They have been awarded \$1.3 million, that is the limit the City is getting from the stimulus package on this. So they have two problems. They have to come up with a reduced size project to meet this \$1.3 million. Also they asked at the same time whether any of this money could be used for utility relocation and it was a definite no, that stimulus money cannot be used for utility relocation. Those are the problems they are facing.

Mayor Benton said but whenever they dig up, they might not be relocating, but they are putting in new pipe. Once they dig up the old stuff, they are breaking it in construction. Are they planning on replacing what is in the ground now?

Mr. Andrews said no.

Mayor Benton said that is where the problem is. So everyone

knows when it comes to stimulus money, it sounds good; but a lot of communities are giving it back because where is the money going to come from, the additional funding, to do the rest of the work? This is such a small portion of the overall number needed to do the complete project. Can they look for a smaller project somewhere else that they can do the whole thing? Or is it set up for failure?

Mr. Andrews said the problem with the stimulus money, there are so many strings attached to it. For one thing, it has to be a Federal designated highway, which 13th Street is. They are very limited on the streets that have this designation. The plans have to be completed, which 13th Street is. Another problem they ran into today, another hoop they have to jump through is there can be no easements or rights-of-way that they need to require. The section they proposed has some construction easements they have to obtain to do construction on the sidewalk. FDOT said definitely not. So they are looking at different portions of 13th Street that they can actually do this project on, they are working with their consultant, they had a meeting today.

Mayor Benton said it sounds like as elected officials they all need to speak to their folks in Washington and explain how funneling that money through the State has created so many problems that chances are they won't be able to use it. They can't give them half the money. When they are looking at possible layoffs and cutting back personnel, where is this revenue coming from? Raising taxes is not an option. So what were they thinking? Maybe that could be an item for the next TPO meeting. He doesn't know if every project that is being allocated revenue through the stimulus, when it comes to transportation, if it meets the same problems. This transportation project on this intermodal bus station, is that going to run into the same problems? That is not on the Agenda tonight, he hates to get off the subject, so they can talk about that another time. But chances are this could go nowhere.

Mr. Andrews said yes. At the same time though they have submitted for another grant through the Federal Government. This is a program that is supported by Representative Hastings. They have put in for the balance of the project. They have requested \$9.7 million from that program. It was a real tight deadline, but they made the application, and they are just waiting for a response on that.

Mayor Benton said maybe the rest of them can work on getting utilities included in that, because they can't very well do the work without replacing what they tear up. Who knows what they are going to tear up going through there? Probably everything.

Commissioner Sessions said with regards to that project, especially in that area on 13th Street ranging from Orange Avenue to Avenue I, as they can see in other projects they have done in the City how much of a difference it makes in putting the utilities underground and not visible, it is about a 360 degree change in terms of appearance. That is what the whole idea is about, trying to change the blighted area into a better

and nicer area. He understands where the Mayor is coming from and this is not pointed toward him personally. But he doesn't feel comfortable when it comes down to the Utilities Authority making improvements, that he has them looking over his shoulder saying if they do that, then it is going to increase the rates. That is just a very uncomfortable feeling from his perspective as a City official. He feels the FPUA should contribute their part toward making this a more pleasant area. They reap revenues, they have made a substantial amount of money. It is time for them to invest in the community without the threat of them telling individuals that if they do it, they are going to increase their rates. He doesn't think that is fair. Aside from that, he appreciates what the Mayor is saying. But by the same token, he hopes that doesn't have any impact on what this project is; and that was from the initial stage to bury those lines and make this a nicer and better place.

Mayor Benton said that was his intent with everything they have done. They had this discussion when it came to 25th Street. In fact they passed an ordinance, basically any utility work and reconstruction work is required to put it underground. That is why he brought this to everyone's attention. The same people who pay taxes to make these road projects possible are the same people who pay their utility bill, which makes the ability to rebuild them, put new lines in, or put it underground. But when it comes through this stimulus package, when they are led to believe they are getting a gift from Washington, then the gift should include everything. Because regardless, Fort Pierce Utilities Authority is not making money. The little bit they make goes back to the City in the transfer. The rest of it doesn't go in the bank. FPUA is not making money. The same people who pay taxes are the same people paying the electric rate, so they can get it one way or the other. What they are saying is, they are not going to raise the rates. Because this time they didn't buy into this, this came as a gift. But when a gift comes, it should come completely funded. So what he is asking is for them to push their elected officials in the State and in Washington, when they are sending this down the pike... The strings attached throughout the country when it came to policing programs, a lot of Police Departments and Law Enforcement Agencies can't accept the grants because under the reduced numbers in property values, it can be funded for two years, but they are required to pick it up after that, and they can't afford to do it. What FPUA is saying is, they are not going to raise rates, they wouldn't even consider it. But to do the work, they are going to need the underground utilities covered in the cost.

Commissioner Coke said the one thing she finds very disappointing in the Utilities Authority estimate is... Mayor Benton is correct, they did pass an ordinance, she believes it was five years ago, requiring that all future would be underground. But they did it very purposely. They felt it was a health and safety issue, to help recover from the hurricanes, and they did it for beautification. At that juncture in time, they made that decision. So she really is not happy with getting this quote, but if the electric is to be relocated underground, they have to add \$1 million to it. She thought

they sent the message loud and clear many times before that yes, the utilities will be located underground. So in the spirit of cooperation, and knowing that if they require their residents to do something... If a developer comes in and wants to do a new project, they are required to put utilities underground. Certainly the Utilities Authority itself is not exempt from that. Had they just made the proposal inclusive of the additional cost and asked for help, she thinks that would have been much more palatable. Just as they are now going and requesting that the TPO reallocate some Fort Pierce funding for right-of-way acquisition on U.S. #1 that they already re-allocated part of to finish the A1A Project, they are asking the TPO to reallocate funds. The Utilities Authority has a budget annually to do replacement work; and when they have a project like this, although her first priority is going to be to try to get them a grant to help pay for it, she thinks they need to work in a cooperative attitude with them also. If they were going to spend \$1 million on redoing lines and undergrounding electric next year or wastewater lines, then they need to reallocate part of that to this priority.

