

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 7, 2007.

Mayor Benton called the meeting to order.

Reverend Todd Smith, Common Ground Ministries, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approve Minutes of the Special City Commission Meeting on April 13, 2007 and the Regular City Commission Meeting on April 16, 2007.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Special meeting on April 13, 2007 and the Minutes of the Regular Meeting on April 16, 2006.

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

Mayor Benton presented a proclamation in honor of Fort Pierce **Police Officer Kenneth Bloomfield** upon his retirement after more than 25 years of service.

Mayor Benton thanked Police Officer Kenneth Bloomfield for making Fort Pierce a safer place. This is the third fellow student he went to school with who has retired in the last year. They are going to miss him but they wish him the best.

Chief of Police Sean Baldwin said he thanks the Mayor and Commissioners for the opportunity to honor one of their officers that is retiring with over 25 years of service. He thinks this is happening too much lately, as he is appearing before them with one of these plaques. Officer Bloomfield has dedicated more than 25 years of his life to service for the citizens of Fort Pierce and he has done so absolutely honorably. He came on board on October 19, 1981, as a trainee. During that time he has survived six Chiefs, that is quite an accomplishment. He has also been through some tragedy. He has seen three of his fellow officers die in the line of duty and suffered the pains of going through that. Through his experience, he has helped them all at the Police Department. He has helped him personally. He thinks the very first day that he was assigned as a Sergeant, Officer Bloomfield came to his rescue over the phone one day when he did something he probably shouldn't have been doing on the radio and he helped him out. He has served as a motor officer and he has the scars to prove it. He served as a DARE Officer, a Detective, and has earned the rank of Master Patrol Officer. Something he is probably even more proud of today is that he has now earned the title of retired Master Patrol Officer. He has an earned reputation of being a mentor to the younger officers.

He thinks everybody is going to always remember him for that. He has touched every new officer as they have come through the doors at the Police Department and really sort of taken care of them once they hit the streets on their own. That is something that is just immeasurably invaluable. He has also gained a reputation as a trustworthy leader on his shift. He often fills in for Supervisors and helps his Supervisors when things get busy. He knows he has heard from several of his Supervisors in the last few months that they are truly going to miss Officer Bloomfield. However, true to

form and with his huge heart, he has agreed to stay on with them as a Reserve Officer. So now they will get the pleasure of all that experience for absolutely nothing. They probably won't get the 50 hours a week they have been getting out of him for the last 25 years.

He thinks his wife Sheila is probably going to take up some of that time. Just to sort of memorialize his service, they have a plaque for Officer Bloomfield and the coveted retirement badge and I.D. He is sure he will make use of that even though he is going to be a Reserve Officer for a while. They thank Officer Bloomfield for his service.

Fort Pierce Police **Officer Kenneth Bloomfield** said he just wants to thank the City for giving him an opportunity to serve. He has had a great career and he has enjoyed working for them.

Mayor Benton presented a proclamation for **Chaney's House O'Flowers**.

Ms. Jill Powers was present to receive the proclamation.

Ms. Jill Powers said on behalf of her wonderful Chaney's team and all the previous Chaney's owners, she would like to thank them. She feels very fortunate and really considers it an honor and a privilege to be part of the heritage of Fort Pierce. It is absolutely a wonderful experience. They are very happy here and plan to be here for a long time, continuing in the tradition.

The next item on the Agenda was Public Hearing on Application for **Site Plan** Review submitted by MKBN Hospitality LLC for construction of a **Country Inn & Suites**, a 5-story 55-room hotel to be located at the southwest corner of Crossroads Parkway and Wheeler Terrace at **2415 Crossroads Parkway**; said property zoned C-3, General Commercial Zone.

Mr. Paul Williams, Urban Forester, said tonight they have an applicant who is requesting a site plan approval for the construction of a Country Inn & Suites, which would be a 5-story, 55-room hotel with a single building that is approximately 58 feet in height. (Mr. Williams displayed slides.) The building will front Crossroads Parkway; and will include a lobby area, indoor swimming pool, and support spaces for all the additional parking. The proposed hotel will occupy the northern portion of a property on which an existing Sleep Inn occupies the southern portion. Here is a rendering of the exterior. The proposed site is zoned C-3, General Commercial Zone. The surrounding property is also all C-3. The proposed hotel will be constructed adjacent to the existing Sleep Inn. The property cannot be divided, so this will be one ownership. Access will be from a single entrance that will be shared by both hotels located on Crossroads Parkway. The property to the south has a vacant restaurant. The property to the north is vacant. The site has vacant property to the west. And to the east is the Furniture Mart.

The original landscape plan had 21 new trees along with 17 additional trees. It was discussed at the Planning Board. At that meeting they recommended a 5% increase which has been done and the new amount of trees will be 56. Hedges will be along all parking areas and landscape strips. The refuse collection areas will be screened and the backflow preventors will also be screened as per code. The landscaping has been revised per Planning Board recommendation to increase the total number of trees by 5% and these trees are Tabebuia trees. A Traffic Impact Study accounting for the development of the entire 2.5 acre parcel conducted by Kimley-Horn and Associates, Inc. was provided. Future traffic conditions indicated by the traffic study indicate that the trips generated by the proposed

development would not exceed the capacity of the surrounding roadways. All affected Departments have approved the Site Plan based on meeting requirements of the code. And on April 10, 2007, the City Planning Board voted to recommend approval of the Site Plan with the condition that the applicant add 5% more landscaping, which has been done.

Commissioner Becht asked did they ever figure out if this is an indoor pool or an outdoor pool?

Mr. Williams said this is an indoor pool. They will not be sharing the existing pool that is at the current facility. They are building an entire indoor swimming pool.

Commissioner Nelson said he notes there is a difference in the house numbers of these buildings. He sees on one instance they are talking about 2415 Okeechobee Road on the Agenda and 2715 Okeechobee Road in the Staff Report and on the Planning Board's report. What is the proper number for that facility, 2415 or 2715? It can't be in two places is what he is saying.

Mr. Williams said no, it can't. He will look that up for him because he did not memorize that tonight.

City Clerk Steele said she can probably answer that for them. The 2715 Crossroads Parkway is where the existing hotel is and that is their mailing address. There is nothing there, but the new one is 2415 Crossroads Parkway.

Mr. Peter Buchwald, Zoning Administrator, said Ms. Steele is correct.

Commissioner Nelson asked the site is in fact 2415 Crossroads Parkway?

Mr. Buchwald said the new hotel will be addressed as 2415 Crossroads Parkway. The existing hotel is 2715 Crossroads Parkway.

Commissioner Nelson said that is fine. He just wants to make sure they don't approve the wrong thing.

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

Mr. Aaron Bowles, MBV Engineering, Inc., said they had worked with staff to address Planning Board comments and he thinks they have pretty much covered everything that he can remember as well. They are here to simply answer any questions the Commissioners may have.

Commissioner Becht asked when does he expect to break ground?

Mr. Bowles said they currently have bids. They are waiting for some final numbers. He is guessing within three to four months.

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

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to approve the Site Plan for Country Inn & Suites to be located at the southwest corner of Crossroads Parkway and Wheeler Terrace at 2415 Crossroads Parkway.

Mayor Benton said he thanks the applicant for throwing in the Tabebuia trees. For anyone who doesn't know, those are the beautiful gold trees that have been blooming for the last month. Those sort of add something to Fort Pierce. He doesn't know of any other community that has Tabebuia trees like Fort Pierce does. They can thank Marcus Giger for that. (NOTE: Mr. Giger was a Superintendent of the St. Lucie County Parks Department in the 1960's.)

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

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Creekside 8 LLC for construction of The Shoppes at Five Mile Creek, a retail/office and restaurant complex to be located on the south side of Okeechobee Road adjoining to the west of 5-Mile Creek at 4603 Okeechobee Road; said property zoned C-3, General Commercial Zone.

Mr. David Carlin, Development Review Planner, said the applicant is requesting Site Plan approval to construct an office/retail complex consisting of three buildings plus a restaurant located on the south side of Okeechobee Road west of Five Mile Creek. The Site Plan was previously approved by the Commission on May 2, 2005. However, since no construction has taken place within 12 months of the Site Plan approval, the Site Plan has expired. The applicant is before the Commission again this evening. (Mr. Carlin displayed slides.) The overall site layout and square footage contained on the original Site Plan remains the same. The 6.09 acre property is vacant and zoned C-3, General Commercial Zone, with a Future Land Use of CG, Commercial General. The property to the north is zoned C-3, General Commercial Zone, and occupied by Applebee's, Tractor Supply Company, and a Hess gasoline station. The property to the northeast of the subject parcel is located in unincorporated St. Lucie County. The property to the southeast is vacant and zoned C-3, General Commercial. The property to the south and west of the proposed development is also C-3 and is used by IRCC as a training facility for law enforcement. The proposed land use is consistent with the surrounding land uses. Access to the development will consist of a single driveway entrance located on the south side of Okeechobee Road. Adequate driveway spacing and corner clearance exists for this entrance in accordance with the code. Due to a median that separates the eastbound and westbound traffic along Okeechobee Road, vehicles entering or leaving the development will be limited to right-in, right-out turning movements. In addition, a deceleration lane will also be constructed to help improve traffic flow into the development. A total of four buildings will be constructed on the property and will contain a total of 56,220 square feet of floor space. The restaurant will be occupied by the Quarterdeck and will be situated at the front of the parcel along Okeechobee Road. The building will contain 5,175 square feet of floor space and extend to a height of 18 feet. Building A will be used exclusively for retail operations and contains 6,000 square feet of floor space. Building B will be located at the rear of the property and will contain 9,495 square feet of floor space and will consist of both office and retail operations. Building C will be located at the rear of the property and will contain 18,310 square feet of floor space and will also have both the office and retail use. This two-story building will extend to a height of 34 feet.

Due to the different parking requirements for office and retail uses in the City Code, future expansion of retail operations will be limited. Landscaping will consist of adding 219 trees within

the development and will also consist of providing hedges in all parking areas and the appropriate landscaping strips around the perimeter. In addition, all refuse collection areas and backflow preventors will be screened in accordance to the Code. Sidewalks will also be constructed along the frontage of Okeechobee Road. In addition, as of today the applicant's representative has indicated that the applicant has agreed to providing a pedestrian easement along the west side of Five Mile Creek for future pedestrian connectivity. The Traffic Study conducted by Pinder & Troutman Consulting Inc. indicated that 3,981 trips will be generated by the proposed development and of those, 195 would be AM peak hour trips and 424 PM peak hour trips. The report also specified that Okeechobee Road operates at a Level of Service B east of I-95 and a Level of Service C west of I-95. The traffic report did specify that the roadway links surrounding the site are projected to operate at acceptable levels with the proposed development. All affected Departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the City Code. At the April 10th Planning Board meeting, the members recommended approval of the Site Plan. As the proposed Site Plan meets requirements of the City Code, Staff also recommends approval.

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

Mr. Troy Holloway, Gentile, Holloway, O'Mahoney, & Associates, Inc., said he really has nothing further to add. He thinks Staff pretty well covered everything in the report. They have been working with Staff now for four or five months in trying to get this Site Plan re-established, as it did expire he thinks back in May of 2006.

Commissioner Becht said he would like to thank Mr. Holloway for working with Staff on the pedestrian easement. He thinks in the end it may be a significant enhancement to their property. He appreciates his working with staff.

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve the Site Plan submitted by Creekside 8 LLC for construction of The Shoppes at 5 Mile Creek, a retail/office and restaurant complex on the south side of Okeechobee Road adjoining to the west of Five Mile Creek at 4603 Okeechobee Road .

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

Ordinance No. K-467 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTION 23-37(4)a; SETTING OUT PROCEDURE FOR NOTIFICATION REGARDING DESIGNATION OF **HISTORIC SITES OR HISTORIC DISTRICTS**; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Ms. Kia Powers, Historic Preservation Officer, said if the Commission has any questions to address, she is here and available. At the January 16th Commission meeting, the Commission had asked Staff to change the proposed ordinance that was previously presented to provide at least 30 days of notice to owners of property proposed for historic designation. This amendment was made and has been approved and reviewed by the Florida Division of Historic Resources.

Commissioner Nelson said in Paragraph 4 of Section 1, it says they are going to notify all property owners of record whose property is located within the boundaries... Is there a specific size to the area of boundary and to what extent would they be addressing the issue of a wide vast number of people in the boundary?

Ms. Powers said that would be presented to them should it have been designated as a Historic District. The boundaries for a district are much larger than would be just a regular parcel boundary. So it would be presented to them if they were to present a new Historic District for designation to this Commission.

Commissioner Nelson said what he is getting at is, take for example Edgertown down there, a fairly compact area, and conceivably could be considered a Historic District; but then it might go beyond that or it could be less than that. Do they have a program where they notify all of the people regardless of the size of the district, or what?

Ms. Powers said they would notify all the property owners whose property is located within that boundary for that proposed Historic District.

Commissioner Nelson said let him try it another way. How do they define the district or boundary?

Ms. Powers said the Historic Preservation Board would provide a recommendation of boundary lines to this Commission for designation of the district.

Commissioner Nelson said all right. But it is not automatic though, they have to define it?

Ms. Powers said it would be defined by streets, and meets and bounds of the legal description.

Commissioner Nelson said her first answer was better because the Historic Preservation Board will in fact say that they want to have this as a Historic District and these are the boundaries.

Ms. Powers said correct.

Commissioner Nelson said once that comes to the Commission and they say okay, that is fine; and they go back and send letters out to people in that district in that boundary area.

Ms. Powers said the notification would be provided to the property owners prior to it going before the Historic Preservation Board to make a recommendation to the Commission.

Commissioner Nelson said what he is trying to make sure he doesn't run into is the fact that somebody living right across the street will say they didn't get notice, their property was included here and they didn't know anything about it, and they weren't notified.

Ms. Powers said all notification will be sent certified mail to all property owners located in the proposed boundaries.

Commissioner Nelson said okay. He has her word on that?

Ms. Powers said yes. If they adopt this ordinance, they definitely will.

Mayor Benton declared a Public Hearing on Ordinance No. K-467 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 Nelson, that Ordinance No. K-467 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-467 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-486 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE WEST SIDE OF SOUTH OCEAN DRIVE, KNOWN AS **RE-PLAT OF SURFSIDE PLAZA UNIT ONE, BLOCK 16, LOT 5**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Fred & Margaret Badaracco)

Ordinance No. K-487 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE WEST SIDE OF SOUTH OCEAN DRIVE, KNOWN AS **RE-PLAT OF SURFSIDE PLAZA UNIT ONE, BLOCK 16, LOT 9**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: FMB III LLC)

Ordinance No. K-488 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE SEVEN PARCELS OF APPROXIMATELY 46.93 ACRES LOCATED AT THE **SOUTHWEST CORNER OF HARTMAN ROAD AND WHITEWAY DAIRY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Hartman Road Project LLC)

Ordinance No. K-489 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **3201 MEMORY LANE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Florida Conference Association of Seventh Day Adventists)

Ordinance No. K-490 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **3080, 3098, & 3124 MCNEIL ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Armando & Anita Gil, Judge Black, and Lowell & Zenaida Sasser)

Commissioner Nelson said he is looking at this chart here on this screen here relative to the revenue for tax purposes and the population increase. What is missing there he thinks is the overall evaluation of the five properties involved, i.e. what generates this \$21,000 for tax purposes? When it comes down to assessing the value of the real estate in the City of Fort Pierce and these appraisers coming into town,

they are going to be looking at the total value of the properties they have. He thinks they are missing a little bit there, because if someone builds or has a \$2.5 million building over there, they consider that as their assets even though they don't own them, but for evaluation purposes of the value of Fort Pierce. So if they could in the future add that as another line it would be appreciated. This is very helpful here too because he knows his population has increased by five people. It isn't much, but it is a help. He appreciates that very much.

Ms. Erica Ehly, Comprehensive Planner, said Staff is prepared to discuss these individually if they wish. Do they have any questions?

Mayor Benton said he thinks they are good. As far as he is concerned, that is all he needs to see there.

Mayor Benton declared a Public Hearing on Ordinance Nos. K-486, K-487, K-488, K-489, and K-490 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Ordinance Nos. K-486, K-487, K-488, K-489, and K-490 be passed on first reading.

Those voting in favor of the passage of Ordinance Nos. K-486, K-487, K-488, K-489, and K-490 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-491 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A 10-FOOT ALLEYWAY WHICH RUNS NORTH/SOUTH FROM ATLANTIC AVENUE AND LIES BETWEEN SOUTH 32ND STREET AND SOUTH 33RD STREET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**" was placed on first reading and read by title only.

Mr. David Carlin, Development Review Planner, said the applicant is requesting that the City of Fort Pierce abandon a portion of City right-of-way that extends north from Atlantic Avenue and lies between South 32nd Street and South 33rd Street. The properties to the north, south, and west of the area to be abandoned are all zoned C-3, General Commercial. The alley has existed since 1926 and has never been opened. In addition, a study was conducted by the Department of Development back in 1994 which indicated that the City will not use this particular alleyway. No utilities are located in the alleyway from the Fort Pierce Utilities Authority or any other utilities. A similar 10-foot alley running east and west through this particular subdivision was also abandoned in earlier action by the City Commission. The applicant is prepared to compensate the City on a per square foot basis of the assessed value of the area to be vacated.

The amount of compensation proposed is \$4.00 per square foot. All affected Departments have reviewed the proposed abandonment and have approved the request. At their April 10, 2007 meeting, the Planning Board voted unanimously to recommend approval of the abandonment.

Based on no objections from any of the Departments, Staff also recommends approval of the abandonment.

Commissioner Nelson said this caught his eye because of a historical thing. Mr. Carlin mentioned that back in 1994 somebody conducted a study indicating the alleyway would not be used. He doesn't recall that because he wasn't here at the time, but it would have been helpful to have a citation as to who conducted that study. Everybody makes studies. The applicant, Mr. Miller, indicates that several years ago the lots that run east and west was abandoned for some reason.

He would like to know what was that reason? From the Staff's

standpoint, he thinks Staff could come up with and find out what was the reason, and whether or not the Commission agrees with that, and whether or not as they normally do they have their various Departments to include their organization called the UA to put in writing the fact of what they propose to do with those or whether they have an objection. Another key guy who plays a roll in this is the Engineering Department and they should go on record as indicating how they feel about this. They have had cases since he has been on this Commission where they abandoned some property and virtually gave it away at least on two occasions that he might recall and they came back and said let them put some City telephone poles or something on there and they said no. The City ends up buying it. They first gave the property and they came back buying it from them for an exorbitant price. They had a case down there where they are building the hotel, the Renaissance, property going through there. Prior to his day on the Port area the City sold some properties to some people at a real rock bottom price and now they are thinking about buying it back. As they buy it back, the price they are going to buy it back from them is five or six times what they paid for it. So he would like to have some level of accountability with respect to who is making these concessions and let them be accountable for it. Certainly every Commission has its own right to do certain things. But to have the developer or the owner or the petitioner say some study was made off hand and they don't know what the reason was. They need to know. The record should indicate the reasons.

The City should get maximum dollar if appropriate from those sale of lands that are entrusted to them to be stewards for. Did they do any research to determine this, that the various departments - the UA, the Engineer and all that stuff - did they give hard copy evidence of their stand on these issues?

Mr. Peter Buchwald, Zoning Administrator, said yes, as part of the process. This applicant applied last year. They distributed the application to all the City Departments asking for comments regarding the abandonment. That includes the FPUA and the City Engineer. And none of those Departments objected to the abandonment. There are no utilities in the area of the abandonment. In addition, this alleyway study that was conducted in 1994 was conducted by the City itself, City Staff conducted that alleyway study, and determined that the City is not going to use this alleyway; and Staff still agrees with that report that was done in 1994, this alleyway is of no use to the City. The previous alley that was abandoned by the City was conducted in a similar fashion where it was approved by both the Planning Board and the City Commission to be abandoned. Finally, the applicant is not proposing it be abandoned for free, but is proposing \$4.00 a square foot to be reimbursed to the City for this abandonment.

Commissioner Nelson asked the applicant is deciding what he wants to give the City for the land as opposed to the City is saying the land is worth x-number of dollars? Is that consistent with the horse trading effort they are accustomed to in these days? For example, take the one down there with the Renaissance where the land ran right through that property down there. He thinks they got an appraisal for it and came up with a fair assessed value on that. Did they entertain the idea of possibly having that appraised?

Mr. Buchwald said they have appraised it at the assessed value; and it is \$4.00 per square foot of what it is currently assessed.

Commissioner Nelson asked who appraised that?

Mr. Buchwald said the property tax records. The applicant is proposing to reimburse the City \$4.00 per square foot based on the assessed value on the property tax records.

Commissioner Nelson said he doesn't understand who is making the appraisal and who is recommending it.

Mr. Buchwald said it is based on the assessed value by the County who assesses all of the properties within the City. St. Lucie County assesses those properties, the Property Appraiser's Office. They are willing to reimburse the City \$4.00 on what the property is currently assessed at. That is an appropriate starting point for reimbursement for this property.

Commissioner Nelson said that might be an appropriate starting point. But when he sells property - and he has sold a little bit in the few years he has been on this earth and he has bought some too - he doesn't like to listen to the assessed value from the Property Appraiser when he is selling. But when he is buying, then it is a different story. They might need an independent appraiser, because the appraiser who does it then is working in a sense for him and he may give him a higher price. Did they consider appraising this property from an independent source?

Mr. Buchwald said no, they did not. Then the question he would have is, who would pay for that appraisal?

Commissioner Nelson said that is a nebulous question. Who pays for all the appraisals they get?

City Manager Beach said the item presented to the Commission this evening comes with a recommendation from Staff. They can accept or reject those recommendations or place additional conditions on it. The recommendation to the Commission is that they abandon this alley and that they accept the \$4.00 per square foot price that has been offered on it. They are not required to do that. They can simply say they are willing to abandon it, but they want the appraised value for it; and then Staff will take the steps to cause that to occur.

Commissioner Nelson said those are his thoughts too. He loves his Property Appraiser and Tax Collector, they are fine fellows. But he is trying to do his best with the taxpayer's money and be fair about the applicant's efforts. But he is only one person. He hopes they all recognize what he is saying relative to the two properties he mentioned on the waterfront as well as the property down by the Renaissance and the property they gave away there on Dundas Court, he believe it was. Some of them might not have been here at the time.

Commissioner Becht said just a couple of follow-up points on that. The applicant is proposing \$4.00 a square foot which translates to roughly \$175,000 an acre for property out in this area. So the City is going to pick that up. If they sell this land at that price, he thinks they all bring a fair amount of common sense to this and they do see what property is trading for. So he is not sure he needs \$1,000 or \$1,500 appraisal to tell him what this is worth. The situation with the downtown property he thinks was entirely different. If they follow through with the abandonment, they are going to put property on the tax rolls that isn't currently on the tax rolls. All the Departments have signed off. He likes Commissioner Nelson's point about having the Departments to sign

off, not with an e-mail but with a handwritten sign off, so they can trace back to which person with which Department signed it off.

Mr. Buchwald may have that material, but he does not have it in his packet. In the material that they were provided the applicant has said this is going to allow a project to go forward that will allow for a larger building to be built on the combined parcels that would not otherwise be possible. This is something that he thinks benefits them overall in a tax roll sense. And it also benefits them in terms of density and everything else; so instead of having two developments, they are going to have one larger easier to control development. So he is in favor of allowing this to proceed. Staff verified that the Departments have signed off.

Commissioner Alexander said that was his same sentiment about that property be coming now on the tax roll. So from January 1st until whenever, it would be taxes being paid on that. So it doesn't just stop at the \$4.00 a square foot, it will continue year after year.

Mayor Benton said this was an alleyway that he doesn't believe has ever been used by the City. Mr. Miller has probably maintained this for years. It is something that they can't very well ask Public Works which they should have been doing is mowing that land. Luckily nobody has gotten hurt. But he thinks it is a fair price for the property.

Mayor Benton declared a Public Hearing on Ordinance No. K-491 in session and asked if anyone in the audience wished to be heard.