Mayor Benton said he doesn't sit on the TPO. But when a presentation is made and the utilities is not included, there should have been some questions. They know what the costs are, they know the problems they have run into in the past. He doesn't know the details as far as compared to 25th Street or A1A about the relocation. All he knows is the numbers are here in front of them and no work has started. What they are saying is, FPUA is not raising rates to pay for this, but somebody is going to have to pay for it or it won't get done, point blank. There is nobody who can make the Utilities Authority do the work if they don't have the money to do it with. So he thinks they have to work a little bit better together allocating these numbers when it comes to these projects to include the utilities. FPUA said 50%, which is about \$400,000. But they have been cutting back on their budget too. He is just the messenger. He is one person on the FPUA Board. He is sure the City Manager and he thinks the Assistant City Manager was there at that meeting. FPUA has a workshop coming up that the Commissioners have been invited to, so he suggests everyone show up there and understand they are cutting back as much as they can too. But when they get a gift from Washington, the gift should be wrapped.

Commissioner Alexander said his concern is, when they are speaking of 13th Street, that is one of the oldest streets. He knows it was before his time. They know that what was done, the type of work and the grade of work that was done on that street, which is 13th Street Canal to Orange Avenue, is entirely different from Canal to Avenue I. He sees nowhere in here where there was ever a presentation done to the FPRA. That is one of the most blighted and slum areas in this community. They didn't ask or request or denote that maybe they could get a dollar or two? He may take it as snubbing. If the electric is relocated...? They made the ordinance and said the residential must go underground when replaced because of the old dilapidated areas. He does not want to dismiss this. They were offered stimulus dollars? He thinks they requested those dollars. He

doesn't think they just put up a green flag and they said they could have this. He thinks they requested that along with some other items. Again, he just doesn't want to dismiss it because...

Mayor Benton said by no means does he want to dismiss it either. What he is trying to do is get all of them somehow on the same page that they can look for the money to do this with. In the past they could have looked to the FPRA because it had plenty of money. Right now the City doesn't have the money and the FPRA doesn't have the additional money to do it, so those wells have dried up. Now it is for them to try to get creative and ask the Federal Government, if they are going to send them money to do this. Had it not been for stimulus money, they would not even be discussing this project. The FPRA didn't have the money to do this in the next three to five years probably and neither did the City. This was a gift that came across very quickly in the last few months; but they need the additional revenue to do the whole job.

Commissioner Becht said he is going to thank the Mayor for bringing it to their attention. This has the potential for being a very important lynchpin in bringing everything together - Moore's Creek, the Orange Avenue improvements, the Avenue D improvements, the 25th Street improvements. Jack Andrews mentioned that Congressman Alcee Hasting's office is working on a grant. They can call him, those who have the ability to do that. He doesn't know that the TPO can do anything else. He thinks they have 41 active projects inside the FPRA; but if they want to add this and see where they are going to rob Peter to do this. He thinks it is an important project. They just have to weigh what they are trying to accomplish with the money they have inside the FPRA. He doesn't know if for any part of this they could reallocate stormwater fees to help pay for something that looks like a stormwater improvement.

Commissioner Alexander said if they don't do it now or make some effort now, it is never going to happen until the whole area collapses, because they have that unstable canal. They are putting brand new homes on that. The pounding that street has taken since they put The Oaks park in there. He sees just a block down there from the canal that street has collapsed two times in the last two or three years.

Mayor Benton said that is why he put this on the Agenda. He wanted everybody to know how important it was, for all of them to try every means they can to find the revenue. The Utilities Authority just doesn't have it. If they can get on the phone to their Senators and Congressmen. This problem is existing throughout the country with the stimulus package. He is sure the Senators and Congressmen can fine tune some things. But that is what happened when it came through the State. Maybe their State folks can help. They need to pick up the phone and maybe send some letters and do what they can do until they get the additional funding so they can do this. He knows the urgency, he drives down that road quite a bit. He was very glad to see they have an opportunity to do this. He just wants to make sure when they do it, they do it right. And knowing they

need the money to finish the job, let's see what they can do to get the additional revenue they need.

The next item on the Agenda was Assistant Director of Planning to advise of administrative approval of **Minor Replat for Habitat for Humanity** at 1504 Avenue J, changing three existing lots to two lots.

Mr. David Carlin, Assistant Director of Planning, said they have administratively approved the lot split for this particular address. Habitat for Humanity approached them several days ago and they are in the process of constructing a new single-family home within the next 30 days. They are going to split the lot to facilitate a new home on the lefthand side. They just C.O.'d a new home a few days ago on the righthand side. They are moving full steam ahead. He has approved this replat.

The next item on the Agenda was Assistant Director of Planning to discuss options for traffic flow on **Orange Avenue** east and west of U.S. #1.