Mr. Frank Fee said he is the attorney for the petitioner. He has offices at 500 Virginia Avenue here in Fort Pierce. Frankly, he was going to petition them that it might be appropriate to do this without any thought of consideration. The fact of the matter is, this is a special use property. It is a super-easement. It is not owned in fee, it is not marketable in the ordinary course by anybody as it lays out a 10 foot strip. In fact, the property has been rezoned to commercial use, not by this Commission, but an earlier Commission.

When the plat itself was laid out, it was clearly laid out as a residential configuration type plat. The alleys were to provide access for garbage pick-up and to the residents and also utility service. They propose planning for a consistent unitary commercial development at this location. Mr. Miller owns all the property that has been configured and the balance of the property has been developed commercially. Under the circumstances, they think really the consideration flowing to the City would be an enhancement of the tax base in future payment of taxes for unified commercial development at this location. However, he knows how the recommendation of Staff has come to the Commission. They did propose that sum of money that is on the table. They had proposed that in thoughts that this could be handled very quickly and they can move on down the road. They have been at this now for some time. If it must be with the payment, they will certainly go for that.

Commissioner Nelson asked is he Speedy Fee?

Mr. Fee said he is.

Commissioner Nelson said he has nothing but the fondest of memories of him. Mr. Fee can be accredited with assisting the City of Fort Pierce with the clarification of ownership of the property on 25th Street from Avenue Q down to Avenue E.

Mr. Fee said he recalls that.

Commissioner Nelson said they appreciate that very much, so he will say it publicly. Of course, when he has that type of track record of working with the City of Fort Pierce, and now Mr. Fee is working for this program here, he has almost persuaded him to vote in his favor.

Mr. Fee said he doesn't think Mr. Miller has done a darn thing bad for the City of Fort Pierce. He thinks they will agree with him.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Ordinance No. K-491 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-491 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Richard Gilbert, Mid South Acquisitions, LLC, request one year extension of **Site Plan** for **Palmetto Office Park** to be located on Okeechobee Road at South 31st Street.

Mr. Johnathan Ferguson said he is with the Law Firm of Ruden McClosky. He is here on behalf of Mr. Richard Gilbert who is the principal who received a Site Plan approval almost a year ago for an office project located on Okeechobee Road. Per City Staff report, Staff is recommending a six-month extension of the Site Plan. The land development code does not provide for a time frame for extensions, it leaves it open and up to the discretion of the Commission. They would respectfully request a 12-month extension. Such as the times of development, the applicant is trying to determine what the ultimate use of the building will be - he is running into a little bit of a problem there - and that will then drive the permitting in the final building plans for the project. So they would request to have ample opportunity and they not have to come back six months from now to ask for another month or two months or three months, but simply have 12 months in which to get it all accomplished.

Mayor Benton said he hates to put him on the spot. But isn't this the Site Plan that the Commission approved and it wasn't a week later where a sign went up - For Sale with Site Plan approval?

Mr. Ferguson said which is typical in the business. They have the option to develop themselves if they can find tenants who are willing to move in. They also have the option to sell it to a prospective builder. He thinks that is standard. He thinks they will probably find every project they approve is available for sale to the right party under the right terms. They use that sign primarily to advertise the fact that there is an approved project there and there is a building there. It generates interest. If they notice, the sign did have a nice rendering of the proposed project, so it serves a dual purpose. If there is a prospective buyer, they would certainly sell it. If not, they will develop it themselves and put tenants in there. So they have their options open.

Commissioner Becht said he remembers this coming through. He does not remember whether they extracted any concessions out of the owner, applicant, developer; or whether by Code they are required to give

the City any right-of-way or money for the parks fund or anything like that. Does Mr. Ferguson recall? He thought this was one of those that they got some money for the parks fund, if he is not mistaken.

Mr. Peter Buchwald, Zoning Administrator, said as part of the approval, the conditions included the contribution for Art in Public Places, a contribution for parks and recreation, and included the use of Washingtonian palms.

Commissioner Becht asked was there a dollar figure attached to the Art in Public Places?

Mr. Matthew Margotta, Director of Planning, said it is a percentage. It is based on the value of the development. It is a percentage that gets sent toward Art in Public Places. He believes it is 1%.

Commissioner Becht said he thinks he has a different attitude toward Mr. Ferguson coming in and his client paying money to architects and engineers and himself to get development permits, which are valuable. If he wants to sell them, then he thinks he should be able to sell them. But if he wants this extended, he would like for the City at least to at least reap what was negotiated or what was required by code within 30 days of tonight. So if there is a dollar figure for the Art in Public Places... What was the other thing?

Mr. Margotta said the Washingtonian palms.

Commissioner Becht said that will happen if it is ever built. But the Art in Public Places and the recreation fund.

Mr. Buchwald said after reviewing the Minutes (May 15, 2006), he does not see a specific dollar figure. And there wasn't one in the motion for the contribution to Art in Public Places.

Commissioner Becht asked there is no right-of-way that is going to be required incident to development or anything like that?

Mr. Margotta said no.

Commissioner Becht asked no pedestrian easement they can get out of him tonight?

Mr. Margotta said given the location, he doesn't think so.

Mayor Benton said they need some lights for that Skateboard Park.

Commissioner Becht said his headache is that there has been very little activity toward making this turn into concrete. If they are going to extend this for another six months or a year...

Mr. Ferguson said the City Code doesn't provide a whole lot of guidance as to the grounds for an extension other than it not harm the public and its basic general welfare. He thinks their position is, they have an approved project. There is a certain effort in getting that approval. The Commission's options obviously are to deny the request and it then returns it back to raw land. If it is to be developed, that would simply extend it out further to no benefit to the City.

Their thought is, given the market conditions today which is a reality and something that everyone has to deal with, they obviously will understand that if they get for example 12 months, that they

are going to have to push even harder to have something coming out of the ground. So he doesn't see where the City is any worse off if they give them another 12 months to get something coming up out of the ground versus a shorter time frame which they may or may not then come back and they will be sort of discussing the same issues as to whether or not it is in the benefit of the City to give them another short extension, or just give them 12 months and they either do or die in that time frame.

Commissioner Becht said what he is looking at is not the City being any worse off, but whether he can make the City better. He is wondering if they were able to give them 12 months, if the applicant would be willing to pay all or part of the 1% toward the Art in Public Places.

Mr. Ferguson said he was not part of the project when it came through the first time, but his understanding is the 1% is based on the value of the building that gets permitted. If there is a number, he could certainly ask the client if he would be agreeable to that.

Mr. Margotta said a dollar amount is usually specified. It is generally around 1% of the value of the project, the finished product of not only the building but the site, the amount of work done. He hasn't used one of these before except when there was an exact amount that was specified. Not having it specified, it is a little confusing for him.

Mr. Buchwald said in the absence of a specified value from the last meeting when it was approved, Staff is recommending it be 1% of the assessed completed value of the improvements.

Mr. Margotta said which they establish when they send in a building permit application, which is for site work, the amount of the site work and the building permit itself.

Commissioner Becht asked do they have the legal ability to say they want \$5,000 toward that fee within the next 30 days to grant them an extension, and that would be applied against the 1% when and if the building is built?

Mr. Margotta said he believes so. It is any condition they are able to place on the development. They are actually making this part of the existing Site Plan approval. What they are doing is trying to specify it and get it done right now.

Commissioner Becht said what he is trying to do is get it now, what they thought was going to come in when the applicant came in with the nice plans and said they are going to proceed posthaste to build it. He recognizes the market has changed. Painfully he is aware that the market has changed. But if he could speed up the money coming into the City that they can do the things they need to do, then he has done his job; and the City is, as Mr. Ferguson said, no worse off, if he has done his job.

Commissioner Coke said she is going to point out a couple of things. She believes when they are talking about Art in Public Places contribution, that is something that is mandatory that would have happened anyway. She does not believe that there was any requirement or request of this applicant to make a donation to their parks. She thinks that was prior to them beginning to ask nicely for people to do that. So she thinks anything that is looking to be done in Art in Public Places would be done anyway. She has some concerns

with extending this out a year. She will respectfully disagree with Mr. Ferguson when he talked about putting up the sign - For Sale, Site Plan Approved - is a form of advertising. The Commission approves a lot of Site Plans and most of the time they have beautiful renditions with office building coming up, office space for rent, hotels, condos, all kinds of different things where they will advertise - Coming Soon. They do not, five days after this Commission gives Site Plan approval, go out and put up a huge sign that says, For Sale - Site Plan Approved. So she thinks his client took this one step beyond looking to advertise his project and actually is looking to utilize... Granted, he has put time, effort, and work into this. But she is sure City Staff has also. But what is happening here is, he is utilizing City approval to improve the value of his property. He hasn't been able to sell it in 12 months. According to what she reads from Staff, the applicant has not made any significant progress in moving forward and getting plans submitted or anything else. So she is very reluctant to go out another year with this. The Utilities Authority makes their plans, everybody makes their plans based on what is going on here. And she doesn't want to see the City be utilized as a venue to improve the value of someone's property and enable them to make more money. She would love to give him an extension and have him build the project. The old saying - if you build it, they will come. Well, if they don't build it, she will guarantee they won't come. So she for one feels they haven't gotten any concessions from this applicant regarding their parks and recreation. Art in Public Places is something that would have to be given anyway by statute. She is not going to support anything longer than six months.

Commissioner Nelson said he sort of feels for both the comments made by Commissioner Becht and Commissioner Coke. He would be calling on the lawyer relative to the dictates as required by the code as far as extracting additional concessions from the petitioner if they are not dealing with a conditional use type thing where they have some discretion. He doesn't want the Commission to fall into an area of doing something beyond what the Code requires them to do.

They definitely need these types of contributions to various programs they have going on in the City. Where they can, they certainly would like to have the petitioners or developers pay it; but they don't want to go through a case of extortion. When they have these various plans go before their various boards and committees, a considerable amount of time and effort goes into that review process. That should be recouped in some way, form, or fashion. They should not be out there allowing them to use the City as an advertising media to enhance their ability to sell that property to some other client and flip it or whatever the case may be. He would call on the City Attorney to respond relative to the City's ability to extract additional concessions of any sort as defined by the Code if he could.

Commissioner Becht said he is not sure that the question has been properly phrased to Mr. Schwerer. They are not extracting additional concessions from this developer. All they are doing is, if the applicant had proceeded and built it within the time limit of the Site Plan, these monies would be received by the City by now. So they are not extracting anything more or less than they would have gotten had the developer followed through with the project. What they are doing is, they are getting what they would have otherwise gotten within the next 30 days rather than waiting another six months or another year to get it. So it is not an extraction. He thinks that is an important point. He just wanted to clarify perhaps for Commissioner Nelson's benefit that they are not asking anything

additional. What he is saying is, they came to the Commission and asked for permission to build this thing. The Commission said they can build it; but if they are going to build it, then the City is going to get these things. Now the applicant is coming back and saying he doesn't want to build it right now, he wants to wait another year to build it, and the City had programmed to receive monies for parks and recreation and for the Art in Public Places, which they are not going to get now and they are being asked to wait a year to get it. What he is suggesting is that they can prepay, because he is going to get credit for it on the back end when he builds it.

So they have a couple of things happening. The City is going to get the money donated to them; or if they decide they don't want to donate and prepay the money now, they are going to get to test his seriousness about proceeding with the project in the next six months or twelve months.

Commissioner Nelson said let him see can he get the lawyer to sort of interpret what he wanted and what Commissioner Becht said.

City Attorney Robert Schwerer said he thanks him for crediting him with being a mind reader, but as to what is in each of their thoughts, let him say this. He would ask the Commission to exercise some caution when trying to predicate payments to the City based on some assumed future value. That is always difficult to do. Because even though Site Plan approval has been granted and this is a wonderful project, it is a paper project; and even the Property Appraiser and the Tax Collector cannot increase the value of the property based on that paper Site Plan, it has to be actually a project that is in the works. In that respect he would ask the Commission to proceed cautiously. The second part of his response would be, can he perhaps have this more in the form of a motion? If they are looking to have him prepay something that he would have already paid had this development been underway that is not otherwise based on some speculative value, then certainly he thinks that might be within the realm of the Commission to ask for, based on the Code they have for extensions. But if it involves some speculation as to value, then it is very difficult to say that they have standards in place to do that with. If it is something they can clearly calculate and it is easily calculable for purposes of tonight's approval, then let him hear their motion, and they will go from there.

Commissioner Nelson said he is satisfied.

Mr. Ferguson said the only point he might like to make is if they do determine that there is some dollar amount that Mr. Schwerer is comfortable with that they would ask for a prepayment, that there be a provision for a refund in the event they let the Site Plan lapse.

Commissioner Nelson asked does he mean to say he spent Staff time reviewing this thing and since he didn't even go through what he said he was going to do, he wants them to give his money back or at least a portion of it?

Mr. Ferguson said if Commissioner Nelson feels City Staff needs to be compensated for reviewing requests for extensions, that is something they can certainly adopt.

Commissioner Nelson said no, he is not talking about merely an extension. He is talking about review the first time, the whole process.

Mr. Ferguson said the City would have received application fees for the review of that.

Commissioner Nelson asked did they pay for that already?

Mayor Benton said when they come in, they pay a fee.
Commissioner Coke said now she really has some serious doubts.

Mayor Benton said he thinks they have a difference of opinions here.

Commissioner Coke said she would have gone with Commissioner Becht with the theory of prepay the Art in Public Places and give them the extension. But looking for a refund if it is not built leads her to doubt whether or not there is any intention at this juncture in time in building it.

Mr. Ferguson asked could he add just one comment since they are trying to reach a compromise here? All things considered, if they made a prepayment of some amount that was non-refundable, a good faith payment, could they then request at least 12 months so they have a clear opportunity to either go forward with the project or it dies? And for the privilege of that 12 months, they pay \$5,000 which would then get applied when it goes forward?

Commissioner Becht asked is that a proposal from him on behalf of the applicant?

Mr. Ferguson said that is a proposal. If he has 30 days in which to make that payment, he can then decide whether or not...

Commissioner Becht said the City Attorney is much more comfortable when Mr. Ferguson makes the proposal than when he requests something specific from him.

Mr. Ferguson said then let him try to frame a very specific proposal for their consideration. The applicant would make a \$5,000 payment within the next 30 days that would be a credit against the future Art in Public Places payment, which they have been advised is 1% of the building value, and they would get a 12-month extension in which to move forward with the Site Plan from May 15, 2007, which is the expiration date of the original Site Plan.

Mayor Benton asked does Mr. Schwerer feel comfortable with that?

City Attorney Schwerer said that is Mr. Ferguson's proposal and that is the number that is suggested by Mr. Ferguson. That is not speculation. That is what he is proposing.

Commissioner Nelson said that is acceptable to him.

Commissioner Becht asked the building proposed is 55,000 square feet, if he is not mistaken? At \$100 per square foot, they are looking at like \$5 million worth of building. 1% of that is...

Mr. Ferguson said \$50,000 or thereabouts.

Commissioner Becht asked where does the 1% come from though?

Mr. Margotta said actually that is a clarification he needs to make. He believes that the Art in Public Places was brought out when this development was being approved because it was a matter of discussion

at the time. Their Code talks about Art in Public Places being 1% of the value of public projects. This is not a public project.

City Manager Beach said that is the City's ordinance and it relates to public improvements, street improvements, and things of that nature. He is assuming that 1% for discussion purposes came from that concept.

Commissioner Nelson asked so if the \$5,000 is more or less in compliance with the Code of Ordinances and acceptable to the Commission, they could make it work?

Commissioner Becht said the \$5,000 is less than what Staff is anticipating coming in. The proposal made by Mr. Ferguson was the Art in Public Places obligation. He doesn't know if they should expand that to Art in Public Places and/or parks and recreation.

Mr. Ferguson said he thinks the Commission has the discretion to do whatever they want with the money. It sounds like it was not a Code requirement, but simply something that was negotiated with the applicant. Whether they put it toward parks or Art in Public Places - and he will defer to Mr. Schwerer - but he thinks that is probably within the Commission's discretion.

Commissioner Becht asked does Mr. Ferguson care? Is his point.

Mr. Ferguson said he doesn't care, as long as they get credit for it.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to accept the proposal made by the applicant - Mid South Acquisitions LLC - to make a \$5,000 payment within the next 30 days that would be a credit against the future Art in Public Places payment, which they have been advised is 1% of the building value, and approve a 12-month extension in which to move forward with the Site Plan for Palmetto Office Park from May 15, 2007, which is the expiration date of the original Site Plan.

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

City Clerk Steele introduced the following resolution by title only:
RESOLUTION NO. 07-27

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **ASHLEY E. RECOR** TO THE **SUNRISE THEATRE ADVISORY BOARD**.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 07-27 be adopted.

Those voting in favor of the adoption of Resolution No. 07-27 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-28

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING **212 SOUTH 7TH STREET** AS A **HISTORIC PROPERTY** AND A **LOCALLY SIGNIFICANT SITE.**"

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 07-28 be adopted.

Those voting in favor of the adoption of Resolution No. 07-28 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-29

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE JOINT RIGHT-OF-WAY MAINTENANCE OF CERTAIN LIMITS OF **STATE ROAD A-1-A FROM THE EAST END OF THE SOUTH BRIDGE TO BAYSHORE DRIVE**, AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 07-29 be adopted.

Those voting in favor of the adoption of Resolution No. 07-29 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said he has a request and maybe Paul Williams can help him out with this. Being in the business and noticing the first phase of the **A-1-A Project**, if they could ask FDOT (Florida Department of Transportation) when they do the landscaping to spend a little bit more time and effort in putting matting down. Because within weeks or a few months the grass is grown through so bad that it just takes tons of time and lots of Roundup. This happened along U.S. #1 in the median. He is sure Mr. Williams knows what he is talking about. That matting might take a few minutes more putting it down originally, but it will cut down on probably 90% of the weeds and that maintenance. And Roundup is getting expensive in spraying it and there are issues with it. Can they put that in as a recommendation?

Mr. Paul Williams, Urban Forester, said he totally agrees with Mayor Benton. But he will defer to the City Engineer because he has worked closely with him and he wants to make sure he is not stepping out of bounds.

Mr. Jack Andrews, City Engineer, said they will make sure that gets in there.

Mayor Benton said it wouldn't cost much. He has done it himself, it doesn't take much time. But it can cut down on a lot of maintenance costs in the future, especially for the first five years. Is everyone okay with that? (The Commissioners agreed.)

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-30

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE JOINT RIGHT-OF-WAY MAINTENANCE OF CERTAIN LIMITS OF **STATE ROAD A-1-A FROM BLUE HERON BOULEVARD TO**

GULFSTREAM AVENUE, AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.”

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 07-30 be adopted.

Those voting in favor of the adoption of Resolution No. 07-30 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-31

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FDOT (FLORIDA DEPARTMENT OF TRANSPORTATION) **FEDERAL HIGHWAY ADMINISTRATION EMERGENCY RELIEF REIMBURSEMENT AGREEMENT** ON BEHALF OF THE CITY OF FORT PIERCE, THE GOVERNING BODY; PROVIDING FOR AN EFFECTIVE DATE.”

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 07-31 be adopted.

Those voting in favor of the adoption of Resolution No. 07-31 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mayor Benton request discussion on the formation of a Youth Council.

Mayor Benton said he would like to get the blessing of this Commission to move forward with something like this. He has been for years trying to get the youth in this community involved in their future and in their government, trying to deal with high school kids. He is sure with the information that is here, they have seen how it has worked very well in other communities. He tried to do it through the school system and it just didn't work, so he would like to do something on their own. He would like for this Youth Council's recommendations to mean something. He would like to put something together in writing and bring it back to this Commission within 60 days.

Commissioner Coke said absolutely.

Commissioner Nelson said he is delighted that the Mayor is taking on this auspices of his great office and encourages him to proceed to a vigor. These are types of topics they have discussed at great length at the National League of Cities at least. He brought back information in the past which got no traction whatsoever. He will certainly be in support of Mayor Benton in this effort by bringing his attention to the fact that the National League of Cities is going to be held this year the 13th through the 17th of November in New Orleans, where they put on certain programs that enhances their children's efforts. He encourages the Mayor if he can to get on his calendar to go to that because he can get additional information and it would be very helpful.

Mayor Benton said he knows at the Florida League of Cities there has been different cities that have brought their Youth Council there. He just feels it is time. A lot of times young people come in and they don't realize how government works. But a lot of these kids especially in high school are going to go away in a few years. They

want them to come back. But these are leaders of tomorrow and he would like them to take part in some of the decisions they make today. He will have something back to this Commission within 60 days.

Commissioner Alexander said he just wants to add to that. He has the same train of thoughts about this. A few months ago he met with one of the County Commissioners about a collaborative effort St. Lucie County-wide. He is thinking they can maybe look into the totality of the whole County.

Mayor Benton said that is one thing he had done. He had spoken to several principals of schools and some of the School Board, but it just never went anywhere because they are talking about such a big area. To bring eight or ten young people once a month together to meet, it would be hard to do it with the South County, it is a long way to go. Plus Fort Pierce and Port St. Lucie have different... They have some of the same problems, but Fort Pierce does have its own. He was trying to keep it closer to home.

Commissioner Coke said they can make the mold for everybody else to follow, once again.

Mayor Benton said he will have something back within 60 days.

The next item on the Agenda was Commissioner Nelson request discussion on waiver of fees for Fort Pierce Redevelopment Agency's **Downtown Parking Garage**.

City Clerk Steele said this item has been pulled by Commissioner Nelson.

The next item on the Agenda was Commissioner Alexander request discussion on City of **Fort Pierce's Redevelopment Plan**.

Commissioner Alexander said he just wanted again to bring forth his emphasis trying to have anything done with the City of Fort Pierce when it comes down to contracts in this community with the work they are doing that they make sure their citizens are going to have some jobs available. He has not questioned the efforts of what the City has done with City efforts with the 29th Street project and so forth, but he hasn't heard back yet whether they have any local people working on those projects. He doesn't know where they draw a line or how do they help sustain their citizens of this community, but somewhere they have to start. It was brought up to him in a Concerned Citizen's meeting and he said he would bring it before this Commission to get some ideas because he can't answer for all of the Commissioners. He just assured them that they would try to do something. As far as anytime they have these large contracts with these companies that are coming into this City, for the record they are going to be up-front saying that it needs to be done. Because they can't expect the people to pay rising costs on everything, utilities and City taxes and everything, and they can't get a decent job. There is no more agriculture in this City any more.

Commissioner Coke said she knows they had limited discussion at the last FPRA meeting because there appeared to be some contracts that were put out. And when they looked at the rating sheet, which they had all discussed many times, giving extra points for local firms; and if it was something that was going to be out-sourced to a firm outside of this City or County, to give extra points on the rating sheet itself for hiring a certain percentage of local people. She

noted in the last couple of contract review things they looked at she didn't see that. Perhaps they need to adopt that formally as a policy with the Commission so it will get through to the Purchasing Department. Because they did question that at the last FPRA Board meeting. It was kind of like, well later on down the road they will look at that. But she thinks they need to look at it with every single project.

Mayor Benton said he is not sure if it was the Parking Garage or the Human Development & Resources Centre, but somewhere he had looked through the proposals. And in the one that was hired he saw a list of sub-contractors. One stuck out in his mind, because it was a friend of his, Triple K Plumbing. So he knows they are using some, he doesn't remember how many more. But that is one local contractor. He is sure there are many. But he thinks what they need to do maybe for their next FPRA meeting they could get a list of the subcontractors who have been hired to do this work so they know how many of them come from this area.

Commissioner Alexander said he still says they need to implement that in the City too because the FPRA has just boundaries. Outside of the boundaries anything they do with the Golf Course or anything else they do, he thinks everything should be incorporated in it with the same language, so they won't be misunderstood.

Commissioner Coke said she thinks if they include it as part of the RFQ procedure, that it is going to enable them to have the advantage to award things to local companies who are using local people and have some form of justification for it. And it is going to make everyone who comes from the outside to bid on these very keenly aware that the Commission considers that an important issue, finding jobs right here at home.