Mr. David Carlin, Assistant Director of Planning, said the genesis of this discussion was pursuant to something the FPRA had brought up back at their March 25th meeting. The questions that surfaced are regarding the traffic flow on Orange Avenue and whether or not it would be feasible to convert Orange Avenue into a one-way configuration. The Federal Courthouse is under construction. The issue that came up with Planning Staff and the Engineering Department last Fall, that was their first opportunity to meet with representatives from GSA. They identified at that time that there already are conditions associated with the level of service at the intersection of Orange Avenue and U.S. #1 with stacking. When the Courthouse opens, they anticipate that problem to be magnified even further based on the fact that the majority of parking will be in the City's parking garage. Also, there will be some on-site parking for the courthouse workers. The bottom line is, with all the traffic that comes out of the A.M. and P.M. peak hours, there will be some significant delays there. So one of the options that was contemplated was whether or not funding could be allocated to construct a right-hand turn lane on the west side of Orange Avenue that would facilitate additional movement. That would require some right-of-way from the courthouse property. In lieu of the economic times, the FPRA asked are there any other alternatives that might be out there to try to facilitate an improvement at the intersection? One of the suggestions was a one-way configuration. He has outlined in his memo some of the other issues that are associated with the intersection as it stands today. They have limited pedestrian crossing movements. Currently there is about 8 to 10 seconds to get across U.S. #1. And when they have 300 people parking in the garage, that is going to present some more challenges as well going across. Stacking that occurs presently on the east side of Orange Avenue trying to go westbound occurs and they also have the railroad tracks there, so they have a double edged sword that contributes to a very tricky situation. The whole issue here with the Orange Avenue and U.S. #1 intersection really comes down to alignment, there is not a left lane

configuration to accommodate the traffic. That signal has a split phase and it can only have movements turning one way. Once the signal is complete, then movements from the opposite side can be completed. He has outlined in his Staff Report on some of the characteristics associated with the one-way and two-way configurations. Basically with a two-way street, they do have travel speeds that are generally lower. They have the friction characteristics when they drive into opposite traffic, so it tends to slow them down. With two-way traffic at intersections, pedestrian crossings are definitely safer to cross, less incidents occur when vehicles are going through the intersection. They have reduced vehicle miles traveled. What that really means is, with the two-way traffic, they don't have to circulate around like the one-way configuration, so they have reduced emissions as well that get released into the air. Also an inherent benefit with the two-way traffic has to do with the business exposure, where they have traffic that can actually move back and forth and see businesses from different angles and they have no eclipsing that occurs. With one-way streets, there are also some interesting characteristics. When they have a one-way configuration, curbside activity is not disrupted as much because there is room to negotiate around when they have trucks that load and unload. They have reduced friction because traffic is moving in one direction. However, there are some inherent characteristics associated with reduced friction; and that is, people tend to speed up, they tend to travel a little bit faster, the streets can feel like a raceway. They do have less delay. In essence, the one-way streets do increase the overall volume of traffic through an intersection. But the perception of the street changes when they have that.

Mayor Benton said it wasn't that long ago they went to a two-lane street once again, so they are familiar with both.

Commissioner Alexander said that is what his concern was, it wasn't that long ago that it wasn't two ways. Right now they have such a delay there at the light, today. He heard on the TV like everyone else when they had the FPRA meeting, they put the figures to that. He thinks Mr. Andrews came up with some astronomical figures on what it is going to cost. Where are those funds going to come from?

Mr. Carlin said that is the ultimate question. What, if any, resources are available and could be utilized for something like this?

Commissioner Alexander said he wasn't at the last FPRA meeting, but he was watching. Have they ever considered a catwalk across U.S. #1?

Mr. Carlin said that is one of the things they had addressed with GSA in their first meeting with the current staff. Obviously the Courthouse discussions have been going on for many years. That would be a very safe thing to have, a pedestrian flyover or crossover that would be constructed there. But that obviously wasn't something that was factored into the design they have today, the plans that were put forward. So what they are looking for here is, what is going to be the balance to try

to facilitate some type of improvement that will allow people to safely get across U.S. #1 when there is a substantial amount of traffic, and to get people moving through the intersection?

Commissioner Becht asked what is the cost for preserving the option of creating an eastbound turn lane onto U.S. #1? Is it \$80,000?

Mr. Carlin said to redraw the plans, that is the estimate that was provided from GSA.

Commissioner Becht said they could do that and not spend another dime on actually building it.

Mr. Carlin said he would agree.

Commissioner Becht said he just wanted that to be clear. Because to him, it is so clear that they want to do that, so in 10, 15, or 20 years from now when somebody behind them finds the money to build the turn lane, they can do it. Because if they don't spend the \$80,000 now, they will not be able to do it later. They are never going to be able to condemn the Federal Courthouse property. The Arcade Building he thinks is on the U.S. Historic Register, if he is not mistaken, but it is not going to get touched without a big fight. The only way they have for their future generations to come up with this third lane is for them to spend \$80,000 to redesign; and then it is an option when somebody behind them can find the money. If they don't spend the \$80,000, there will never be this needed turn lane there on the east side. So he is in favor of finding the \$80,000 so this option for future generations is there. He is not in favor of building it right now because they don't have the money to build it right now. He is in favor on the east side of U.S. #1, which would be the westbound traffic, of doing whatever they can do, because that is the City's property, to create the turn lane there. If they will do that now, then they will alleviate some of the problems they have there. The pedestrian overpass is a great idea, but he doesn't think that is a problem, there is nothing they need to do now to preserve their ability to do that later. The thing they have to do now, to preserve their ability to do something later, is they have to spend the \$80,000 now. That is what he would ask the rest of them to consider, is authorizing Staff to find the \$80,000, redesign the Federal Courthouse site, make sure they don't delay it, and preserve the ability to have that southbound turn for the eastbound traffic on the west side of U.S. #1.