Commissioner Nelson said he thinks that is a good point. The solution to this dilemma is to possibly have incorporated in all of their contracts require that a certain percentage of the work effort be allocated to minorities and/or local folks. And make sure that one of their departments, i.e. perhaps the Purchasing Department, is responsible for riding herd on that. He is fully aware of the need for more minority and local hires. But some of these projects which he has been involved with have been more or less trying to get the project funded, trying to get it started, and hopefully get it completed. And sometimes in the throes of those types of things, they aren't too concerned about who is doing it. They have certain Federal laws that deal with, the Davis-Bacon Act for example, paying a certain amount, the qualifications of the individuals. But if they incorporate that in their contractual effort as they indicated and that is reviewed as they go along with the respective contractors as a matter of discourse, then it is boilerplated in there and it is not extracted out or set aside because of other pressing issues.

He is for it and would propose that they do in fact incorporate some language within all their contracts that says they have a certain amount of work to be done by local and/or minority in the contract.

It is the right thing to do. Is that amenable?

Mayor Benton said yes. He thinks that should be in front of the Commission when it can be. Because a lot of times when they go out for bids for these big projects like the Federal Courthouse, the Parking Garage, and the Human Development & Resources Centre, they are going to see a list of sub-contractors for them to come back with a bid. They are going to have to get bids from sub-contractors and it would be nice to know who they chose. It gives them an

opportunity to see if it is local people; and if they feel there should be more...

Commissioner Nelson said but if they have the minimum, they have it made. If they can do more, fine. But they have to have a staff element charged with that responsibility.

Commissioner Coke said maybe they can ask Staff this evening if they could bring back a proposal in 60 days on how they can amend both their purchasing and their contracts.

City Manager Beach said what they will do is have the Purchasing Department present to the Commission. They may have done this in the past. He knows this discussion has taken place in the past. Present to the Commission what their current policies consist of and what the current contract language consists of that is intended to accomplish that now. He doesn't think it does to the extent that everyone would like for it to. But clearly the major contractors who are selected to build something such as the Parking Garage, they do hire a lot of local contractors. But he doesn't think they see what Commissioner Alexander is referring to; and that is, the guy on the street who is unemployed getting a job working for that company, that is what they don't see. That is where they need another strategy to make that happen.

Mayor Benton said another thing that hasn't affected the City as much as St. Lucie County, but when they see some of these large developments - townhouses, the 500 or 600 homes - a lot of these big developers are not using local help, they are not even buying their lumber here. The lumber is coming in on a train and their workers are being transported here. And in some cases out in Lakewood Park with Portofino, they were living in the unfinished homes while they were working all day building a development. And that is unacceptable in Fort Pierce.

Commissioner Nelson said that is in the County.

The next item on the Agenda was Commissioner Alexander request discussion regarding funding for **Keep Fort Pierce Beautiful**.

Commissioner Alexander said it came to his attention because he was asking concerning the Fort Pierce area in keeping Fort Pierce beautiful. He knows at one time this was something they all looked forward to having reports done as far as what was done. When he asked concerning a couple of areas that he was trying to maybe utilize some way to Keep Fort Pierce Beautiful monies that they told him they had returned those funds because of their unuse. It kind of put a bad taste in his mouth because he knows of several projects that he asked that would have fallen under that Keep Fort Pierce Beautiful by replacing signs in a subdivision out there that they had taken down and never replaced. And for them to tell him that they send monies back. And now he understands that they are refusing to fund Keep Fort Pierce Beautiful. So now they can't argue with other entities about helping Fort Pierce, they need to make sure that they do some things on their own. They try to teach that to the public. He doesn't know if they want to use the same name or what. What his concern is, Keep Fort Pierce Beautiful speaks for itself. He doesn't know what happened. There is no explanation. He doesn't see anyone here who would have an explanation.

City Manager Beach said he can address a portion of it. They have one individual assigned in their Community Services Department that

is responsible for the Keep Fort Pierce Beautiful Program. The funding Commissioner Alexander is referring to that was returned was a specific grant that was allocated for a very specific purpose.

That purpose was not accomplished and that is why the grant was not followed through with. The position is still funded within the City's organization. They do have a person filling that role. So from that sense, they are continuing to fund the Keep Fort Pierce Beautiful Program. What he hears Commissioner Alexander saying is, he is not seeing the results that they have seen in the past with that program. Is that accurate?

Mr. Alexander said what he was saying pretty much is that they haven't had any reports back to the Commission. He remembers one time when there was a 15-minute or 20-minute presentation on what was done and what they were expecting to do in the future. Is Mr. Beach telling him that the funds were not returned from last year's grant?

City Manager Beach said there was a specific grant that was allocated for a specific purpose.

Commissioner Alexander asked for what purpose?

City Manager Beach said it was either landscaping or something of that nature. And it simply wasn't accomplished in the time frame that was allocated. So the grant itself had to be returned. He doesn't think the City ever received any funds. What they had was an approved grant that was never executed because the job did not get done. If it would be helpful, he will schedule a presentation to this Commission regarding what the plans are for Keep Fort Pierce Beautiful for the next 12 months.

Commissioner Alexander asked so funds have been placed for the next 12 months?

City Manager Beach said they have a staff position funded for that purpose.

Commissioner Alexander asked they have funds available for that purpose?

City Manager Beach said yes. If it would be helpful they will have a presentation to the Commission about what the objectives of that program will be for the next year. Would that be helpful?

Commissioner Alexander said that would be fine for him.

Commissioner Coke said she appreciates that, because she and Mr. Beach have discussed this program on a weekly basis probably for five or six months now. She has to express some disappointment that the City had the opportunity to utilize grant funding for landscaping or any other particular project that would have improved their community and it didn't happen in a timely fashion so they lost that funding. So she does have to express her disappointment in that.

They can't go backwards; but she would hope that as they move forward and prepare this report on what their plans are for the future of their Keep Fort Pierce Beautiful program that they can at the same time of saying they are funding a staff person, she guesses what her concern is and Commissioner Alexander's concern if she is hearing him correctly is, have they applied for the grant funding for the next 12-month period? Because they all know the general fund is getting rather tight. So have they applied for that grant funding?

City Manager Beach said he doesn't believe they have. He thinks the Keep America Beautiful Program, the funding that was coming through the State of Florida has been squashed. The State of Florida is no longer funding the program. But the program Commissioner Coke is referring to is a specific construction activity related to that.

It is not the program of funding the director and the activity. The City has always done that and continues to do that. He will provide them a program of work and a statement of goals of that function probably within the next 30 days.

The next item on the Agenda was City Manager request direction on request for designation of a **No Wake Zone** at the **Jaycee Park Boat Ramp**.

City Manager Beach said this was a request that came actually from the public requesting some assistance in dealing with the boating concerns in the Jaycee Park area. There are two boat ramps there.

There is a sailing club located very close to that. There is a very nice peaceful beach that a lot of the wave runner folks use.

And that appears to be creating a conflict between people who are trying to load and unload their boats there at the dock and those folks who are enjoying the water. This proposal in front of the Commission, he thinks it is being referred to as a No Wake Zone, but the City Attorney reminded him this morning that really is considered just an Idle Zone. In fact, he was exploring it a little bit further thinking that it may be a matter of enforcement. There is a law in existence they believe that prohibits boats or water vehicles from going fast within a boat ramp area. He does not know if he is prepared to address that at this point. But that is what this topic is about, that is what the discussion is about. If it becomes necessary to create a No Wake Zone in there, what they have in front of them are the mechanisms that would take place to create that No Wake Zone. He would like to get some input from the Commission on the pros and cons of that. He knows they are all familiar with the area. They know people who use it. There is certainly a controversy about whether or not this is a good idea.

Mayor Benton said Mr. Schwerer has told him about that law. It used to be just common courtesy. He thinks what they need to do if nothing else to start with is put up a sign like there is at the boat ramp, letting people know who are launching their boats and the wave runners that within a certain distance... Because as somebody who uses that on a weekly basis, somebody is going to get hurt or killed because of what is being done with some of these wave runners. Most everybody is good, but there are a few and a few boaters.

Commissioner Coke said she happened to be over at that park yesterday for a birthday party. She was pleased to see that they do have buoys out there designating a swimming area so that these boats can't inadvertently come in and run over some little kid who is there. She didn't notice too much of a problem with the wake going close to the swimming area. What she noticed there being more of a problem is people close to the boat ramp. She originally thought this was a great idea and they needed to move forward with it quickly. Then her phone started ringing off the hook today with people saying this is the only area for tubing, it is the only area for ski-doo's, and they need to recognize the fact that those people have recreational rights. The concerns that were expressed to her is that it is now being viewed that this area has existed exactly as is for all these years, and all of a sudden they have a sailing club they put there and docks are being built next door, and that they are going to create a hardship and take away the recreational use of all the people who

are using it now in order to insure the comfort of the people at the docks and the sailing area. She has some mixed emotions. She can see that it would be very beneficial for the young kids who are there and the boaters. But in the same vein, she would not like to make it so expansive a No Wake Zone that they would not allow other recreational sports to take place there.

Mayor Benton said that is why he thought a courtesy sign just reminding people. Because more and more there is going to be people using these parks because there are more boaters, there is more jet skiers, and there are more swimmers using them. And when they put all three together... He can remember when nobody used that park. But he can also remember in the winter time when nobody is swimming, the jet skiers are using those cones as a slalom course. They won't be able to do that any more because now there is a dock next door. But he thinks it is just putting that common courtesy sign up - please look out for the other guy. Because they have had people get hurt over there. He knows they are shorthanded, but if they can get their police boat out on the water a little bit, that is going to be very important to do.

Commissioner Alexander asked there is a Police boat? He thought it was lost in the hurricane.

Mayor Benton said they have a new one, a Twin-Vee.

Commissioner Alexander asked they dedicated it?

Mayor Benton said it has been in the water. It is at the City Marina, ready to go.

Commissioner Nelson said he would wonder why they need to spend \$2,600 for Tetra Tech to do this. If the City has the authority to put up the signs and they can do a certain level of enforcement, they ought to try to do that. And then if it doesn't work, then let's go to the next level. They have in fact posed some changes as some of the people have said. Some of them called him too in regards to that. He doesn't want to take anybody's rights away, particularly if they have been doing things for a long period of time. And nobody would particularly like to have these abrupt changes. They don't have any restrictions with respect to placing signage in those waters, do they?

City Attorney Schwerer said he thinks there are two different issues here. One is placing a sign on the dock or on the land portion that reminds people of what is generally called common courtesy boating versus placing signs in the waterway. When they place signs in the waterway, they have to deal with permitting through the State; and he thinks that is what Tetra Tech's proposal was for, permitting through the State. He agrees with the Mayor's proposition of informing the boating public, it just makes common sense. People are supposed to go to boating school before they operate those water craft. And unfortunately, they either go and forget what they learned, or they never go. You don't approach a dock with a wave runner to spray people at 40 miles an hour without causing a problem for boats and other people in the vicinity. He thinks with a little bit of enforcement... He knows there are laws on the book that govern how fast they can go next to docks and approaching boat ramps. Perhaps a little enforcement issue and perhaps a sign reminding boaters that it is idle speed only next to or in the vicinity of docks and see how that works before they start creating No Wake or Idle Speed zones that extend out 75 yards or 50 yards from the dock

and then they have that enforcement issue about whether they are 75 yards or 50 yards and who was driving the vessel at the time of the alleged act.

Mayor Benton said it might just be tacking an additional sign on the FIND signs. He knows at least before the hurricanes, Florida Inland Navigation District had a sign up showing people where the Manatee Zones are in different times of the year. So it is mainly an informational sign when people are launching their boat or their jet ski and swimmers. Everybody knows what the rules are. And that way if there is a problem, they posted it. He knows a lot of times they can't enforce these rules unless they are posted. But he thinks that would be the appropriate place, instead of in the water.

Commissioner Nelson said so they can task the City Manager to find some type of appropriate way to get the necessary signage out there and use the appropriate staff, and to include the Staff to place the signs and the Police to enforce the signs. And if there is any problem, come back to the Commission on it.

Commissioner Alexander asked do they have qualified individuals to utilize that boat?

Chief of Police Sean Baldwin said yes, they do. He will work to increase enforcement through the use of their own boat and work with the Sheriff's office who has a boat on the water most of the time during the weekends and the Coast Guard. He thinks between the agencies they may be able to resolve the problem with enforcement.