Mayor Benton said when they had this discussion, they talked about the problem is getting people in and out of downtown. They had some very brief discussion about two-laning Avenue A. He doesn't see that as an option here. He doesn't know why it isn't, because it is something easily that they can do. He and the City Manager did have lunch with Congressman Rooney. He has had discussions with Senator Nelson, his Staff, and people at GSA, and they have all advised him this would not be the route to go. They don't want to do anything to slow this project down and redesigning it could create a problem they shouldn't even get near. He is not going to support it. He thinks they should

just let the Federal Courthouse be built. The plans have been around for at least five or six years. Mr. Carlin wasn't here, so the blame doesn't go his direction. But many Planners had the ability to speak up and say they needed this at a time when things were in limbo. But now that things are moving rather quickly... They poured 270 truckloads of cement prior to the weekend. He wouldn't want to stop that project to redesign it, especially with the cost of \$80,000. He thinks they are in a predicament they can live with and they will deal with it some other time. Right now if they could two-lane Avenue A from U.S. #1 to 7th Street, he thinks they could move traffic in and out of downtown a little bit easier.

Mr. Carlin said the Engineering Department was kind enough to prepare a configuration for Avenue A as to whether or not it could be turned into a two-way, because they have trucks that have to turn in there and they have to look at the lane geometry. So that certainly is a possibility. And two-way traffic certainly creates a livable, walkable type street arrangement where they have traffic calming and it gets people on the sidewalks, it gets people moving around downtown, and it certainly would be an alleviator. Because the network itself, when they look at an overall one-way street network, it really has to be integrated throughout the entire area, not just one little segment.

Mayor Benton said that discussion came up the last time about the certain trucks that use that road. He believes if they look at the weight of those trucks, the Police Department could probably write a ticket for every one of them. He believes they are over-weight for some of those streets, they are trying to get on Orange Avenue. Those are some of the trucks, especially in the future too, that could probably go to Airport Road and not travel through the City. He doesn't know why they do. For them to worry about a few of those trucks versus the number of cars that have to come and leave downtown daily, he thinks those trucks should be out of the picture.

Commissioner Coke said when they talk about trucks coming and going downtown, she remembers a few years back they put up signs that said No Trucks. They sent letters to all the local trucking companies that go up and down the streets that say No Trucks on a daily basis. It was a big thing at the time, the Police Chief sent them letters and said he was going to ticket them. It worked for two or three months and now they are back to the same old thing where people come and go as they please, they just ignore the big No Trucks sign. She doesn't know that they are ever going to be able to change that on a permanent basis. In reading Mr. Andrew's memo, he says he met with GSA and Staff, who seemed to indicate that if the City pays for it... Did they indicate whether or not this would delay the project? She has no interest in delaying the project. But again, Orange Avenue is a nightmare today. It is a nightmare trying to get out of City Hall because some place along the line they decided they needed on-street parking. Now it is in front of a parking garage, so they can't make a righthand turn. People are backed up over the railroad tracks. So it is a nightmare trying to get out of downtown and trying to come into

downtown now, without the Federal Courthouse, it is awful. If they don't make some accommodations for the future, where are they going to be?

Mr. Jack Andrews, City Engineer, said the thing he cautions them about, that memo was written close to two months ago, March 6th. At that time GSA was willing to look at it. That is when he brought it before the Commission and then later on to the FPRA Board. He is not sure at this time whether GSA will consider it.

Commissioner Coke said if it is something GSA is no longer willing to consider now, they discussed it two months ago, they discussed it at the last FPRA meeting, and now they have wasted an awful lot of Mr. Carlin's time doing this lovely little report and researching it, when what they should have done is have their priorities straight. Pick up the phone, call GSA. If they say they are too far in the process, the City should say okay, they will live with what they have.

Mr. Carlin said he and Mr. Meyers did meet with representatives from GSA about two weeks ago. He informed them that they were going to come before the Commission this evening to have this discussion as a final determination. He has laid out some options that are at their disposal if the monies are not available. They can certainly do the alignment on the east side of Orange Avenue that would at least facilitate additional movements and better crossing time, as a worse case scenario. GSA was confident that as long as this wasn't going to be dragged out another two, three, or four months... They brought in 270 cement trucks the other day and they have to wait for the concrete to cure for approximately two weeks. So there is some time.

Commissioner Coke asked how long would the redesign take?

Mr. Carlin said he thinks the GSA representatives have been apprised of the situation in terms of what is involved here. He thinks both Engineering and Planning Staffs will be able to turn it around relatively quick. There is not any structural changes to the building that are going to take place, it is really just the architectural and landscaping areas out front. Commissioner Coke asked how long? The answer to that is one day, two weeks, six months, 25 years?

Mr. Carlin said he can have an answer for that tomorrow when he goes over and meets with the representatives of GSA.

Mayor Benton said Staff meets with the guy who is in charge of the local project being done. But the minute this came up several months ago and several times now he has had a phone call from the Director of the Southeast GSA, Richard Stephenson. Basically the question was, what are they trying to do now? So it is not meeting with the folks in Atlanta or in Washington very well. Those are the people who take care of the funding and everything else. He would not want to do anything hinder this project. It has been many years. In his opinion, they wouldn't have called him as abruptly as they have had several

times. He doesn't know if they have called the City Manager. If they have, please let everyone know. Because they don't want to stop this project.

City Manager Recor said he also spoke to Mr. Stephenson around the same time the Mayor did. Mr. Stephenson's concern was that he was getting mixed signals from the City - that they did want to proceed, but yet they didn't want to proceed. His question to him was, did they want to evaluate this? His answer was yes, they wanted to evaluate it. If they get a green light tomorrow from the GSA local, they both have Mr. Stephenson's contact information in Atlanta. He doesn't see construction stopping while they amend the plans. It is moving, it is going to continue to move. Men and probably women are working out there. But he does concur with Commissioner Becht, that if they have any inkling at all that they want to make this improvement some time in the future, they have to take advantage of this opportunity now. He doesn't think GSA is going to stop their progress while they amend pieces of paper to make it happen. But if they find that is the case, they simply pull the plug. Or they can confirm with Mr. Richardson that is indeed the case.