Commissioner Alexander said his concern is it is summer now and the kids are going to want to... Everyone doesn't have those little scoobydoo wagons and they would be in the water and the edge of the water and families. So let's not have a tragedy.

Mayor Benton said just for the record, they are putting informational signs up in the boat ramp parking lot at Jaycee Park - not a designated No Wake Zone or Idle Speed Zone around there - and they are going to try to enforce it. So please everybody watch out for people swimming, watch out for the other guy, and watch out for people sailing.

The next item on the Agenda was City Manager request direction on proposed Interlocal Agreement between the City and St. Lucie County for a **Trauma Care MSTU** (Municipal Services Taxing Unit).

City Manager Beach said this Interlocal Agreement is necessary between the City and the County for the County to be able to move forward with the creation of a Municipal Services Taxing Unit for the Trauma Center. The Commission voted at a previous meeting to support moving forward with an election on that issue. Should that election succeed, it will be necessary for the City of Fort Pierce and the City of Port St. Lucie to agree to St. Lucie County including the municipalities within that Municipal Services Benefit Unit. That is the purpose of this agreement.

Commissioner Nelson asked isn't this sort of putting the cart before the horse in this case? They are supposed to put this Trauma Center on the ballot.

City Manager Beach said he believes it is going on the ballot June 26th.

Commissioner Nelson asked they are going to have an agreement for an MSTU prior to the approval?

City Manager Beach said he thinks the agreement may be subject to the approval by the referendum.

Commissioner Nelson asked why can't they wait until they make a decision on it?

City Manager Beach said because the County needs to know that the City is in agreement with allowing them to create the MSTU.

Commissioner Nelson said if the people vote to have the Trauma Center, the Commission is being charged to make it work. And if it means coming in with MSTU's or whatever agreements, that would be their mandate to do so. But it should be spurred by the fact that the public has said they want to have this Trauma Center, now you make it work. In other words, they put the horse before the cart is why he is concerned.

City Manager Beach said he can take that position. But factually they simply want to make sure they all understand what is necessary to make this work. They may go to the polls and vote against the referendum. And as elected officials, they absolutely have the ability not to permit St. Lucie County to set up an MSTU within the City limits. They need to know that they are okay with this in the event the referendum passes.

Commissioner Nelson said but what he is faced with here is the public saying to him what they say quite frequently, they are going to do what they want anyhow, they have already passed it. They are not going to do what they tell them to do, they are going to do what they want to do. He would prefer to wait until the decision has been made on the part of the voter as to whether or not they should or should not have a Trauma Center. It just doesn't make sense to him.

Mayor Benton said the reason this is in front of them is when it was presented to the County Commission there was certain language in here where it said the cities could back out of this agreement and he thought it was within a 30-day time frame. What the County wants to know is if this passes, this is countywide, that the cities are going to stick with the plan through the full term. In other words, not back out if they don't like it now. It has been approved.

It is up to the County. This is a countywide effort and he thinks this is their way of the cities showing them that they agree to that countywide effort if the public approves it.

Commissioner Nelson said from his perspective, it is a common sense thing. It is a response to what the citizens want. If they say no on the Trauma Center...

Mayor Benton said then it is no.

Commissioner Nelson said but they have already committed themselves to saying yes on the MSTU.

Mayor Benton said no, that is not the case. This MSTU is conditioned on the referendum passing.

City Attorney Schwerer said the matter is before the Commission for discussion purposes only. There is no agreement for them to approve or disapprove. What he believes they are being asked to do is

basically a straw poll, so to speak, in advance. If this goes to vote at a referendum and the voters approve it, the County is asking will the City support the imposition of the countywide MSTU in the City if that happens. That is what they are asking them, only if that happens, not approve it today.

Commissioner Nelson said if the voters say they want a Trauma Center, his hands are tied. He is not going to go against his voting public and say that regardless of what they all say, he is going to do what he wants to do.

City Attorney Schwerer said so what Commissioner Nelson is saying then, his answer is yes, he will support it. The County cannot tax property within the City under an MSTU without a Commission approval and an Interlocal Agreement such as this. They can impose all they want on the unincorporated. What they are asking the City Commission is, if the voters vote to support the Trauma Center and they impose such a tax in the whole County, will the City give them permission to collect it in the City if that happens? That is all they are asking for, not to approve these agreements today, but will the City support that concept.

Mayor Benton said he thinks they are looking for a letter saying that.

City Attorney said he doesn't know what they are looking for, but they are looking for some response.

Commissioner Becht said he is not sure what they are looking for. What Mr. Anderson says in both of his letters is the County would very much appreciate receiving any comments the City has concerning the Lawnwood proposal. The one letter was before the April 24th meeting and they were not able to meet and have these resolutions in front of them. Mr. Tom Pentz (Chief Executive Officer, Lawnwood Regional Medical Center & Heart Institute) is in the audience tonight.

He is an employee over at Lawnwood of some magnitude. But he had a meeting with him today. With all due respect to Commissioner Nelson, what is happening tonight is exactly why he is happy the County has bothered to draft an Interlocal Agreement and get it over to them tonight. In the meeting he had with Mr. Pentz today, he met with him primarily with his Fire District cap on. They were trying to work out the meat and potatoes of, if the voters approve it, if the County designates the Fire District as the Trauma Board, what is going to be involved in this? What is the mechanics of it?

The hospital is under a mandate, as he understands it, to be open with their Trauma Center in the first week or two of October. And there is a lot of work that has to be done between now and then. One of the things that is going to have to be done is an Interlocal Agreement between the City and the County. He is not being critical of the County for having put the cart before the horse. He is glad they are trying to get their ducks in a row. And there are certain things about the Interlocal Agreement that need to be discussed either here or at the County or at the Fire District. So from his perspective, he thinks they need to have discussion on the Interlocal Agreement. And if they are not ready to have it tonight, then they need to schedule it again and before June 26th, because the County is going to be looking for approval of this shortly after the June 26th vote, if it is approved. The last thing they need to happen is for either politicians or lawyers to get in a drafting dispute that takes a couple of months to iron out.

Commissioner Nelson said he is very pleased that they have this document, don't get him wrong, because it reveals certain data that they ordinarily wouldn't get.

Commissioner Becht said he misunderstood Commissioner Nelson's earlier comments, because he thought he was thinking that they had the cart before the horse or something like that.

Commissioner Nelson said if it requires them to approve this...

Commissioner Becht said discuss it.

Commissioner Nelson said merely for discussion, that is fine. But he still doesn't think they should in fact approve it until after the referendum. He is accustomed to dealing with a lot of plans that sit on the shelf - war plans, building plans, and all sorts of things. And when the incident requires that they act, they can reach back on the shelf and pull those plans off and sign off on them. If this is a plan, fine. But if it is something for him to act on in a positive way...

Commissioner Becht said they have clarified that. They are not taking any action on it tonight. They are discussing it tonight. Does Commissioner Nelson have a comment relative to this?

Commissioner Nelson said he isn't ready to vote on approving it tonight.

Commissioner Becht said nor is he. In Paragraph #4 of the Interlocal Agreement dealing with the Independent Audit, it says the County shall select and contract with the auditor. And he thinks the Fire District will need to have discussions with the County on that issue.

If the monies are being immediately collected by the County but disbursed to the Trauma Board, and the Trauma Board is charged with disbursing them out to whomever - to physicians or Lawnwood - then he is thinking the Trauma Board will want to select and contract with the auditor, not defer that. But again, this is just the little stuff that needs to be ironed out. He doesn't want to spend too much time with it before the voters approve or disapprove it. But if they take the assumption that they want this to happen and they want to be able to make it happen if the voters bless it, then he wants to be able to execute on it. And he doesn't think they can do that and wait until June 26th to take any action on it. There were a myriad of issues that came up today in a two-hour meeting at the hospital that very right people, meaning people other than himself, had not contemplated. And these are things that are going to have to be fleshed out as they go along the way.

Commissioner Coke said back to Paragraph 4, Independent Auditor, her perspective on that is if the County is collecting the tax and it is from the citizens of the City of Fort Pierce and the City of Port St. Lucie as well as unincorporated County, the County is responsible to answer to the citizens on how that money is being spent. Therefore, she would personally think it should be the County, not the Fire Board acting as the Trauma Board.

Commissioner Becht said based on the comments and the discussion he had at lunch today, he is not sure how long the Fire Board will be able to sit as the Trauma Board. There are so many issues that are involved that he had not been able to foresee and he doesn't think anybody in the room had foreseen. But understand that the County's role is merely collecting the monies based on the formula

they are talking about. And again, nothing is cast in stone. He doesn't want any voter to think this is all a done deal. It is not a done deal until the voters either approve it or reject it, and they may in fact reject it. But he thinks the proper role for the City Commission is to be ready for either action that the citizens may take. And if they do vote to approve it, the Commissioners need to be ready to move on that. The target date is going to be the first week of October. His point to this Commission and everyone else is, based on the processes as he understands it as of 2:00 p.m. this afternoon, the monies are going to be disbursed by the Trauma Board, not by the County; so the audit by the County is going to be, we collected \$6 million from all these taxpayers and they cut one check over to the Trauma Board.

Commissioner Coke said that is not how she read this.

Commissioner Becht said that is why he is telling the Commission, that with the benefit of the knowledge he obtained today, the actual disbursements are not going to be out of the County. The County is going to cut one check or it is going to send all this roughly \$6 million over to the Trauma Board; and then the Trauma Board is going to have to deal with the myriad of contractors and independent contractors and the hospital to provide the services of a Trauma Center if the voters decide they want a Trauma Center. That is why he thinks that the audit needs...

Commissioner Coke said she understood that. But she thought that the County was going to pay for an auditor to go in and audit the disbursements of those funds.

Commissioner Becht said the County would not pay for it out of the County's general operating budget. They are going to pay for it out of the MSTU monies. He just wants to share with the Commission that sitting from the perspective of being on the Trauma Board, he doesn't want the County selecting an auditor coming in and telling him or reviewing what they have done. He wants to be able to select the auditor that comes in and tells them how they spent their money.

Commissioner Coke said sitting as a City Commissioner, she would rather have the County Commission choose the auditor to go in, because otherwise it is like asking the fox to watch the henhouse.

Commissioner Becht said let him give them a perspective. Do they want to give the County the ability to come in and tell them who the auditor is for the City's expenditures?

Commissioner Coke said no. But it is not the City's money that is being spent, it is the taxpayer's money being spent.

Mayor Benton said it is Fort Pierce and Port St. Lucie, they are paying those taxes too. His thinking, the Trauma Board is the way to go because they have two representatives from each City.

Commissioner Coke said but if they change it and it no longer is the Fire Board...

Mayor Benton said that is not going to change.

Commissioner Coke said Commissioner Becht just said it might very well. And it would be a Trauma Board which the City would have no say over.

Mayor Benton said it would take a referendum to change it. He doesn't see it changing the way that Interlocal Agreement is written and he hasn't heard anything about any change in makeup.

Commissioner Becht said if that is a concern to Commissioner Coke, they have the controls. And this is one of the reasons he was excited about the Fire Board serving as the Trauma Board, because the City of Fort Pierce has two appointees on a seven-member panel to oversee the County Trauma Center. And as people rotate in and out of serving on the Fire District, one of the Commissioners will sit on the Fire Board. He has more confidence in one of the City Commissioners choosing an auditor to oversee. This is just one of the issues on the Interlocal Agreement that has to be fleshed out.

Commissioner Coke said she doesn't have a problem with that. But did she misunderstand that Commissioner Becht said a moment ago that he didn't feel that the Fire Board would remain as the Trauma Board because of the myriad of problems and work involved in it?

Mayor Benton said the way the referendum is worded, that can't change unless they had another referendum. There is a ten-year period where the Fire Board and the Trauma Board will be one and the same.

Commissioner Becht said he does believe that. But if it continues, it will evolve into something else that will require representation that is approved by this City Commission.

Mayor Benton said let's not muddy the water and make this too complicated. His suggestion is that they take a look at this Interlocal Agreement and if they have any things they would like to talk about, they do it. But what they need to do is bring the attorney who wrote this up. He knows from day one there were concerns. The big issue was there was a buy out for 30 days from both cities; and there is no way the County could buy into that, so that has been changed.