Commissioner Sessions said he understands that is a very chaotic intersection, probably next to the 17th Street Post Office, one of the most chaotic intersections in the City right now. When the Courthouse gets built, it is going to get a lot worse, so the need is definitely there. By the same token, if the Federal Government is of the mindset this is going to hinder their progress in making this Courthouse reality, he will abandon it right now, because he certainly does not want to do that. They need to walk a real tight rope and on thin ice as they approach the GSA in terms of trying to amend these plans. If GSA gets upset or indicates that this is going to dampen or hinder, then he certainly doesn't want to pursue it, they will leave it alone and deal with it at a later date.

Mr. Carlin said let him allude to the fact that the GSA representatives recognize that there is a problem and there will be a problem. They recognize that it is something that should have been detected several years ago. He thinks GSA is truly willing to work with the City to make this happen. It is more of a timing issue, it is trying to facilitate this last minute request. But this Staff has only been privy to the information because the Atlantic Avenue abandonment and the Site Plan was brought to them last Fall. He thinks the GSA representatives have indicated they are on board with it. It is a matter of making it happen within their time constraints, their construction schedule.

Commissioner Becht asked does Mr. Carlin have clear instructions, a consensus? If he can make it happen without there being a delay, then he thinks that is what all of them are saying. He thinks even the Mayor may be of that mind, or maybe he is not.

Mayor Benton said there is a need. He is just saying he is not going to take a chance of creating a problem with the Courthouse.

Commissioner Becht said what the Mayor has brought to his attention tonight is Avenue A. The Post Office out there on 17th Street, he comes in Orange Avenue with great frequency. If he had the ability to avoid this intersection on U.S. #1 by swinging over to Avenue A, he would swing over to Avenue A. So if they can get work done to two-lane Avenue A, they create an easier way to get into Fort Pierce right now. If he was leaving the Federal Courthouse on the west side, he could go up 5th Street to Avenue A and then get out on U.S. #1. So even if they can't do Orange Avenue, Avenue A makes a great deal of sense to him. He asked the Chief to look into whether he can issue tickets for trucks on the wrong roadway with the red light camera system. He thinks this is one of the areas where they are talking about putting these cameras in. If they can ticket trucks for being on the wrong street using the camera, if the Chief can do that - and he doesn't know that he can or cannot - they could set the cameras up which makes enforcement a lot easier because they just mail them a ticket.

Mayor Benton said he thinks Staff knows where to go with this. It appears a consensus from the majority up here is to check on this. He is going to make his phone calls and he expects the City Manager to make his phone calls. He had heard there was a problem with a Comcast cable that had one person using it. That created a problem and his phone rang off the hook. He told them he would go over and cut it himself if he had to. They will make their phone calls tomorrow.

City Manager Recor said they will follow up.

Mayor Benton said he will make sure himself, he has to feel confident with this. If there is a consensus of three of them up here, he would like Staff to bring something back in front of them on two-laning Avenue A.

Mr. Carlin said they can certainly do that. If there is a concern with weight restrictions on that particular road, they can even design it where limitations may be imposed and what kind of vehicles access that road, on-street parking, medians, and things of that nature. So there is definitely an opportunity to create a pedestrian-oriented slowed down type of street design.

Mayor Benton said the problem there is, they have trucks that are leaving the Port area with containers on them. Instead of going to Airport Road and leaving the City, they are driving to Avenue A and it takes all three lanes to make a turn off U.S. #1 and sometimes they even have to back up. His problem is getting traffic in and out of downtown.

Mr. Andrews said he wants to caution them on one thing. When they start redesigning streets, they often compound problems elsewhere. For example, if they go two-way on Avenue A, they move the problem from U.S. #1 and Orange Avenue up to Orange Avenue and 7th Street, because they have the same condition there, they don't have room to make a left-turn lane. They have one lane, so they stack all of Orange Avenue for one person to

make a left turn lane to utilize Avenue A.

Commissioner Becht said that is an excellent point. But it would be far easier to condemn a portion of the dilapidated old Salvation Army building than to condemn the newly constructed Federal Courthouse building.

The next item on the Agenda was Building Official to discuss proposed adjustments to Section 5-267, **Building Permit Fees.**

Mr. Marc Meyers, Building Official, said their Building Permit Fee Schedule is by ordinance. He has made some recommendations here for discussion as far as making some adjustments to the fee schedule. There are procedural changes. There are five items he has listed. The first one deals with when they accept an application and get payment for their Plan Review fee. They realized they had a problem with the downturn in the economy. They reviewed a number of plans, like the Allegria development out on South Hutchinson Isle. They reviewed those plans and were ready to issue the permit, but the plan went away and the developer is not picking up his permit. That is when they collect their fees, when they issue a permit. Staff is suggesting that they accept that Plan Review fee up front when the developer makes application. Even currently they have the big project - IDI Crossroads. They are looking at \$12,000 for Plan Review, but they are not pulling the trigger on the project. Madison Vines he thinks is moving ahead pretty good, but again they have \$15,000 in plan review fees that they could have already taken in. They have reviewed the plans.

Commissioner Coke said what happens is, they drop the plans off and the Building Department spends taxpayer dollars to review the plans, and then they never show up to pick the permit up, and they have just basically wasted money. So this is kind of like a no-brainer. Please want to have plans submitted and reviewed, they should be paying for it up front.

Mr. Meyers said that is his recommendation.

Commissioner Sessions said he will go along with that.

Mayor Benton said he would agree. They are trying to make the Building Department as self-contained as possible. What better way? They can't work for nothing.