City Manager Beach said it would be helpful if any of them who had comments on the Interlocal Agreement would submit those comments in writing at their earliest convenience.

Commissioner Becht asked does he have to resubmit his writing? Mayor Benton said he just gets a new job as Chairman of the Fire Board and Trauma Board.

Commissioner Nelson said what they have here is a straw man for an MSTU and a straw man for an business plan. The operational plan, the charter, the duties and responsibilities and all that, are not reflected as he sees it in this data. That is something too that has to be addressed and perhaps should be set on the shelf. Have preliminary review on it, anticipating on one hand that the voters are going to say yes and then they are mandated to do something about it, i.e. implement these draft plans. But right now they don't know. This MSTU doesn't say how it is going to be made up, the Trauma Board or the Fire District is going to handle the thing.

Commissioner Becht said no it doesn't.

Commissioner Nelson said or what powers the secretary has or whatever the case may be. He thinks they need all this data and that should in fact be done.

Mayor Benton said it will be.

Commissioner Coke said she is going to give them her two cents since they are looking for consensus. That should the voters of St. Lucie County approve this, the majority of the voters approve this, that she would be willing as a Commissioner to commit the City her one vote into entering into an Interlocal Agreement with the County subject to whatever comments and revisions will be made and later on approved by the City Attorney.

Commissioner Nelson said he doesn't think they are going to vote on it, but that is basically how he feels about it too.

Commissioner Coke said the Mayor was looking for a consensus.

Mayor Benton said that is the consensus of all of them. They entered in discussions on this a year ago he thinks. All of them have sat down with people talking about this for at least a year or so.

Commissioner Nelson said he hadn't heard about a Trauma Center until about a month and a half ago. Don't include him in on that. He was excluded out on that one. Nobody talked to him about a Trauma Center.

Mayor Benton said for seven years they have been working on this Trauma Center.

The next item on the Agenda was Director of Planning to advise of his approval of a Minor Amendment to the Final Development Plan for **Magnolia Square at 3310 Sunrise Boulevard.**

Mr. Matthew Margotta, Director of Planning, said according to Section 22-40(s)(1), when an amendment to an existing PUD occurs, there is a final development plan that has already happened, but the whole PUD is still being constructed, it is just like their minor amendment process for a Site Plan. The City Staff looks at it and determines whether this is truly a minor amendment or not. In this case he feels that it applies. What the applicant decided to do was add a pool to an existing fitness area. Before they had basically some planned fitness stations and now they are adding a pool and a little clubhouse to that area.

The next item on the Agenda was Director of Planning to discuss proposal to utilize the Treasure Coast Regional Planning Council as a support agency in a **Public Charrette to Master Plan the Waterfront Area.**

Mr. Matthew Margotta, Director of Planning, said on February 5th of 2007, County Commissioner Chris Craft and Ms. Marcela Cambor from the Treasure Coast Regional Planning Council came before the Commission to discuss a combined effort to charrette the Wastewater Treatment Plant over on South Hutchinson Island. Staff and the City Commission had some concerns about how this was going about. He needs to do a little background here. The item was tabled so that Staff could have an opportunity to kind of flesh out the idea of what is happening. Staff did meet with each one of the Commissioners.

He doesn't believe they met with the Mayor. But they basically bounced some ideas off of the Commission and came up with a direction and general consensus that they should include a little bit larger area than the Wastewater Treatment Plant and Staff should be the lead agency, if not actually conduct the charrette. That was all fine, well, and good. They still somewhat looked at what kind of

a relationship with the TCRPC or anybody else, what kind of expertise they would need. And while working on that idea, just how they were going to conduct this charrette, he lost two key staff members who were going to be his main point of providing the information and then working the charrette in actually kind of a project management sense. That hamstrung him. He had to reassess. He looked at the Treasure Coast Regional Planning Council. As the Commission is aware, the TCRPC just recently completed a charrette for the Taylor Creek area with Butch Terpening, also with the City and the County in on that whole effort. He felt that was a very successful effort to the point of he was happy with how the TCRPC goes about business.

So he asked the City Manager's office, he believes what he wants to do is use the Treasure Coast Regional Planning Council unless otherwise directed. He is before the Commission tonight to let them know that is the direction he wants to take so they can set a date and finalize a scope of work. He believes the actual charrette will probably occur somewhere in the early September time frame.

Mayor Benton said he would agree. Does everyone agree? The Treasure Coast Regional Planning Council did an exceptional job every time they asked them. He thinks only once did they have a problem; and that wasn't the Regional Planning Council that put that on, it was one of their previous staff members. But the Taylor Creek Charrette was very professionally done and an excellent job. Does everyone agree? (The Commissioners agreed.)

Mr. Margotta said he will report back with the exact date as soon as he can, maybe even by the next meeting; and they will have the scope of work.

Commissioner Becht said Mr. Margotta mentioned in his memo about setting it for late August or early September. Before he sets it in either of those time frames, there are ramifications with people starting to school. He doesn't know if any of the Commissioners want to comment now on their thoughts on whether August is better or September is better, because he doesn't know.

Mayor Benton said in August there is one week when the Florida League of Cities has their conference. The third week of August? Usually it is the week after school starts, right around the 20th, isn't it?

Commissioner Becht said with all due respect, he wasn't talking about the Commission's convenience. What he was talking about is the public who might want to attend this and whether it is better to have it in August when they are putting kids back in school or September. That was his point. He can see pros and cons for either way. But all things being said, he would lean toward September, because they have already gotten the kids into school and they have moved if they are going to move. Anyway, he just thought he would bring it up because Mr. Margotta left it open in his memo.

Mr. Margotta said he understands.

The next item on the Agenda was Director of Planning request submittal of application(s) for appointment of a Citizen Member to the St. Lucie County School District **Public Schools Advisory Committee**.

Mr. Matthew Margotta, Director of Planning, said the St. Lucie County School District has a Public School Advisory Committee and they are looking for citizen involvement. This is a request that the City

Commission gather some names and bring them to the June 4th meeting so they can get somebody appointed.

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. Approve Application for **Alcohol Beverage Permit** submitted by Nathaniel Willbur of Culpepper & Terpening for a Summer Holiday Party at Jaycee Park on June 9, 2007.

b. Approve expenditure of \$4,676 from the Police Department Law Enforcement Trust Fund to PAL (Police Athletic League) to support sending 25 youths to the 22nd National Conference on **Preventing Crime in the Black Community**.

c. Approve increase to an existing blanket Purchase Order with Pot Belli Deli from \$10,000 to not to exceed \$15,000 for catering events at the **Sunrise Theatre**. BPO #070257

d. Approve increase to an existing Blanket Purchase Order with Safety Products from \$9,500 to not to exceed \$20,000 for additional **trash can liners** for waste collection citywide by Public Works Parks & Grounds Division. BPO #070138

e. Approve increase to an existing Blanket Purchase Order with Community Asphalt from \$9,800 to not to exceed \$20,000 for asphalt millings for restoration/stabilization of the **C & C Parking Lot** by Public Works Streets & Drainage Division. BPO #071168

f. Approve purchase of one **2007 Ford Explorer** from Duval Ford in the amount of \$19,856.00 for Public Works Fleet Maintenance Division. Florida Sheriffs Association Contract No. 06-14-0821

g. Approve purchase of three Dixie Chopper Heavy Duty **Commercial Mowers** from Goodknight Lawn Equipment in the amount of \$17,697.00 for Public Works Parks & Grounds Division. Bid No. 5710

h. Rescind award of contract for **Lawn & Ground Maintenance** to Vic Hensley Lawncare, Inc.; and Award contract to Salter Lawn Service in the amount of \$27,499.35 annually. Public Works Parks & Grounds Division. RFP No. 5663

I. Approve purchase of two **Garbage Packer Trucks** (Front Load Packer and Side-Load Automated Packer) from Nextran Truck Group in the amount of \$399,792.00 for Department of Solid Waste. Piggyback Florida Sheriff's Bid

j. Approve Agreement for Professional Services with Kimley-Horn & Associates, Inc. in the amount of \$39,570 for **Hibiscus Park** Municipal Services Benefit Unit (MSBU) Study.

k. Award bid for **Hurricane Shutters** for the City Marina Harbormaster Building to Railco, Inc. in the amount of \$34,117.22. RFP No. 5694

l. Authorize submittal of Application for Grant for Transportation Enhancement Projects to Florida Department of Transportation for

the replacement of the 14th Street Bridge as part of the **Moore's Creek Linear Park Project**.

m. Authorize submittal of Application for Grant to the Florida Communities Trust, Florida Forever Program, for reimbursement of land acquisition costs for the Moore's Creek Linear Park Project.

n. Authorize submittal of Application for Grant to the Florida Communities Trust, Florida Forever Program, for reimbursement of land acquisition costs (f/k/a Rollins Property) for expansion of the Jetty Oceanfront Park.

o. Approve travel and attendance by City Manager to the Florida City & County Management Association's Annual Conference in Miami on May 15-20, 2007.

p. Approve reduction of Code Enforcement lien of \$40,800 against 1207 North 20th Street, owned by Waymon Gandy, down to \$5,000, plus \$794.19 in administrative costs, for a total of \$5,794.19 which will be incorporated into Mr. Gandy's monthly payments currently being received for Housing Rehabilitation Assistance through the Community Services Department.

q. Rescind Code enforcement lien of \$28,100.00 and administrative costs of \$810.79 (total of \$28,910.79) against 1011 Avenue I, owned by Willie L. Jackson Sr., due to extenuating circumstances.

r. Approve reduction of Code Enforcement lien of \$22,750.00 and administrative costs of \$1,025.59 (total of \$23,775.59) against 1223 Delaware Avenue, owned by Feroz Chagani, down to \$3,500 contingent upon payment within 30 days.

s. Approve reduction of Code Enforcement lien of \$97,500.00 and administrative costs of \$768.87 (total of \$98,268.87) against 1008 North 17th Street, owned by Catalina Ponce, down to \$4,000 contingent upon payment within 60 days.

Mr. John L. George, 707 North 19th Street and 2504 Avenue D, said the reason he came before them is one of the things the Commission said and since they weren't asked to come up. They were talking about jobs within - he doesn't want to just say the northwest section - but any part of money that comes from the FPRA Board or from this Commission. He thinks there should be something set forth that the black minority people from within the community is a part of getting jobs in this community. When he came back here four and a half years ago, one of the things he tried to do was put an incubator together.

They talked about a vehicle. He put a vehicle before them. For two years they played with it and it looked like it was going to be successful. The people who worked on those two things, Patti Tobin in the Economic Development and Bob Frank out of the FPRA area.

Once they left, it fell apart. They are not asking or begging for anything over in that community, but they are looking to get in on an even playing field that they can get jobs within that community.

Individuals on the street, they want to put money toward a lot of things, but to get them off the street is giving them a job. Robbing someone, why they rob is they need money, they need a job, they need training. Through applied technology they have five people that have went through there have gotten a general contractor license, have become certified builders, certified A/C. Different things have happened. But even with a Human Resource Center, they could have given jobs through that incubator to do that. The

weatherization could have been some money that would have been working toward the City of doing the weatherization instead of getting a lot of the contractors they got. He has seen some of those jobs, they are terrible. He is not going to stay here long. He just wants to hit a couple of points here. When the Mayor ran for office, they talked about a Mayor's roundtable board from the different areas so he could kind of have a better focus on what is going on in the different areas. That never happened. The Mayor is the guard there on this Commission. This is a basketball team. The Mayor is the point guard, he is the one who is delivering the ball. A lot of things that the Mayor says is hurting the public in his area. In the newspaper when it came up about a Commissioner and how much money was spent with the travel and all those things, the Commissioners have to watch what they are saying and how they say it. They need to keep the media out of some of those things. If they can't make it somewhere, they can't make it. Splitting up the pot don't mean nothing, they need somebody going if someone can't go in that aspect.

Mayor Benton asked what is he trying to say? He has been to many places. He didn't criticize anybody.

Mr. George said he is just saying the things they say when people read it in the paper, it don't make it look like they got solidarity. They need to be on one accord. They need to be a team.