Commissioner Becht said he supports that as well. But he thought the last time he had shown this to them, he gave them a comparison of what other communities are charging. He would like to see that before they adopt it in finality. The other thing he is going to ask him to do with all of this is to make sure his recommendations are sent to the Treasure Coast Builders Association, any local builders he is going to be bumping into, the Chamber of Commerce, and the St. Lucie County Realtors Association. If he will disseminate this, tell them it is not final, but if they want to have input, they are going to have to have input now. He is going to get a lot of feedback and will have a more viable fee structure when he is done, because they will already know about it as it is coming down the pike.

Mr. Meyers said one of the things that came out of the constituency group, they asked for an opportunity for Emergency Plan Review. They have this when big developers come in, such as Target. If Target ever comes back to life, they want their plans done right now. If he has 16 other people, he can't just put them up front. But they are willing to pay for it, they don't care about money, they want their plans so they can get started. This is a recommendation that they make this available. Currently it is not in the schedule, there are no provisions for that.

Mayor Benton said he believes all five of them thinks Mr. Meyers should bring something back formally. But the Commission would like to see a comparison to what other communities - Port St. Lucie, Vero Beach, Stuart - and what they are charging.

Commissioner Coke said she thinks when they look at communities like Stuart and Vero Beach, they are not in the same situation necessarily that Fort Pierce is. So she would also like to see Port St. Lucie and St. Lucie County.

Mr. Meyers said that is who they normally compare with. Also Indian River County and Martin County is who they usually deal with to see what their fees are.

Mayor Benton said see what he can do to expedite this.

Mr. Meyers said he will get some comparisons and get it back to them as soon as possible.

Commissioner Becht said also Treasure Coast Builder's Association, Chamber of Commerce, St. Lucie Realtors Association.

The next item on the Agenda was Discussion on proposed **Summer Youth Program** at the Fort Pierce Community Center.

Mr. Greg Martzolf, Director of Indian Hills Golf Course/Fort Pierce Community Center, said Chris Selph joins him this evening. He thanks them for the opportunity to talk to them about a program they have developed at least on paper right now. The program was developed in response to the March 25th FPRA meeting. What was on the Agenda was monies that were being promoted to summer youth programs in the City. He believes at that time Commissioner Coke asked, why not give the money to their Fort Pierce Community Center? So they went to work and they came up with a program. They used the template of 40 youths in the program. They took into consideration what they already do at the facility. Their main focus was to develop a quality program that was all inclusive to where they could use a lot of services in the City. They titled the program "Yes We Can!! 2009". They find that kind of ironic because they were challenged to come up with a program and they were trying to come up with what they were going to name this program. They kept coming back to yes, they can do this. What they have in front of them with the work that is being done, he thinks they have shown them that yes, they can do this. There is some history to

how this program was developed. He brought Ms. Selph with him because she was so instrumental in developing this program for them to review. They have the information in front of them. Since this is for discussion purposes this evening, he would like to hear their questions or comments, and hopefully they can answer any questions they have or provide any information they need at this time.

Commissioner Sessions said he had one observation. He doesn't mean to be the scrooge of summer camp. He knows school is out and it is all about having some fun to a certain degree; but by the same token, he thinks it is an opportunity to get ahead for the following year. Where is the educational component here? He sees a lot of playing and sees a lot of other things in terms of sports and things of that nature. But don't they think it is important to have some type of educational component? He knows a lot of summer camps at a minimum they have a computer lab.

Mr. Martzolf said he will call it a challenge because a challenge was issued to them to come up with a program. The first thing they did was realize that they needed to solicit as much information as possible from those who knew what was best for that particular age group and possibly for the community. A particular gentleman came to mind - Dr. David T. Washington, who is the principal of Fort Pierce Magnet School of the Arts. He happens to know Dr. Washington, who is an exceptional individual. They set up an appointment with him since he is the principal of a middle school and this is their target audience for a youth program. They sat down with him and asked him a very simple question, what do these kids need? What will they respond to? What will their parents respond to? What will be best served in the community? This is basically an outline of information Mr. Washington provided to them. If they look at the information on the actual summer activities program, they will see that even though they start out with an athletic week, they quickly get into art, music, dance, they talk about health, and then they also incorporate in the history of Fort Pierce, which is educational and something their youth need to know about where they are growing up. So they do have an educational component. It might be hidden at first glance, but he thinks it is very strong.

Commissioner Sessions said when he looks at this community, when he says educational, he means AIDS awareness, something that is important. They don't want to be a babysitting institution. They want to give the kids not only recreation, but something they can take away from the summer camp that will benefit them. That was just his personal observation.

Mr. Martzolf said Commissioner Sessions brings up a great point. Ms. Selph did the research with regard to all the opportunities that are out there. It was a very difficult choice. But she has a very thick file on all the activities she researched.

Ms. Chris Selph, Fort Pierce Community Center, said in one of her studies she did learn that a lot of their local children do not know how swim, which is why part of her Health Week is a day at the college to take a Water Safety Course as well as CPR and

First Aid. That is one of the first things she did do. The first week being the activity week was basically just to give them a week's break from using their brains, to relax this week, and then get into some more fundamental activities. It took three months of phone calls and sitting down with people and figuring out what the kids of this age range do want. This is what they came up with.

Mr. Martzolf said he thinks it is also a very valid point too, because as they move forward - and he hopes they do move forward - in creating opportunities of using an asset like the Fort Pierce Community Center, is that their program can be ever-evolving. They are not focused in on just a set structure of activities, they can always respond to what the community needs and adapt to that based off listening to people and what they want.