Mayor Benton said they have solidarity here. And he doesn't think anybody criticized anybody, even though that is what the paper was looking for. He tried to explain they have two Commissioners who sit on boards with the Florida League of Cities. That wasn't printed. He can't tell them what to print. They are going to make up a story.

Mr. George said he is just making what he saw in the paper and he is glad that the Mayor is clarifying it. But it is not just him who read the paper. He took it as if they are going to give each other the same amount of expense.

Mayor Benton said other cities have done it and that has been brought up at budget before. And what he said about a roundtable. They had different groups of people who met in this community. And Mr. George was probably just as hurt as he was, because after the hurricanes they put a lot of effort, City and County together, and they had a very poor showing. They are doing everything they can with Mr. Ward now. They have the Lincoln Park Main Street that is going to do an excellent job.

Mr. George said he is sure they are going to do an excellent job.

He came back here, not being in Fort Pierce. He went to school here. He was reared here. He went to college in Tallahassee. He left Tallahassee and got a professional job. Once he came back home he saw things here that he thought if he could bring some of the things back from where he had been somewhere else and they could add it here and they could make a difference and their kids could get off the street using their youth entrepreneur program, doing all the different things. He paid two consultants out of his pocket to come here and work with Jon Ward, work with Brian O'Connor. Those guys would not even consider the incubator or any of those things they are doing. He couldn't afford to keep doing that. Talking about being a general contractor, he has gotten more contracts in another part of this State than in the City he lives in. Right now he opened up a new office in New York State. What they did there was that he had the opportunity to team with a... He is just giving them some ideas. That is what he was telling them about the

roundtable. He wouldn't have to be here just venting away here in this Commission meeting if they had that roundtable that they could go and vent to and put some of these things together. He doesn't mean to step on anyone's foot. But he has been here now for four and a half years; and he is seeing instead of them going forward, he sees a lot of things going backward. It is just time for change.

Mr. Julius Bell said he is a Fort Pierce resident. When they talk about a trauma center and the people voting, and they don't adhere to the vote of the people, he thinks all of the Commissioners are going to be looking for another job.

Mayor Benton said they have to heed the people. Yes or no, however the people say.

Mr. Bell said if the people vote, this is a democracy.

Mayor Benton said yes, it is.

Mr. Bell said he thinks that is what was forgotten about tonight.

Mayor Benton said they haven't forgotten about it.

Mr. Bell said he hopes he doesn't. The main thing he wants to talk about is the Fort Pierce Redevelopment Agency. Mr. George explained it very clearly and broke it down better than he could. But the thing he sees missing in this community is, there is taxpayer's money being used and then they bring in outside contractors and some of the people are probably illegal aliens coming up here doing work, cheap labor, when there is people out here that need jobs and need to feed their family. They are always talking about how they have to reach out to the community, they have to make sure that crime...

The best way to stop people from committing crimes is give them a job, if they want to have a balanced community and everything is going smooth. Another thing, they have to reach out. They have to have ways of connecting with different organizations and let them know what their plan is. Don't wait until after the plan is already solved and say it is a done deal, they are not going to talk about that any more because it has already been decided on. Meanwhile people don't even know what is going on until after the fact. But the most important thing is they always try to reach out to the contractors who live in this area in St. Lucie County or Fort Pierce and the workers. They don't go down to Hollywood or they don't go down to Fort Lauderdale to bring people up here maybe because they might be their cousin or somebody they know running an organization.

They always try to make sure they keep that dollar circulating right in their own community and giving the people an opportunity that live here in this community for jobs and having contracts to hire people that live here and keep the money circulating and letting people prosper here. It is not hard. It is not difficult. A lot of other mayors do that all around the Country. He has been in D.C., he has been in New York, and different places. And they try to do that in big cities. This is just a small city. He doesn't see why it is so complicated. It doesn't take a rocket scientist to figure out what is going on here. Everybody knows what is going on. There is a lot of junk going on. But they have to straighten up and do right. Election time is not far away. That is the bottom line. They have to think about that.

Mr. Kaven Jackson, 3440 Avenue I, said he sees a lot of development going on in the City of Fort Pierce on people from hurricanes for their homes and everything. He sees they are doing a nice job.

But his question is, when they do put out bids for people who are repairing houses, do they go for the senior citizen to the ones who have been here for their bread and butter, people that have been here? He knows a lot of people that needs house work done. When he was coming up he picked fruit, working for a packinghouse. And houses tore up. He doesn't know how the system is working. When they put in applications for repairs of their house, how do they go about doing it? He wants to get some comment on how they do that.

Mayor Benton said he would contact Dorina Jenkins or Brian O'Connor on the second floor and they can let him know about the assistance they can get for either hurricane shutters or any type of FEMA help there is out there and State help for rebuilding, if they still have problems with rebuilding.

Mr. Jackson said what he is saying is he talked to her the other day and she told him they are running out of money.

Mayor Benton said they might. It has been three years. But he would give them a call. A lot of people have used that funding.

Mr. Jackson said he has seen a lot of houses although they all look the same way but they are just a different color. But they are keeping the City of Fort Pierce beautiful. A lot of people are not able to afford it. He thinks they should be looked at, especially people who are 79 or 80 years old. They worked hard.

Mayor Benton said if they can fit those guidelines, that is what their staff is there for. On second floor, Brian O'Connor or Dorina Jenkins. If they can't help him, maybe Beth Ryder in St. Lucie County.

Commissioner Becht said his compliments to the **Planning Department** Staff. The material he is seeing in his packet is outstanding. There is a better review of the projects, the information is more readily digestible when he gets it. Any criticisms or jesting to Mr. Buchwald that he may occasionally issue from here, he does want to compliment him on that.

Commissioner Becht said a gentleman under public comment mentioned the **Trauma Center**. That is a matter that the voters, not a Commissioner or a Commission, will decide. He wants to clarify that. He is not sure how that got off track. That will be a voter decision, not a Commission decision.

Commissioner Nelson said first of all let him talk in terms of what has been going on in the Retirement Board. Effective April 18, 2007, a little over 42% of the **Retirement & Benefit System** assets were transferred out of the system into the control of the St. Lucie County Fire District. That total transfer amounted to some \$98,064,000. The total fund value after the transfer amounted to approximately \$131,500,000. The transfer of assets, the separation of the Fire Board from the Pension Plan, was simple and basically is complete. He is not going to say it was simple because they had a lot of things to do. On the 19th of April Brad Armstrong of the actuarial firm of Gabriel Roeder Smith & Company presented the 48th Annual Actuarial Valuation Report for the year ending 9/30/06 to the Retirement Board. At the Retirement Board's request, they asked the actuary, Mr. Brad Armstrong, to come here on June 4th to brief the Commission and give a report on the results of the actuary evaluations and to determine in the required contribution rates for the COLA allowance if they

are going to have one. They are going to do that under various scenarios. If they recall, he presented to them the 1%, 2%, 3% some time ago. They felt this was very important for the Commission to hear this directly from the horse's mouth so to speak, Brad Armstrong; and of course, it would give insight as to whether or not the Commission wants to provide a COLA for the employees who are retired.

They will be making a similar presentation to the Utilities Authority Board within that same time frame. They can rest assured that their fund is sound and well and is operating at about a 93% funding level and is serving their public well.

Commissioner Nelson said in the area of the **U.S. #1 Road Improvements**, with the Mayor's letter to the Florida Department of Transportation, on the 9th they are going to have the Secretary of District #4 Mr. Wolfe come before the MPO (Metropolitan Planning Organization) at 2:00 p.m. at the Community Center in Port St. Lucie. They will all be there to address what their needs are and their concerns for the improvements on South U.S. #1 from Edwards Road to Taylor Creek. They are going to have their best shot at this time to address the Secretary and their safety needs. And they are going to have key people there to address any questions that come up. He understands that the City Manager is going to be tied up somewhat with the people from GSA dealing with the Federal Courthouse about that same time and perhaps the Mayor might be tied up with him; but he and Commissioner Coke will be at the MPO meeting and they are also going to have some key staff people there, so they will be dividing their forces up to address the issues at hand. It is going to be a critical period for them at most of those meetings. He hopes they put their best foot forward on both occasions.

Mayor Benton said he thinks all of them were contacted this week, at least that is what he was told, by the Treasure Coast Regional Planning Council about a proposed charrette possibly. His comment to them was... And he is hoping everybody backs them up, City and County. Also, to add to this, he has been on the phone to the Governor's office several times in the last two weeks. He is sure they have seen the letter from the DEP Attorney. But this appeal has to be dropped by Mr. Bell. Staff time and everything else. But to him, before they could move forward in any type of good faith or even consider a charrette, this appeal should be dropped.

Commissioner Nelson asked what does the Mayor mean? Who is making an appeal that it needs to be dropped?

Mayor Benton said Mr. Bell has made an appeal with this decision that was made by the Governor and the Cabinet back in December. It has been appealed several times and now they have more time. What he is saying is, for him to consider anything, that appeal should be dropped in good faith because it is exhausting the City staff time. His comment to the Governor was... And that is why they are hearing from his aide. They are dealing with so much with this proposed tax relief which they haven't seen yet, by the time they make a decision it is going to take all their time because they will have less than 30 days going into their budget. So that is why he is saying that this needs to go away. Hopefully he will consider that and drop that appeal.

Commissioner Nelson said he doesn't know where they are with this appeal process as to whether or not it is in the Legal Department or in the Mayor's office.

Mayor Benton said Mr. Schwerer could probably brief him. He thinks he already has.

City Attorney Schwerer said he sent a memo to all of the Commissioners informing them of the appeal being filed, the fact that there was an order dismissing it, there is an order allowing an amendment to be filed, and then there might be a hearing officer and a local hearing. Did Commissioner Nelson not get that memo?

Mayor Benton said every one of them.

Commissioner Nelson said he doesn't recall making demands that it be dropped.

City Attorney Schwerer said no, they can't do that.

Mayor Benton said what he is saying is, the Treasure Coast Regional Planning Council called him and told him they were calling everybody here at the City and County. They were asking them... Mr. Bell went to the Taylor Creek Charrette and would like to put on a charrette for his property (at the **Port**). They wanted to know his opinion and wanted him to think about it. As long as they are fighting this appeal and it is exhausting City Staff time and the elected officials and the residents, he doesn't even want to consider it. In his opinion, if it goes away he will consider it, but not until.

Mayor Benton said at a time when they are all dealing with high utility costs, gasoline prices, looking at water restrictions, he had asked Mr. Thiess (Director of Fort Pierce Utilities Authority) to give him a breakdown on their utilities here on this **City Hall** building.

He saw the Palm Beach Post, he always thought the government was the biggest user, but he saw some private people were. But when it comes to irrigation, he thought they were using well water here.

They are using City water to the tune of \$40,000 last year to irrigate. Now that they are building a parking garage, they should be using a lot less irrigation. But his suggestion is that they would consider drilling a well. He thinks they could save a lot of money there. Watering with City water is not the best use of City water.

Commissioner Nelson said he made that same suggestion at the Housing Authority who uses the City water 15 years ago. Nobody listens to him.

Mayor Benton said they need to be using well water. They can save a lot of money by using well water.

Commissioner Alexander asked along with that, what type of water table do they have this close to...?

Mayor Benton said his hasn't dried up yet. He imagines it is pretty good. He had asked Mr. Thiess if there was a reason why. His comment was, they were afraid they would get the rust stains on the building.

He knows if they have good people like they have in Public Works.

Commissioner Coke asked do they think they can make the building look any worse?

Mayor Benton said first of all they should be watering their plants not with sprinklers but with a hose. There is no reason why they can't keep the water off the building. But he thinks they can save hopefully \$35,000 a year.

Commissioner Nelson asked what is their water bill for a year?

Mayor Benton said \$41,000.

Commissioner Becht asked can they ask Public Works to look into that for them?

City Manager Beach said yes. They actually have Public Works looking not only at this facility, but any facilities that use municipal water for irrigation purposes.

Mayor Benton said he would ask City employees when they can, turn the lights off at night. Because they do have a camera now at all the entrances to City Hall. They need to show the public to start here. They can conserve and get that price down, because it is getting very expensive.

There being no further business, Mayor Benton declared the meeting adjourned at 9:05 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