Commissioner Coke said thank you, she is thrilled. They are not going to catch kids who want to get out of school to go sit in a classroom the next day. So she is glad to see they have some ball games, some golf, they are going to learn CPR and water safety. She is glad they are going to be involved with the history of their community, art, music, dancing. Then they go back to a little bit more education with fire safety and some time with the Fort Pierce Police Department. She thinks it is a great starting point. She thinks they will find as they move forward with this the things that the young people are active with and what they enjoy. And the days they are saying oh no, not this again, they will learn from their mistakes for next year. She is thrilled, it is a starting point, it is where they as a community need to be. She would echo Commissioner Sessions that she would have loved to have seen the opportunity perhaps for a week of swimming classes, because she has great concerns about the kids not knowing how to swim. And a week of computer science. But again, they can't start at the top of the mountain, they have to start at the bottom, take their first couple of steps. This might as well be their year to take those steps. She is very happy to see that staff has done a phenomenal job putting something together in six weeks time that she thinks will serve the youth of their community.

Mayor Benton said he missed the last FPRA meeting. Is this in lieu of the other programs they have been approached with? They were looking at several programs. Or is this just going to be added to the other programs?

Mr. Martzolf said he believes at that time there were two other programs on the FPRA Agenda. By no means do they want to take from what had already been approved or already been planned. They were simply developing something they thought they could do in the future. This is for discussion purposes. He will defer to the City Manager for future discussion on that and his feelings on pursuit of a program.

Mayor Benton said the Youth Sailing League has a summer program they have to get started on advertising as early as January. They hope to really push it during the spring break. He knows this is kind of late. But there are issues as far as

liabilities when they are driving kids. There are a lot of issues here that they haven't discussed yet. He is not trying to muddy the water by no means.

City Manager Recor said he understands. First he would like to thank the Commissioners for recognizing the effort from Mr. Martzolf and Ms. Selph. They accepted the challenge, they put together a program. It just mowed him over when they met to talk about it. The program is entitled "Yes We Can". The question is, do they want to? There is a price tag associated with it. He is sure they can come up with the funding. The observations he had that he pointed out to Mr. Martzolf and Ms. Selph were the targeted age range, particularly when they compare to the other summer programs that are offered from the organizations that are seeking funding from the City or the FPRA, and the number of potential students. But they have to start somewhere. He thinks this is absolutely a good starting point. The question is, do they want to? Is this something they want to do?. He has spoken with Elise Rollins of Lincoln Park Main Street. He has assured her that this is not intended to be a competition. It is another option, another alternative for the youth of this community. Again the question is, do they want to?

Commissioner Alexander said he just wants to say thank you. As he read through it, he wasn't being optimistic about anything, but he is just looking. They asked for him to critique it, so he is going to keep his comments to himself. His question is, how many employees are they speaking about?

Mr. Martzolf said the budget, the initial financial figures they presented, are based on administrative services that are already in place that are documented on the financial sheet. They have volunteers who are in place, who have committed their time to assist with the program. Then of course people they are bringing in to actually teach the programs for their particular areas also serve as that adult component.

Commissioner Alexander said that is what his concern is. For every child they should have so many adults for safety.

Mr. Martzolf said he tried to rely a little bit on past experiences as a golf instructor where they try to maintain a good ratio of teacher to students to make sure everybody is getting the attention they need. They thought about Ms. Selph's assistance and the teacher's assistance and the volunteers. That is where they came up with the template of 40 participants, because they figured 4 people at all times, about a 10 to 1 ratio they thought was comfortable and they kind of worked from there. As indicated to their City Manager, those numbers can be adjusted; but then of course, the financial numbers adjust also.

Mayor Benton said he thinks they are getting a lot for the dollar. It seems like a great idea.

City Manager Recor asked do they want to give this a try?

Mayor Benton said he thinks it is worth it, especially with the

price tag. It is something they are going to have to look at next year because the other source of funding is going to be drying up.

City Manager Recor said please remember, they are not bringing on additional staff to do this. They are going to pay a nominal fee for the instructors, but they are not hiring staff. Their existing Staff has put this program together and incorporated the use of volunteers who are volunteering their time for the youth. They will give it a shot.

Mayor Benton asked would Mr. Martzolf give them all a schedule so they can sort of drop in now and then, as they do with the other programs, just to see how it is working and say hello.

City Manager Recor said just another plug for the Fort Pierce Community Center. He believes the Fort Pierce Community Center is booked for every weekend from now until September or October?

Ms. Selph said it is more like the first or second week of August.

City Manager Recor said it is extremely popular. They would be very surprised at the revenue that the facility is generating.

The next item was the Consent Agenda. Mayor Benton asked does any Commissioner wish to remove an item? (No items were removed.)

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

- a. Application for **Public Funds** in the amount of \$1,000 submitted by Joseph Richardson Jr., **Future Generations of St. Lucie County, Inc.** for advertising community youth performances by Future Generations Band and/or Drumline.
- b. Application for **Alcohol Beverage Permit** submitted by David Sowerby & Larry Lee, representing Fort Pierce Central State Champions & Love Center, for 1970 & 1971 **Central High School** Football Teams Reunion in Jaycee Park on July 10, 2009.
- c. Accept Change Order No. 3 to contract with Lucas Marine Construction for **NRCS Emergency Watershed Protection Project** (construction along Virginia Avenue Outfall Canal and Virginia Avenue Canal Stabilization Work at 1704 Wyoming Avenue). Ref Bid No. 5908, Purchase Order No. 091245
- d. Award Bid for **Housing Rehabilitation Project for 2002 Coconut Drive** to Emporium Homes Corporation in the amount of \$41,839.21. (CDBG Disaster Housing Rehabilitation). Bid No. 5907
- e. Approve request to convert St. Lucie County land data for City boundaries into **SunGard Land Management Application (LX System)** to interface with Land Management Applications in the amount of \$26,800. (Single source vendor, SunGard HTE)

f. Approve expenditure of \$22,391.88 from the Police Department Law Enforcement Trust Fund for purchase of 12 **Police Bicycles, Uniforms, Racks & Hitches for CRB (Community Response Bureau) Officers.**

g. Approve waiver of interest and penalties in the amount of \$1,003.86 against **315 North 11th Street**, requested by Stephen Smith, upon payment of \$12,870.00 (demolition lien plus administration fee of \$100) within 60 days.

Commissioner Alexander said he has had several people give him a call in the last 30 days speaking about their **Business Tax**. They were doing business as... Now he understands there is some type of zoning change or conditional use associated with their business tax. He wanted to know if they were issued these licenses before, why didn't all this come up? He is talking about a day care center and stuff like that. He just heard it. They complained to him. He sent them to Ms. Steele. He guarantees, she takes care of business. He was just trying to find out how all of a sudden they start not being business friendly in this community, running businesses out of business. He doesn't like that.

City Manager Recor said he is not familiar with the specific circumstance to which he is speaking of. Generally speaking, there needs to be a change in the business for the development regulations to apply. In other words, simply renewing their business tax receipt would not be a change. If they were changing the location, if they had expanded, or if there had been a change to the use, that opens the opportunity to apply the development regulations and make the use comply with the requirements. But if it is simply a renewal - they are not changing the location, they are not expanding or enlarging - there shouldn't be those kinds of complications. So if he would like to meet and share with him his inquiry, he would be glad to look into that further and follow up.

Commissioner Alexander said the only reason he brought it up is because he is sure Ms. Steele has gotten these calls. And she has remedied whatever issues there were because he didn't get calls back. But he just couldn't answer their questions. Again, his point about it is, being business friendly. They have people who just insist on putting people out of business. He does direct those kind of questions and answers to Mr. Recor.

City Manager Recor said they will talk so he can get a better understanding.

City Clerk Steele said she can answer that for them. Saying they are business-unfriendly is totally an erroneous characterization of what happened. The lady called her office at Commissioner Alexander's behest. They looked into it. What had happened was, she was running a day care center and she had failed to pay her license taxes for three years. So she filled out a new application. When it went to the Planning Department, it was determined that type of business is a conditional use because it is in a commercial zone. Not knowing that it was a

previously existing business, the Planning Department turned it down and said come back with a conditional use. The lady called her at Commissioner Alexander's behest. She looked into it and tracked down the old original conditional use. They had her resubmit her paperwork, the lady paid her fees, and the Planning Department signed off on it. She was extremely nice and grateful and it turned out very well. And it was a very business-friendly environment from the Planning Department. That is what happened.

Commissioner Alexander said he knew Ms. Steele would take care of it. He didn't mean it disrespectful about not being business friendly. He didn't want her to take that wrong. But he does still say, as employees of the citizens, if there is some error or something...

City Clerk Steele said everyone stepped forward and helped her out. Please, he does need to talk to this lady again.

Commissioner Alexander said that is not the only call he has gotten. He won't belabor it. He will go over that with Mr. Recor so they can discuss that.

Commissioner Sessions said they are going to have a continuation of the **gun buy back** on May 16th with the remaining money, they didn't use it all. Is he correct?

Chief of Police Sean Baldwin said he believes he is correct.

Commissioner Sessions said it is his understanding that it will take place on May 16th at St. Mark Missionary Baptist Church.

Commissioner Sessions said he is getting a lot of calls from businesses that are suffering desperately in light of these economic times. They are getting a lot of not business friendly type of responses from their Code Enforcement. In some instances, Code Enforcement is just enforcing policy the Commission created. But at any rate, these businesses are suffering and they don't have the ability to advertise their businesses that may be hidden by way of temporary **signage**. In some cases, that is all they are wanting. Businesses are suffering, and they are asking and pleading with the City government to work with them and try to make this transition he prays will improve soon. But in the meantime, they need to revisit their sign ordinances with regards to a lot of signs where their businesses are suffering because they don't have the ability to advertise.

Mayor Benton said a handful of residents came to him when he was in Jaycee Park the other day riding his bike by. There were some complaints about the ability for local folks to use their park. It appears Jaycee Park must be booked for probably most of the summer. A lot of the people who are booking their parks are from out of not only Fort Pierce, but out of St. Lucie County. In other places they are having to pay for the parks, so they are coming here because their parks are nicer and are free.

Commissioner Coke said they are not free.

Mayor Benton said basically free. Maybe they should be looking at in the future fees specifically for out of county folks. Maybe they could have something brought in front of them with some fees.

Commissioner Coke asked about a year and a half ago, didn't the City Clerk do a study? Because the City was charging nothing. They did a study of how other cities charged their residents.

City Clerk Steele said when that function was in the City Clerk's Office, they brought it forth and the Commission did allow them to impose certain fees, rental of the pavilions and things like that. That function is no longer in her office, it is down at the Community Center.

Mayor Benton said maybe the numbers need to be adjusted. They can take a look at what other areas are charging. But they are still coming here and Fort Pierce residents are not being able to use their own parks as much as they would like to.

Commissioner Becht asked didn't they have a Citizens Parks Advisory Committee or something?

City Clerk Steele said yes. They are particularly looking into the ordinances and the rules for parks

Commissioner Becht asked why burn Staff time and money if they can get the volunteers to do it for free?

Mayor Benton said maybe they could task them at their next meeting to look into it.

Commissioner Becht said that is a good idea.

There being no further business, Mayor Benton declared the meeting adjourned at 8:50 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER