

MINUTES OF A SPECIAL JOINT MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AND THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS, HELD IN THE CITY COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 1:00 P.M. ON FRIDAY, MAY 15, 2009.

Mayor Benton called the meeting of the Fort Pierce City Commission to order.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander and Christine Coke; City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: Commissioners Edward Becht and Reginald Sessions. (Commissioners Becht and Sessions arrived at the meeting at 1:10 p.m.)

Chairperson Lewis called the meeting of the St. Lucie County Board of County Commissioners to order.

Upon Roll Call, those present were: Chairperson Paula Lewis; Commissioners Doug Coward, Chris Craft, Christopher Dzadoovsky, and Charles Grande; County Administrator Faye Outlaw; and County Attorney Dan McIntyre. Those absent: None.

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

City Manager Recor said if they recall, they had a very productive Joint Workshop in March. There were a number of tasks that emanated from that meeting, one of which was an issue they have been working on for some time - annexation of the Research Park properties. He thinks it actually dates back to 2008 and the second reading of the annexation ordinances has been pending for some time. They have gone down various different paths in trying to reach an agreement inasmuch as the City would like to move forward with annexation. After the March 30th workshop meeting, the City initiated an Interlocal Agreement. He and the City Attorney made a conscious decision to abandon the Chapter 171, Part II Agreement for a traditional Interlocal Agreement, i.e. a Joint Planning Agreement, as provided for in Chapter 163 of the Florida Statutes. He thinks the County has done a good job of preparing a table of where they are in terms of the issues and what each jurisdiction's position is on the issue. That might be a good place to start, using that table as a guide to guide the discussions through the issues today.

Mayor Benton asked do they want to start with St. Lucie County? The County sent a letter here and they have some concerns.

City Manager Recor said after the feedback that the Commission provided at its May 4th meeting, the Interlocal Agreement was revised. They were able to put that in St. Lucie County's hands prior to their workshop on May 8th. So he believes the table that St. Lucie County has prepared is based on the most recent draft that includes the City Commission's feedback from May 4th. Again, he would suggest that this table may be a good way to begin and frame the discussion as they move forward today.

Chairperson Paula Lewis said that would have been her suggestion as well. She thinks this very briefly and clearly lays out the issues that remain to be addressed. It states very clearly the County's position versus the City's position. They have been calling it the matrix. If anyone looking at this particular document has any concerns with their understanding of the issues of the County, they had an informal workshop last week, so she thinks they are pretty much firmly in agreement on these positions. By no means is this not open for discussion, she is just indicating the County has looked at them and confirmed them as being correct. Unless any member of her Board has a comment on that, she would suggest that they kick it back to Mayor Benton, if any City Commissioners have any comments on either their positions as stated or the County's.

(Commissioners Becht and Sessions arrived at the meeting at 1:10 p.m.)

Commissioner Coke said all of this basically started because the City was looking to move forward with annexation of the Research Park. The last time when they had the joint meeting, they all kind of agreed they wanted to find a way to make it work, rather than as their past history find a way not to make it work. She thinks the City has been clear that their goal is that they need it for the future of this City and the future of their growth to move forward with that annexation. She thought they had found some ways to make it mutually palatable by being inclusive with the planning and designing, by the City agreeing to match any tax abatements that the County was providing. She thought they had really found a way to move forward. They spent a lot of time on it jointly. They spent a lot of time on it as a City Commission. She knows the County Commissioners spent a lot of time on it. Her concern is that they are back to square one. The City would like to annex this so they can move forward with future growth. The matrix right here reads the County says "No annexation by the City". They all worked hard to find a lot of different points they can agree on. Now the County is saying no. And if the County is saying if the City moves forward, they are going to challenge it, she would back off of it today. But some time in the near future the City will have the ability to annex that with no points to be raised by the County. They have all spent time, effort, and energy trying to move forward in a positive nature. If they have to back away from it and it will not get them to where they need to be, some time when they are able to annex it - which probably won't be too far down the road - all this work they have done to have a joint planning agreement and all these other things will be out the window, because it will just be the City's legal right to do it and the County won't have a leg to stand on to object to it. At that point in time, the City is going to move forward anyway. She doesn't understand why they went from they all wanted to play nice in the sandbox together and find a way to resolve this. The bottom line is, the County says no annexation by the City and they are going to object to it. If that is the case, if that is their firm line in the sand, she doesn't see too much reason for them to sit here for two hours.

Commissioner Alexander asked what investment has the City of Fort Pierce put into that Research Park?

Mayor Benton said zero.

Commissioner Alexander said he hears their County counterparts requesting a time period. He agrees with Commissioner Coke, it is not necessary they do it at this moment, but tomorrow they know it will be happening. So with zero input monetarily, why don't they give their County Commissioners the right path to travel so they can maybe walk together in that path?

County Commissioner Coward said he is actually very interested in working with the City as a partner on the Research Park. He does concur with the comments that were just made from Commissioner Alexander. When they partnered with the City of Port St. Lucie to make the Tradition Innovation Park a reality, the City of Port St. Lucie invested somewhere around \$40 million and the County put up a \$10 million contribution, and the State provided huge financial support as well. In this instance, the TCERDA Research Park off Kings Highway, the County has probably invested upwards of \$15 million and to date the City of Fort Pierce has not provided any financial support that he is aware of whatsoever. So if they were to explore ways for the City of Fort Pierce to be a partner in helping them achieve their goals, he is absolutely receptive to exploring those possibilities. He wants to address Commissioner Coke's comments about the Research Park, which has certainly been a pivotal focus of the discussion. They did in fact kind of craft some ways in which they would be amendable to considering annexation. But if they recall, the Research Park is part of a broader global solution that he thinks the County Commission is seeking. So he was a little dismayed when he received the feedback from the City. It was reiterated by Mr. Recor that the City has abandoned the Chapter 171, Part II, which is the global solution, that the City wants to pull out of the opportunity to work on those bigger issues and focus just on annexation of the Research Park. The compromise that they crafted not only included the tax abatement and other things they saw as possibly being a hindrance to them achieving their economic development goals, but their desire to have that as a part of a broader solution. He still would like to see them work on that Chapter 171 in that broader global issue. If he had his choice, he would like to see the City hold off on annexation of the Park now, but continue to work with the County. He thinks the majority of the County Commissioners actually see annexation in the near future as something that could be achievable, but there is additional work that they need to do together before they get to that point.

County Commissioner Grande said he agrees with the majority of the statements from Commissioner Coward. As somebody who has spent a lot of time researching Chapter 171, Part II, as a potential solution, he has also spoken with property owners who are key to the plan that is before them today. Of the properties that are being considered now, it is the properties on Kings Highway that are actually the tax base that the City is most interested in. Three of the four properties on Kings

Highway are actually Kelly Tractor. He has spoken with the representatives of Kelly Tractor and they are actually amenable to a Chapter 171 annexation. The concept that their tax base is dependent upon either the Research Park or the Jail or any other property that is perhaps in the way if they were taking the route that was originally laid out, he thinks they can work through that. It appears to him every time he looks at it that the Chapter 171 route will accomplish the City's short term financial goals and allow them to spend the time to work together to work out a plan that gets them all to where they want to be in the future.

Commissioner Coke said Chapter 171 sounded like a very good idea; however, they have two attorneys sitting on the City Commission, both of whom felt that it would not resolve the issue because a property owner has signed something saying that when their property is contiguous to the City, they can be annexed. By not annexing these other properties, it does not make them contiguous. Now just because the County would not object, that does not preclude the property owner from objecting. Commissioner Grande may have spoken with one person, but it is a universal issue. She has a couple of attorneys sitting up here with her, she has a City Attorney, and she believes they even consulted with the Utilities Authority Attorney, all of whom have clearly stated that Chapter 171, Part II, is not going to resolve their ability to annex. Although the County might say yes, go ahead and annex, hip-hop over this property, the Annexation Agreements that the property owners signed gives them the ability to object. She would guarantee that the vast majority of them would object to having to pay additional taxes.

County Commissioner Craft said that was only one aspect of the Chapter 171. There are many other parts of that they still can work with the City to achieve their long-term goals as well as the County achieving theirs. One of the things they had discussed, which he thought was agreed to by the majority of each Board when they left the last meeting, was that they would try to enter into some sort of Interlocal Agreement that would allow the County to retain the governing body over that Research Park, whether it is for zoning or permitting or whatever. Then it was after that when they had some other language coming back from the City that said otherwise, that the City didn't think Chapter 171 or any other agreement would give that type of flexibility. The County Commission believes differently and they have asked the County Attorney to get an opinion from the Attorney General's Office to find out where they stand on these particular agreements. To suggest that it was designed only to give the cities greater flexibility as opposed to the counties, nowhere in there does it even refer to one governing body over another as far as giving preference to. That is why he thinks they still have a lot of common ground to work on here. They have a tremendous opportunity in front of them from both sides to really work out something global that makes more sense than what they are dealing with today in the current capacity that they are trying to deal with it. So if the City is willing and able, he would like to still continue to work on this. They are not that far off. They just need some help from outside of

their two governing bodies to give them some direction on whether or not they believe it can be done.

Commissioner Coke said the City is under a deadline. If they are not able to move forward with this on Monday, that delays any financial benefit that the City would obtain from moving forward for a full year. Her big concern is, this was first addressed she believes last November. They brought it up and they postponed it to start working on this. So it is not as if they all didn't know that there was some urgency for the City's financial well-being to be able to move forward with this in a timely fashion. It was supposed to be at their last meeting; and that is when she said okay, if they are all really moving forward. But she honestly believed that they were going to be able to enter into an Interlocal Agreement and move forward. They are in the same financial boat everybody else is. If they can't do something to increase the financial situation they are in and do it now... They don't want to lose employees, they don't want to lose Police Officers, they want to be able to participate with School Resource Officers. They want to be able to do all those things. But their little pot of money is the smallest pot of money around other than maybe St. Lucie Village. So they need to be able to do something to be financially sound next year.

Chairperson Lewis said she thinks the original concern as to why they were even having this meeting with the annexation question being pretty much asked and answered, she doesn't think any of them have an objection to annexation per se. It is what they feel annexation would mean in their efforts to develop the Research Park, that is why the Planning Agreement became so important. And when the response came from the City which made it clear they were miles apart on that particular issue, that is why they are back to the hold-off. With all due respect, she understands their financial situation. Aside from the numbers being slightly different, they are all in the same place trying to figure out how to do more with less and get rid of the extras which aren't extras in most cases. They have been talking about this for some time. Sometime back probably last year or certainly the beginning of this year the figure of \$94,000 was suggested as being what the City would lose. She would suggest that the future possibilities that an agreement would open up would far outweigh that in short term.

Mayor Benton said when discussion about annexation of the Research Park started, that is when they had some major differences. That is where they are at today, at the 11th hour on the annexation of the Research Park. Unfortunately, a lot of other issues got brought into the picture. The Interlocal Agreement, that was changed at the last minute from the City's side. Under Section 2 it says: "Additionally, the County agrees to waive any requirement of contiguity on all annexations by the City within the FPUA Retail Water and Wastewater Service Area..." How they got from dealing with just the Research Park to...? He would rather deal with the issue at hand - how do they get through the Research Park right now? If it means pass over it and they come back when an Interlocal Agreement is in place, if it can be done without objection from the County, he

thinks right now that is the number one issue. The other ones, they have come a long way, but they still have a ways to go. The Research Park is his major concern now. Knowing that the County has put all the effort from day one - a lot of money, the plans have been put forth by the County, commitments by the County - and the City has done nothing other than sort of sit by the wayside. He and a lot of the City Commissioners have been involved with a lot of the discussions on it, but the City doesn't want to come in and take over something the County has put a lot of effort into. How do they get where they need to go to the other properties? If they need to put this annexation off for now, how do they do it? He thinks they are just clouding the water with all the other items - the Jail and the Landfill and everything else.

County Commissioner Grande said he thinks the Mayor hit the nail right on the head. The County has upwards of \$11 million, the number may be closer to \$15 million, in the ground there. He attended the last TCERDA Board meeting, a joint meeting where all of the County Commissioners were there. He thinks Bill Thiess was there for the FPUA. The latest news from the Research Park is now there is an immediate bill of another \$4 million for infrastructure that is required to get the sites ready for the first tenant, whoever that is, he thinks that is a big piece. The unanswered questions regarding Chapter 171 in its totality, he thinks that is a fairly big piece. There are a number of issues that are not resolved as they sit today and are certainly not going to be resolved by Monday. He absolutely believes from the discussions that have been going on that they can get to an Interlocal Agreement if they take this pressure of Monday off the table and challenge people to get in a room, sit down and work it out, based on finding out what the answers are question by question - what they are allowed to do, what they are not allowed to do, what is legal, what is not legal, what is in the best interest of everybody involved? So he would suggest the best thing that could happen out of today is - where he thinks the Mayor is going - let's take this off the table as far as Monday is concerned, let's work together to put together an agreement that they can all sign up to, whether that takes two weeks or four weeks or whatever. He doesn't think they can accomplish much more than that today.

Commissioner Coke said it has already taken eight months. They started working on this last September. In November the County requested they postpone it so they could work out the details. Now here they are at the end of May.

County Commissioner Grande said he would agree with that as a general statement. But keep in mind what they have been doing is delaying it two weeks or four weeks at a time, setting up dates certain for this to come back. The May 18th date, he thinks that was the latest date because of \$90,000. This is a multi-million dollar situation that relates to the entire northwest County. He thinks this is far greater than the immediacy of a problem that they are all sympathetic do, which is the financial problem. But weighing one against the other and the total investment here and the future of the Research Park in terms of where the money comes from, from now forward,

they really need to take the pressure off and do this right, rather than quick.

Commissioner Sessions said he hopes everyone can appreciate the position the City has taken with regard to their annexation policies. This is somewhat a small piece of the pie when they look at the budget in terms of what they are worth monetarily. He was hoping that the County would have been a little more sympathetic toward their cause in terms of trying to accomplish an Interlocal Agreement. When he reads the Minutes of the Workshop they had on May 8th, he is wondering are these the same County Commissioners that they sat down at the table with? In order to try to accommodate a lot of their concerns, they personally for the last three or four weeks have beat up on their Staff, their City Manager, and their City Attorney to try to accommodate most of the County's concerns. They are here at the table today back to square one, the County saying for the most part there is no ground that would be amicable and, as far as the County is concerned, it is all or none. So they have pretty much wasted a whole lot of time. At any rate, and this is the only reason why he is backing down for the most part, legally the City really doesn't have a leg to stand on if they proceed with what they would like to do. He was hoping that they could have reached an agreement, they put all this hard work and effort into doing so. But he hopes the County realizes that while the City is not able to annex it in now, they will be able to bring the butter from the duck at a later date in time. So he is going to back off and accept what has been proposed. He is not interested in entering into any type of agreement at this point. If the County wants to approach it, they have his blessings. It appears he is not going to be able to stand beside the County, but he is going to stand behind the County and do all he can in order to make this project work. This is really not about these governmental bodies feuding back and forth with each other, but it is about the best interest of the County and its entirety. He hopes the County Commission realizes that the County does consist of citizens within the City too. They are a governmental body as a whole and they need to work more together to fulfill and accommodate the citizens as a whole.

Commissioner Becht said he doesn't think that this has been a waste of time. He thinks because of a lot of work by a lot of people, Commissioners, and Staff, at a minimum they have identified the issues that they are going to confront on that day in the future when the City is in a position where the annexation could proceed through the Research Park. He thinks in light of everything at stake and specifically the value of the Research Park to the community - when he says the community, he means the County, Fort Pierce, Port St. Lucie, the adjoining counties as well - that this is not the right time to move forward because they have not addressed all the issues that need to be addressed. They have through this laborious process identified most of the issues they do need to address from the County's perspective, the Research Park's perspective, and the City of Fort Pierce's perspective. So toward that end, it has not been a wasted effort. It was painful and they have not gotten to the end of the road, but at least they have made major

steps in identifying the issues that they as two different Commissions and with the assistance of the TCERDA Board need to move forward and see how they come to the resolutions that they need to come to before the City is put in the position of this annexation is indispensable to the future of Fort Pierce. They are not at that crossroads yet. But at some point it is going to become important to the City that they do proceed with the annexation. That day is not going to be Monday, in his opinion. He thinks the County has demonstrated its good faith to date, trying to respond to the requests made of them. At this juncture he thinks all they can do is agree that they have some disagreements and agree that they are going to try to work through those disagreements.

Chairperson Lewis said one of her colleagues has suggested that the annexations which she understands were the City's immediate goal would become voluntary. Could they not proceed? Or would their Annexation Agreements preclude their ability to do that? If Kelly Tractor is agreeing to become a voluntary annexation rather than waiting for the terms of the Annexation Agreement to kick in, would that preclude their moving forward with them? The City probably hasn't considered that, but the County hasn't either. It just seems to her that the City Commissioners are kind of accepting that it is all or no go. She is wondering if that wouldn't accomplish what they are actually looking for in the short term?

City Attorney Schwerer said he can't answer that. He needs to see the map and he needs to see what is at issue concerning the layout of the properties and where that property is. He hasn't considered whether there is a contiguity issue on that.

Chairperson Lewis said it is not contiguous. Her understanding was that the Research Park would have served to provide contiguity. If they agreed to forego waiting for that to happen, that would get the City to the other side, which is where she had been led to understand they wanted to go. She certainly understands this is a short notice question and Mr. Schwerer feels he needs to ponder it. But it also seems to her rather than rejecting it out of hand, perhaps he could look at that. The relief the City needs with the tax base, the County is certainly sympathetic to that; and their intent is not that the City would never ever annex anything ever again, that is ridiculous and unhealthy. But she is wondering why that is not an immediate possibility?

Commissioner Becht said he echos that question.

Chairperson Lewis said she realizes it may not have been appropriate for her to ask the City Attorney, but that is the only way she knew how to get it answered.

County Commissioner Craft said he does want to make a statement to the process they have gone through. The County has had no less than five independent workshops to deal with this particular issue. They have met to try to vet these issues and have a consensus opinion on how to move forward. They have had two joint meetings, this is the second joint meeting they have had with the City, as well as a number of independent meetings

and telephone calls regarding these issues that he is sure all of the Board members have had. He understands Commissioner Sessions frustration, because he was just as frustrated at the last workshop they had. But he also understands the tone and aggravation that came from himself and his fellow Board members. It is because they thought they had that consensus position worked out at the previous joint workshop between both Boards. Then when they got the response back from the City and it didn't even remotely resemble what they had discussed in that meeting, that was his frustration and he is sure that was the frustration of the rest of his colleagues. But at the end of that meeting, if they read the Minutes, there is a real effort to want to continue to work with the City. This is paramount, they have got to work together, there is no option. The City may be able to go in and annex at one point. But the bottom line is, they have to find a way to deal with these issues because they are not going to go away. For them to continue to have legal issues going back and forth and wasting taxpayer dollars and for them to continue to have meeting after meeting after meeting on this as opposed to just getting together, getting it right, and then they set the tone for the future to save everyone a whole lot of money. The bottom line is, they are looking at \$45,000 for this year to the City for these annexations? He doesn't know that is going to help them balance their budget. So what he would like to do is for them to try to get back to where they were two or three weeks ago. He wants to work with the City. He doesn't have an issue with the City annexing that Research Park, as long as it is done in a fashion in which the County can maintain their vision for how they want to move forward along with the City, because they want the City's input on it.

County Commissioner Dzadovsky said while he agrees with some of the statements that have been made, he disagrees with probably more than he agrees with. First of all, the statement was made that this has taken over eight months and they can't come to a simple agreement. That is exactly what the problem is when they have multiple government agencies working on a project such as the Research Park. The people he has been talking to have actually stopped all discussions since this has made the papers. It is unfortunate. He thought there was a prospect to move those folks along. But this exactly the reason why. With ten minds with two governmental bodies trying to work out an agreement is why these folks don't want to come here. It has been stated that the County Commissioners in the Minutes of their Informal Workshop (May 8, 2009) were maybe inappropriate or not as nice as they would like to have seen. However, when they left the Joint Meeting at the Community Center on March 30th, he thinks everybody had an understanding or a feeling that they were moving close to an agreement, having an opportunity to leave the Research Park harmless in design and permitting and all that. He agrees with Commissioner Craft's statement that what came back to them was not even remotely close to what they had agreed to or even were going down that path. The Chapter 171 agreement came about from the request of a Legislative Annexation is where this all started. The City got a clear indication from the Board of County Commissioners that a Legislative Annexation was not an option to have people in the County wake up the next day in the City of Fort Pierce without

any say-so in the matter. Is it not the goal of these two bodies to leave a legacy for the future of Fort Pierce and St. Lucie County? He thinks it is important that what they do here leaves a legacy, provides them an opportunity to leave their children and the people of St. Lucie County something they can build on and be proud of. The statement was made that the City would not gain the \$45,000 or whatever the number would be without this annexation as of May 18th. But if the City needs \$45,000 today, how will the City produce \$4 million to put the infrastructure into the Research Park to help it move forward? How will the City help to pay the Executive Director of the Research Park to bring in tenants? Is there a plan by the City to help finance or be a partner with the County in moving forward? He would certainly be amenable to that. If the City plans to develop the Research Park, take control of the design and permitting and all of those things, what is the time frame they expect to move forward? Do they have the staff to be able to do that? Those are just some of the questions he has of the City as to how can they move forward? Are they prepared to answer those questions?

Mayor Benton said they have had a lot of discussion, especially their Joint Meeting, but they never really did anything officially. The next time they get together, they are going to have to make the lawyers commit to something when the majority of them say they want to do something. At the same meeting, they have to get both attorneys to agree it can be done. Unfortunately when they agree to something jointly, later the attorney says that can't be done; and the next thing, they have met separately since and they have turned everything around. He thinks in the near future what they need to do is sit down and really go over these items; and where there has been a glitch, see what they can do to fix it. Half the time they come to these meetings like today, he doesn't have all the information that maybe someone else had. They just have to organize things better. The \$45,000 isn't going to break the City. He thinks if they were to do this annexation and be challenged by the County, the two attorneys would eat that fee up in no time at all and the public would really have a sour taste in their mouth. By discussing the Research Park, they have brought a lot of other issues into the picture that they have been talking about for the 14 years he has been involved with the City and the County. In those 14 years, they have never come to an agreement on those. They might think a certain way, but they have never formally agreed. It is just not that easy. Several of them have been here a long time and they have discussed this for many hours. He thinks they are getting closer. But he thinks next time they really need to get the attorneys to give them definite answers.

City Manager Recor said he thinks that is a real good point. Although there was a lot of agreement at that Joint Workshop they had over at the Community Center, his recollection is that at the end of that discussion - and both attorneys participated - the determination was made that the City couldn't get to where they wanted to be via Chapter 171, Part II, because of the consent requirements. That is his recollection.

County Commissioner Coward asked when he said both attorneys, can he clarify who he is talking about?

City Manager Recor said he is talking about Mr. Schwerer and Mr. McIntyre.

County Commissioner Coward asked why don't they have Mr. McIntyre speak for himself?

City Manager Recor said again, that is his recollection.

County Attorney McIntyre said as far as his recollection goes, he thinks they agreed on that one issue, that Chapter 171, Part II doesn't waive consent. But in terms of him agreeing that they don't need a Chapter 171 Agreement, he clearly doesn't remember ever saying that. In fact, he thinks an Agreement under Chapter 171, Part II, is essential going forward. On the legal issue of whether the Chapter 171 provides a consent, he thinks they have always agreed on that really from the first meeting they had. But as far as agreeing that they only needed to proceed with an Interlocal Agreement or a Joint Planning Agreement on the Research Park, he doesn't remember ever even discussing that issue. He doesn't think that issue was discussed at all.

City Manager Recor said since the City Attorney and the City Manager were the ones primarily responsible for initiating that draft, they had a difference of opinion obviously. They felt they could simplify this process by initiating an Interlocal Agreement that captured the meat and potatoes of the issues that were really on the table, removing all of the other issues that were added because it was a Chapter 171, Part II, Agreement. They believe that the draft Interlocal Agreement simplified the discussions, focused on what jurisdiction would be responsible for issuance of the permits, the tax abatements, participation in the design charrette. It greatly simplified moving this forward. That was not a slight against the County or a disregard for the discussions that occurred in March. They all know the City doesn't have \$4 million they can contribute to the Research Park. But what they do have is a dedicated staff that can offer in-kind contribution through expedited development review, an understanding that they have articulated in writing that the County would be involved in that process and that the County's input would be meaningful and considered by the City Commission. What they don't bring to the table with financial resources, he thinks they bring to the table an attitude and initiative. As City Manager of this organization, he can make that commitment to the County.

County Commissioner Dzadovsky said this all started with the request of a global agreement which included the transfer of parks, beaches, property, and buildings. Part of this whole idea was to negotiate transferring those parks to the City and letting the County maintain or hold harmless the Airport, the Landfill, the Jail, and the Research Park. That is where he thought they had this much larger picture, that they could take all of these things and have one global agreement which offered the opportunity for the City to have what they needed and what

they desired - the parks and some beaches, property at the Jetty - and the County needed the Chamber of Commerce building and that corner property next to the County building. There was a much bigger picture here. They seem to have lost the bigger picture. He is not willing to go down that road if they can't find some common ground to holding harmless those four properties they initially identified.

Commissioner Coke said with all due respect, he is mixing apples and oranges, because none of that all occurred at the same time. The former County Administrator came to the City's Budget Workshop a year ago and pretty much told them that the County is going to sell their parks because they can't afford to keep them any more. Mr. Anderson stood up in their Budget Workshop and said the County will be closing the parks and possibly selling them, unless the City wanted to take them over. So the parks issue is a whole different story than anything to do with this Research Park. Her concern is, when they look at a global agreement. If you want to eat the elephant, you don't start in the middle, you take one little bite at one part. She thinks that is what they started to do the last time. If they can take one issue and work their way through that, then they can move forward with the next issue. She thinks if they try to glom them all together - annexation, research parks, utilities, land swaps - they will never get anywhere. First of all, it will take the attorneys thousands of hours to try to draft one document that encompasses everything, versus if they can just break it down into small bite sized pieces. If they have misunderstandings... They all walked out of their last joint workshop which basically covered this Research Park and the Annexation Agreements. If the City Commissioners and City Staff did not interpret things in a like manner as the County Commissioners and County Staff interpreted, it would have been so much easier for her if the County's letter back didn't say no, the City can't annex. If the letter back had asked, were they at the same meeting? Because they thought they were going to do this, this, and this. And if the City can see their way clear to compromise on this and this, maybe the County can do this. They all need to do it. It is not the County. It is not the City. It is not the County Staff or the City Staff. If they all truly intend to bargain in good faith, they need to stop throwing stones, saying who is right, who is wrong. The truth is, she read the Minutes from the County's Informal Workshop and she sees the County was saying they are going to pull all their funding for the Research Park if the City annexed it.

County Commissioner Craft said no.

County Commissioner Dzadovsky said that was his position.

Chairperson Lewis said that was not a consensus of the Board. There were some comments made, but that was not a Board consensus or a stated policy.

Commissioner Coke said it was very hurtful, because they are supposed to all be moving forward for the betterment of their community. Her theory was, she doesn't care who does the planning on it, she could not care less. But Staff said legally

they can't allow that to happen. If the County had come back and said if the City will figure out a way to let them do the planning on it, they won't object to the annexation, she would have told Staff to figure out a way to let them do the planning on it. But she thinks they need to not necessarily walk in here and say they heard something different, because there are three sides to every story - his, hers, and the truth. So they all interpret things differently. If the City interpreted it differently than the County, she would rather have some positive effort - this is what they need the City to do in order for them to move forward. Instead all she got was no, the City can't move forward. So it does get frustrating.

Mayor Benton said he missed the Joint Workshop. But if Staff said they couldn't allow the County to do the permitting and everything else and plan their Research Park... Couldn't they put in this Interlocal Agreement that the County would develop and permit their own Research Park? Because it is government property, it would be very simple to do.

County Commissioner Grande said he doesn't want to leave the impression that if the County can do the permitting, that solves it. It is not that simple. This is a much larger question. The position he has is, he has no problem being partners. But he thinks they need to understand what a partnership is. He thinks that is pretty much Commissioner Dzadovsky's position. They would really like to work with the City. But they need to understand what working together as partners in an endeavor like this means. He thinks they can work through that and get to an answer. He doesn't think they are going to be at that answer Monday. But he loves the idea that they sit down as the elected officials and work their way there unencumbered by where any staff or anybody is trying to drive them.

County Commissioner Coward said he wanted to echo some of the sentiments he heard from his fellow Board members and try to address some of the other issues that were brought forth by some of the City Commissioners. The comments Commissioner Sessions made, that he felt the letter that came to the County accommodated most of their concerns. He thinks the venting he read in the Informal Workshop Minutes is a reaction by the Board, not feeling like the City had come even close to trying to help accommodate any of their concerns, maybe one or two but certainly not the vast majority. That is where they have a difference of opinion. They didn't get the sense that the City was even coming close to meeting most of their concerns. The idea of not having a global solution by throwing out the Chapter 171 is a fundamental, critical, huge issue to him and he believes the majority of the Board, and he believes they just heard that sentiment from the County Attorney as well. So that is just not a minor issue they pushed aside, no longer having a global solution. Commissioner Coke talked about apples and oranges and trying to deal with one issue. But these are very interconnected issues. That is why the Research Park, which doesn't meet State law for annexation, really is a part of the broader discussion they have had in the past about needing to address a global solution on annexation and work with the City and is important. It is the sentiment he has expressed, that he

is receptive to annexation at the Research Park, but as a part of that global solution. Another key issue that he put out there and he continues to feel very strongly about is the fact that the draft Interlocal Agreement the City provided would allow for the City of Fort Pierce to annex outside the urban service boundary. There is so much land inside the urban service boundary for growth that to have language in there that would allow them to move forward with annexation outside the urban service boundary, to him as a professional planner, is a deal breaker. Those aren't small issues. Those are really big fundamental issues that have not been dealt with. Another one was the County's concern about the permitting. While he appreciates Mr. Recor's willingness to put forward fast-track permitting, if they didn't have that additional layer of permitting, they wouldn't even need to fast track at all. So the City isn't really bringing anything to the table in that regard. What they are saying is, they want to be able to expedite and take advantage of the investments they have made and work with those clients and recruits they are trying to bring in now. That is another concession they thought they had, is that they would be able to work with the City to not have the City do the permitting. And then they get the draft Interlocal Agreement back and that is not the case either. They had also hoped the City would work with them and put some limited financial resource into cooperative planning around the Research Park. Quite honestly, this issue is much bigger than just the Research Park. There is undeveloped lands on key I-95 and Turnpike interchanges or future interchanges that could be growth business development and tax growth base areas. The letter they got back was, the County go ahead and pay for it and the City is not willing to work with them on that either. So they did not get this letter and feel like the City was really putting forward a lot of commitment or meeting their major objectives. Someone said they want to move forward with the County. How are they moving forward with them now? What are they doing to help them to advance the goals of the Research Park? Are they directly involved in any capacity other than chasing the tail and trying to annex in after the County has made all the investment and done the work? Let's change the approach to have the City become a partner with the County, that is what they all want. Finally, to address Commissioner Coke's comments about how they responded back, if they look at the May 11th letter from their Chair, what it says is they acknowledge there are inconsistencies, they think it may be a misunderstanding, and that the Board of County Commissioners would like to meet with the City Commissioners before their meeting on May 18th to try to achieve resolution. And the final paragraph says the County's primary desire is to work with the City on these issues and they believe a cooperative approach is in everyone's best interest. So they do want to work with the City; but they are not getting the sense that the City is bringing anything to the table or helping them address their major issues. They feel like the City is taking those issues to benefit them, but the County isn't getting anything out of it. He thinks that is why they did see some venting that occurred at the County's Informal Workshop, because they really didn't feel like they were making progress, that they had actually gone backwards from that prior Joint Meeting.

Commissioner Coke said she doesn't have that letter, by the way, so therein lies part of the problem.

Chairperson Lewis said those were hand-delivered to City Hall yesterday.

Commissioner Coke said their mail comes to them early in the morning, so it probably got put into her mailbox late yesterday afternoon or this morning, and she hasn't picked it up yet.

Chairperson Lewis said she was trying to clarify that they didn't try to leave her out of the loop.

Commissioner Coke said she didn't mean that. She wanted to clarify one thing. When she said apples and oranges, she wasn't talking about annexation of the Research Park and global annexation issues. What she was referring to was mixing the transfer of County parks and City property, i.e. the Chamber of Commerce building, with this issue. They have nothing to do with each other. She doesn't even know that they initially discussed them at the same meeting.

County Commissioner Coward said he agrees with her on that.

County Commissioner Dzadovsky said if he recalls, he received a draft of at least 11 or 12 items they wanted to discuss. Actually part of that discussion happened on November 17th, prior to his being installed. Those were parks, beaches, transfers of property, and so on. So this all started around that period of time. He thinks he needs to emphasize something that Commissioner Coward just brought up and it was also in the document. They had actually come to the table with the idea of creating a charrette with the overlay for that area for a jobs corridor - Kings Highway, Midway Road, Orange Avenue, and so on - to help the City and County plan how they are going to create that jobs corridor and to work it out together and make sure it meets and fits what the future plan of the City of Fort Pierce is going to be. Because like they said, somewhere down the road in 20 or 30 years the City is going to be all the way out to the Turnpike. They were coming to the table with some more solutions. When it said the City wasn't interested in that or the County just pay for the Charrette and they will take care of it from there, that was kind of disingenuous.

Mayor Benton said let him see if he can draw this item to a close. It appears there are at least four Commissioners who have said they are willing to not annex Monday night and put this off until they have a lot more dialogue with the County and try to work their differences out.

Commissioner Becht said he would like to have it pulled from the Agenda.

Commissioner Sessions said him too.

Mayor Benton said so there are three of them who agree to that. He thinks it will be for the City Attorney to tell them Monday

night whether they can annex the other properties, the voluntary ones.

Commissioner Sessions said with regards to Commissioner Coward's statement about the City not trying to accommodate the Chapter 171 process that he thought the County proposed, he tends to disagree with him. He can recall that was one day he started feeling sorry for attorneys, when Commissioner Becht beat up on their City Attorney so bad that they tried to accommodate the County that he started feeling sorry for Mr. Schwerer. He guesses the most important thing is that when they leave this building, they are all on common ground. Because he can assure them that there is someone out in the audience, someone observing from the Research Park, potential developers watching just to see how they handle this issue. At this point they need to agree to disagree and move forward toward towards what is in the best interest of all the individuals, both in the County and the City. He surrenders. They have his blessings. If there is anything he can do to make this a reality, he is willing, as he is sure the City as a whole is.

County Commissioner Coward said one of the things that really stood out as it relates to this matter was at an Economic Development Council luncheon that was sponsored by Richard and Pam Houghton (CEO of Torrey Pines) the question was asked from the audience, what is the number one reason why they came to the City of Port St. Lucie and St. Lucie County? He was pleasantly surprised to hear Dr. Houghton say it was because of the cooperation between Port St. Lucie and St. Lucie County. So they all need to recognize that if they are going to make this Research Park a reality, they need to achieve that same level of partnership with the City of Fort Pierce. He is convinced - despite some venting that occurred at that Informal Workshop - that the County Commission unanimously would like to work with the City of Fort Pierce to figure out how they can partner to not only benefit the Research Park, but also the jobs corridor around it. He thinks they are fully committed to it. He doesn't think this has been a waste of time, as frustrating as it has been. It has laid the foundation for some dialogue. They need some better input from their legal staff. As much as he respects the City's legal team, he also has great respect for Mr. McIntyre, who has a completely different perspective on the options available through the Chapter 171 process. He thinks they have sought some input from the Attorney General. If they can get some additional guidance on how that truly could benefit the City, he still wants to work on those bigger issues of the global solution and the Research Park and the surrounding areas. He thinks they should all commit to doing that.

County Commissioner Dzadovsky said this week the group that he was talking to totally backed out of discussions and would not have any further discussion going forward until this is resolved. Again to reiterate, one governmental body overseeing the Research Park is their position and they backed out of all discussions from here forward until such time as this is resolved. He wants them to keep that in the back of their mind going forward when they try to find a solution.

Commissioner Alexander asked does he want them to send a kind letter?

County Commissioner Dzadovsky said right now they don't want to talk to him at all.

Mayor Benton said tell them to come see him, he thinks they can resolve that problem. What they are talking about up here should not bother anybody who wants to move into that Research Park. He is sure any one of them could reassure that group. They have had several meetings with the Utilities Authority staff, with the Economic Development Council, with possible companies moving in there, and everything has gone very well. He thinks they have agreed it is off the Agenda on Monday night, annexation of the Research Park.

Chairperson Lewis said corollary to this issue, it has just been whispered in her ear to remind her that the City had been asked to make appointments to put people on the **TCERDA Board**. She did not know if they had made any progress on that.

Mayor Benton said they couldn't even agree on that.

Commissioner Coke said no, she thinks they were a little taken by surprise when it came in front of them. Normally when they are making appointments, Ms. Steele will give them packages with applications. They have people submit their applications and then they make appointments. Instead what they got was a group of mostly County residents who had already been approved by the TCERDA Board. She thinks the City Manager sent a letter and requested is it possible for them to submit applications and then have the City Commission make a recommendation of who they would like to appoint?

Chairperson Lewis said she can assure them there is no vetting process involved in what they sent on to the City. It was simply people who had expressed interest. Obviously it was up to them to determine who met their criteria. Is that in process?

City Manager Recor said that is not entirely accurate. There was no vetting process by the Board of County Commissioners. He believes the vetting occurred by the TCERDA Board. The TCERDA Board reviewed the potential applicants, narrowed it down, and that list was what was presented to the City Commission.

Chairperson Lewis said she misspoke, she didn't mean to say there was no vetting process.

County Commissioner Craft said the reason that was done is because there is specific criteria they are looking for on that TCERDA Board. Of the applicants who had turned in an application, those were the ones who met that criteria. The TCERDA Board needed someone with a finance background and they needed someone with a business background.

Commissioner Coke said maybe they needed to send their question to the TCERDA Board, can the City submit applications and let them vet from the City residents?

County Commissioner Craft said the County actually controls that side of it. They would be more than happy to send out and accept more applications, they can do that. But they need to get those Board members on there for participation as quickly as possible.

Chairperson Lewis said Commissioner Craft is the County's liaison to TCERDA, which is why he is aware of the inner workings of that Board.

County Commissioner Craft said they would love to have a liaison from the City to come to those meetings.

Commissioner Coke said they would love to be invited.

Mayor Benton said they have. He has been to several.

County Commissioner Dzadovsky said it goes all the way back to Matt Margotta, he used to go all the time.

The next item on the Agenda was Update on Property Exchange - the former Chamber of Commerce Building property owned by the City and property at Jetty Park owned by the County.

City Attorney Schwerer said he and Mr. McIntyre have exchanged comments back and forth. They believe the agreement is in final form and order except for two issues. One is a Commission issue and they will have to discuss it. The other is simply a matter of explaining what is happening with St. Lucie Court. The County's folks wanted to continue to use St. Lucie Court, the unopened portion of the roadway that goes to the beach. He had questions from their Planning Department and Public Works Director. He put in the agreement that the City would certainly consent to that, provided the area is available at the time. Of course, this agreement is going out for a very long time. As they recall - and he is speaking directly to the City Commission now - they had some discussion with the developers of some adjoining property to actually make it a requirement in their Site Plan that they develop that into an area that was open for the public with brick pavers and some promenade feature. That is what he meant by that, if they commit to have a developer develop that and obviously improve it, it won't be available for staging of heavy equipment. He thinks Mr. McIntyre accepts that explanation and passes it on.

County Attorney McIntyre said he does accept the explanation and he understands it. The Board of County Commissioners may want to hear from Richard Bouchard on his concern. As he understands it, they use currently the Jetty Park to stage the beach erosion activities that they do periodically. If they don't have that available any more because they are going to give it to the City, they wanted an alternate location which they thought was St. Lucie Court. The City is willing to let them do that to the extent it is available. They understand why they couldn't commit beyond that. He thinks Mr. Bouchard will just indicate that they probably need to have some ability in some location to stage, otherwise they are going to have some issues.

Mr. Richard Bouchard, Erosion District Manager for St. Lucie County, said he has been trying to talk with the Army Corps of Engineers, but it is very difficult to get responses back. They are frequently putting renourishments at Fort Pierce Beach and trying to accommodate the contractors when the projects go out to bid. He went back to look at previous bid documents, about five or six, all of those had identified the South Jetty Park area on the plans by the Corps for the contractor to potentially use as a staging area and access to the beach. Fortunately they have had a very good working relationship over the years with the City and they both recognize that Jetty Park is a beautiful park, and they want to try to keep the contractors out of there as much as possible. To his recollection, he thinks the contractor has used it one time. He thinks it was in 1999 when they had brought some pipes in and they had to temporarily store it in the parking lot area, so they had to close part of that park down. After that, working closely with the City, they had identified St. Lucie Court as a potential area for the contractor to try to access the beach. If anyone has been down there lately, they are obviously working right now, they bring in some big bulldozers. The other thing they have is some big pipelines. Fortunately they have a contractor out there who has done this before. Apparently he has made an agreement with the property owner next to St. Lucie Court for a lot of his storage for his pipes. It is very difficult, every other year they are out there fighting for money at the State level, at the County level. When they do get the money, they have to deal with sea turtles, so they are very limited on when they can get out to the beach to do this project. If they are dependent upon this access point for a \$3 million or \$4 million or \$5 million project and all of a sudden it is not there, that could cause some major problems both from a scheduling standpoint and financially as well. So they were just trying to figure out a way to not impact South Jetty Park. St. Lucie Court has been more recently providing a very good access point for the contractor to get on the beach. So that is the concern he has. If they go out to bid and they are ready to go and all of a sudden that is not available to use, then it might be very difficult to deal with all this equipment and pipelines and stuff.

Commissioner Coke asked does he have an alternate suggestion, if that property were to be developed?

Mayor Benton said as important as it is restoring that beach, if they created any problems, the investment they have made in Jetty Park will go away. If they don't put sand on the beach every two years... Another six months, the boardwalk would have been gone. The ocean was almost at the road. So the City is going to have to work with the County. He thinks St. Lucie Court is a perfect area. But also they need the area there to cross the Jetty right now where the sand transport ship ties up. He would think any plans they do for Jetty Park needs to take that into consideration; because if not, the park won't be there.

Chairperson Lewis asked do they need to perhaps have some sort of formalized Interlocal Agreement to that effect before they

move forward with anything? She would think it would need to be memorialized. She understands from his point of view, it makes a lot of sense, but just to protect them.

Mayor Benton said add a paragraph in there just saying they would work with the County to make sure the Army Corps of Engineers...

City Attorney Schwerer said it is part of the Exchange Agreement now. The only issue, the County is retaining an easement over Jetty Park to transport its machinery or whatever it needs for access to the Spur Jetty. This dealt with the staging area. The other issue is already covered. The document already allows or provides for the County to be retaining an access easement in Jetty Park, so that is not an issue. Certainly he wouldn't think that it is in the County's or the City's best interest that a contractor stage heavy equipment in Jetty Park, which the City is going to be spending millions of dollars on to beautify. The issue really was just staging on St. Lucie Court, that is the only issue they were addressing. Again, that is an unopened right-of-way and this agreement is forever. That is how it is drafted. So they can't absolutely guarantee that St. Lucie Court will be there forever, because if a developer comes along and wants to do that waterfront, they certainly want it developed for the public. He doesn't have a suggestion. Normally contractors are generally required to provide staging areas as part of their bid.

Mayor Benton said he knows the property owner. Before Mr. Anderson retired, they had a meeting with the Army Corps in Jacksonville back in December he believes. He knows the developer of that property would just love to sell it or part of it. He thinks he might have taken that information up there. But he would think the Army Corps also understands that in the future they are going to need something there too. The pressure is not on to build out there. And he thinks anybody who sees how quickly the sand goes away on that parcel might definitely really reconsider whether they want to build on it or not. He thinks there is ability in the future to maybe purchase that land or part of it.

Chairperson Lewis said the developer did not weigh in at all in that meeting in Jacksonville.

Mr. Bouchard said he did want to mention too, he didn't realize there was a lease on Jetty Park. Every time they were doing a project out there, he would go to the City and he just assumed it was their park. But the lease agreement they had in 1982 that recently expired obviously did include provisions in there for the park to be utilized for access and storage of pipes and things of that sort. Again, not wanting to diminish the integrity of the park, they tried to find other areas. There may be other options, that is why he is talking to the Corps now. Mr. Schwerer is correct. If they show a staging area in the plans, they are going to get a better price for it, because they know they have an area to go to. But if there is uncertainty out there, the bid prices are going to go up. He is not saying they can't try to find other avenues. That is why he

is trying to communicate with the Corps. But they get to a point where they have an expensive project to go and they get stuck, he doesn't want that to happen.

Mayor Benton said he thinks their attorneys agree on this, because without continuing to do this, the beach won't exist.

City Attorney Schwerer said the County and the City will just have to cooperate. They have joint investments there. The City is going to be putting in \$2 million of improvements at Jetty Park and the Linear Park. He doesn't think it is in anybody's best interest that they stage equipment in the park. This is really an issue where it may not be something they can address in this agreement because it is something they are going to have to figure out as they go down the road - where will the staging be?

Mayor Benton said they are not talking a huge area. They are just talking about a place where mainly they unload the pipe until they put the pipe out on the beach. It is amazing how quickly and how small of an area they used this time.

Mr. Bouchard said obviously even St. Lucie Court is probably not big enough for them to really do what they need to do. He thinks it is 50 foot wide, if he is not mistaken. At least they can get their heavy equipment in. And when they do bring in the pipes, they could get it up on the beach and offload it on the beach area.

Mayor Benton said it is just taking a close look at the plans for that park. The only area they would be talking about is close to the beach. How big an area would a contractor need if St. Lucie Court wasn't available or they didn't have another option?

City Manager Recor said there are two vacant lots over on South Ocean Drive that were recently under contract for \$600,000.

Mayor Benton said those are on the wrong side of the road.

Commissioner Becht said what is not being discussed is the access point that is right across from those two lots, which the County owns.

Mr. Bouchard said that is certainly something to consider. He knows they have a couple of vacant lots a little bit south of that area.

Commissioner Becht said he wouldn't call them lots. What he thinks the County has is at least a 30-foot beach access point. When they talked about creating that parking lot and using the County's beach access as a dune crossover for the two lots the FPRA were going to buy, Mr. Bouchard had concerns then about giving that up. So the County has another point that is in proximity to the South Jetty. He wouldn't think it is good for staging, because if he recalls it is only 30 feet wide, but they can get their equipment across there. So if they have St. Lucie Court for the pipes that are laid out... That is where they are

laid out now, in that area.

Chairperson Lewis said she and the Mayor both thought this might be an easy issue, but it is not shaping up quite that way. Given the discussion they are having here, she would like to see something committed to paper before they move forward, rather than just they will deal with it as it comes. Quite honestly, dealing with the Army Corps of Engineers, things are tightening up as they move along. There was money in the Federal budget this year and then it went away again. The meeting they had in Jacksonville last year dealt with the fact that they felt some of the projects they had done as long ago as the late 1990's, suddenly they had decided the County owed them money on those. So given the fact that the Corps is not often the easiest entity to deal with, she would like them to have a more firm agreement before they move forward with this, rather than they will deal with it as it comes. Quite honestly, their views of what is everybody's best interest tend to vary from time to time.

City Manager Recor said there is actually one more aspect of this agreement that they need to touch on that might muddy the waters a little further.

City Attorney Schwerer said the issue of the staging area will have to be discussed by staff and proposed for something in writing if that is what is necessary. The other issue that is not resolvable by Mr. McIntyre and himself is what is being exchanged for what. The City Commission believed they were dealing with just the old Chamber of Commerce building and its parking lot site in exchange for the Jetty Park parcel. He believes the County was thinking that the City was committing to not only include the old Chamber building and its parking lot, but all of the northeast corner to 23rd Street, which is that dirt parking lot.

Commissioner Coke said once again - don't take it wrong - they got attorneys involved and here they are in trouble. Because she said while sitting in the St. Lucie County Chambers (Joint Meeting on February 24, 2009) when the discussion of the Chamber of Commerce building came up that she thought they ought to give it to the County. She was talking about the building and that little bit of parking that goes with the building. They said unanimously they were going to do that. Later on one of the County Commissioners generously said instead of renewing the lease for that Jetty Park land, why don't they give it to the City. So all ten of them were huggy, kissy. Then it got to the attorneys. So instead of them exchanging this and that, it was determined it should be a land swap, and then it mushroomed. She guesses it is just a technicality that it is a land swap instead. But she remembers at the meeting somebody asked, does it include the additional parking lot? And she had said maybe they can agree to give the County that additional parking lot if the County will give them the Causeway Park. That was mentioned, but it was not inclusive in what she had intended when she said let's give the County the Chamber building.

County Commissioner Grande said he was at the same meeting with Commissioner Coke and he heard exactly the same thing. They

were talking about the properties one at a time. They were talking about a property that made sense and would be best used by the County; and the City said it sounds good, they will give them that. The same thing was on the other property, it is a piece of property that should be in the City. He doesn't understand why these things need to be land swapped. Why do they have to tie them together? Let's straighten it out. Put the right property in the right place.

Commissioner Coke said but the property description of what the City intended changed someplace along the line. Is that what Mr. Schwerer is looking for direction on?

City Attorney Schwerer said they are simply looking for direction. It is a land swap agreement because they need something in writing that everybody wants. So they put it in writing as a swap agreement, because under the City Charter they can't dispose of real estate except by selling it or auctioning it off, but they can exchange it with other governmental agencies, give it away to other governmental agencies or exchange it. That is why it was done as an Exchange Agreement. It had to be a written agreement to begin with for the exchange. He just needs direction on what is the legal description. Is it the old Chamber building and its adjacent parking lot for the South Jetty parcel? If that is the case, the agreement is in the final form now, except for that issue of the staging area, to be signed. So he doesn't need any direction other than they tell him which two parcels they are talking about.

Mayor Benton said he wanted to include that corner lot the County uses for parking now. It doesn't do the City any good. He thinks they discussed the Skate Park that was built.

Commissioner Coke said she made the motion and that was not her intention. Because she remembers clearly afterward they had further discussion; and she said if the County wants that parking lot, maybe they can swap that for the Causeway Park.

County Commissioner Coward said one of the other aspects of the discussion as it evolved, because it did start out parcel by parcel and it got broader. He thinks they recognize there are certain areas where the City may have 80% of the overall land holdings or vice versa with the County, and those are the areas where they ought to be talking about a complete swap. Like this corner piece, he is actually interested in not just the building but getting the additional land which they are using pretty much five days out of the week for parking anyway. And other areas where they have City Parks and the County has an out-parcel, why not give it more totality or the whole contiguous piece? He would like to see them look at not just the Chamber building but that entire corner in exchange for other properties the City would benefit from.

City Attorney Schwerer said there are some time limits on this only because Jetty Park is needed fairly quickly to move forward with their Corps of Engineer permits for development and some other DEP requirements. So that is kind of the reason why they needed to move it fairly quickly.

City Manager Recor said let's add Causeway Park and keep the legal description inclusive of the corner property at 23rd Street and Virginia Avenue.

Commissioner Coke said if they have agreement from three County Commissioners, she thinks they need to have a clear definition and let's do it now, if they can get three County Commissioners. They don't want the entrance, they don't want anything west of there where they drive in. Commissioner Grande brought them a lovely map. The City doesn't want the property where Chuck's is, they just want the part of the Causeway Park that they worked on improvements.

County Commissioner Grande said give that to the attorneys and they will convert it to a legal description.

Commissioner Coke said they don't know if three of the County Commissioners agree.

Chairperson Lewis said quite honestly she had not expected that. That certainly was not before her for today. She would like to talk about that more, take that back as an item for Board discussion.

Commissioner Coke said she wasn't expecting that corner parking lot to be part of the Jetty Park property swap.

County Commissioner Craft said he has no problem with it personally. He has been trying to give the City all the parks since he got in office.

County Commissioner Dzadovsky said he actually thinks they can resolve this all. The staging area goes away, they don't have to worry about that if they don't transfer the Jetty Park. The parking lot stays where it is. The Chamber property stays where it is under the City. Just not do any land swap at all. It solves all the problems.

Chairperson Lewis said they need to take this back to their Board and have a little bit more orderly discussion.

Commissioner Coke said they don't have to decide on it today. But she is saying when they are looking at this, her intention when she brought up giving the County the Chamber building property, it was the Chamber building property. She thinks if they are going to look to expand it, then they need to...

Mayor Benton said maybe they can put it on their Agendas for a formal vote, that the City would exchange the property on the corner of 23rd Street and Virginia Avenue for the Causeway Park. That way the County can address it in a formal vote at their meeting and the City can address it at a formal vote at their meeting.

County Commissioner Craft said they have everybody here now.

Mayor Benton said he knows, but he hasn't heard three approvals

yet.

County Commissioner Craft said his point is, he will stay here for as long as they need to stay. They need to work this out and not have these Boards split and go off on a different path. They have them together today. Let's figure it out.

Chairperson Lewis said she truly think pushing for an agreement when there have been at least two of them who have said they would like to discuss it further, and one said he doesn't want to discuss it at all, she really thinks they probably need to take it back to the Board and have separate Board discussion.

County Commissioner Coward asked they are talking about the Causeway Park piece, right?

Chairperson Lewis said they don't need to get together again and hash it out. The attorneys can deal with it once they come down with a firm decision.

Commissioner Coke asked can they take a smaller bite of the elephant? Let's go back to what they talked about originally and maybe they can move forward with that. For today, so they can walk out of here saying they agreed on something, let's remove that corner lot and go with the Chamber of Commerce building property as an exchange for the Jetty Park property. Then next time they want to talk, they can talk about that corner parking lot and whatever else they want to talk about. She is talking about little bite sized pieces.

Chairperson Lewis said once again they had a misunderstanding. She did not foresee this agreement going the way Commissioner Coke is indicating with just the tiny parking lot attached to the Chamber building which holds five or six cars. She remembers they always had a parking issue. She doesn't remember the Jetty Park/Chamber Building swap as it is being discussed here today. So she thinks they probably need to take the whole thing back. If they deal with it as a totality or they deal with it as a separate issue, they still need to talk about it at their end.

Commissioner Alexander said he thinks they first of all need to go back to the Minutes of their prior meeting and all that would be cleared up. He knows particularly they spoke about individual pieces of property. If it is going to be brought back, if it is not going to be resolved today, and they can all read and comprehend exactly what was said.

Chairperson Lewis said she certainly is not adverse to looking at the Minutes if her memory is faulty. But obviously she doesn't like it the way it is before her at the moment. They do need to discuss it further.

County Commissioner Grande said he doesn't have a problem with bringing it back. He thinks they need to get this resolved one way or the other. But on the subject of Causeway Park, he would just say publicly and this may be a wrong thing from a negotiating position, but his observation is the City has done

more with that property in six months than the County has done in six years. It is looking great. He thinks the City has done a magnificent job and he applauds them for it. He would really like to see whatever it takes moving that to where it belongs. He will be working in that direction.

County Administrator Outlaw said from the staff perspective on the County's side, she thinks they are in general support with their Board agreeing to give the City the Causeway Park property. She thinks there is a segment of it they need to retain. Staff would like to be able to walk the Board through that.

County Commissioner Coward asked how big is that?

County Administrator Outlaw said she doesn't have the information on that. They agree on the County's side that, if they look at the Minutes, the Minutes reflect that the discussion related only to the Board. However, in having gone back and looked at the tape, the discussion included - and she believes the Mayor took the lead on that discussion - the corner lot. Their Recording Secretary unfortunately did not pick up that part of the discussion in the Minutes. So she thinks that is where part of the conflict is in terms of their understanding on the County side that it was to include the corner lot and the City's understanding based on the Minutes that it only included the Chamber building.

County Commissioner Coward asked what is the size of the property they are talking about along with the Chamber building, acreage-wise?

County Administrator Outlaw said she doesn't think they have worked that out yet.

City Attorney Schwerer said there is a map attached to some of these documents, if they can decipher it.

Chairperson Lewis said it doesn't have any dimensions listed on it. It is just kind of a line drawing. Given the fact that Staff has something they would like to present it to them on the Causeway Park issue, she can't see them coming to any kind of determination today.

County Commissioner Coward said he would actually like to pull the Causeway Park back just temporarily and he is not adverse to looking at giving up ownership. But he sees an acre and a half of coastal waterfront property at Jetty Park probably being comparable in value to the value of the land and the Chamber building and that is just without having details. He is prepared to actually make that swap. And then have further discussion about Causeway Park and others at a later date. That is what he is willing to do today, even in light of the reservations expressed by their Staff. He fully concurs with statements made by the City that it is in their best interest to continue to work with the County to deal with erosion on areas immediately next to a park they are going to invest millions of dollars. So if they put a provision in there that at least gives them clear language that they are going to continue to

work there for staging areas and so forth, and if that does get developed, then they will continue to work with the City to find an alternative site, he believes they can work through that. But he thinks it is the Causeway Park issue that is not even on the Agenda that he didn't thoroughly get into, throwing that into the mix, he just thinks complicates it. But if they could go back to those two basic pieces, the one and a half acres of County-owned Jetty Park being transferred to the City, the Jetty Park closes out the City's piece. And the acre or so plus the Chamber building closes out the County's piece they have made a \$15 million investment, that makes a lot of sense as a starting point.

Mayor Benton said that is what he thought. He took the words out of his mouth.

County Commissioner Craft said he really has no issue with it. He is flexible.

Mayor Benton said they have to get something accomplished today that they can agree on.

Chairperson Lewis said since that was what she was looking at when they started the discussion, she is in agreement with that.

Mayor Benton said he thinks they have that straightened out maybe.

Commissioner Becht said he doesn't know that they have anything straightened out. He doesn't know what they are talking about. The Mayor is going off as if he is speaking for all of them and he does not.

County Commissioner Coward said what he has thrown out for discussion purposes was the idea of transferring what he understands is 1.45 acres at the Jetty Park that the County currently has, that would be transferred to the City. They would retain some language in the agreement to help address the issues raised by Mr. Bouchard for continued access in staging for beach renourishment issues. And in exchange for that fairly high value coastal property, the County would hope to get the old Chamber building and the land underneath it. He doesn't have the details in terms of value. But his gut tells him those are probably pretty comparable as a start to try to close out that broader philosophy of taking those parks that are largely owned by one entity or the other, have donations so they can close out largely and allow for one entity to manage those areas. That was the concept just to throw out for discussion.

City Manager Recor asked does the Chamber building and the land underneath it include the parking area to the corner of Virginia and 23rd Street?

County Commissioner Coward said he thinks the Board's discussion was in hoping to close out that corner. He doesn't know the exact acreage. He didn't mean to try to rush the City and throw out a specific deal. He was trying to bring up some discussion to see if they could... He still doesn't have the answer, he

doesn't know what that acreage is. But his gut tells him that the value of an acre and a half of coastal property has to exceed the value of an inland tract. It is a good start.

Mayor Benton said it is worth about \$3 million.

County Commissioner Coward said he can't imagine the Chamber building and the land underneath it is worth more than \$3 million. Again, he doesn't want to rush the City. If they want to think about it, that is fine. But they were trying to make some progress today and he just throws that out there as a possibility.

County Administrator Outlaw said from Staff's perspective they just want to be clear that the land underneath, they are including the corner lot as well.

County Commissioner Coward said yes. The City has Rotary Park and the County has everything else. That is essentially what he is saying, close out the corner piece so the County would have... One of the things they talked about doing is investing in that Skate Park as well to help make it a tourist draw. It would provide them the opportunity for not only closing this area out from a management standpoint, but having the ability to move forward rapidly and expediting as part of their stimulus package, the idea of making some further investments in that Skate Park as well, parking improvements and so forth. It would provide enhanced parking that would be shared by all the facilities.

Commissioner Coke said if they are going to do that, make sure they have something in the agreement.

County Commissioner Coward said he doesn't think they have any intention of trying to reduce parking.

Commissioner Coke asked they just want to go to the corner? They don't want that lot next to it?

County Commissioner Coward said he is not trying to take Rotary Park. He is trying to close this corner out, take the old Chamber building and the land to the corner.

Ms. Lee Ann Lowery, Assistant County Administrator, said the property that Staff understands was to be exchanged for Jetty Park was the parcel that included the Chamber building as well as the corner lot that is owned by the City of Fort Pierce. They did not intend to take Rotary Park or the parking associated with Rotary Park.

County Commissioner Coward said that is consistent with what he was throwing out as a suggestion.

County Commissioner Grande asked is everybody in general agreement with that?

Mayor Benton said he thinks the County Board is. It appears the City Commission needs to decide whether they agree.

Commissioner Coke said she is not saying she does not agree with it. What she is saying is, since she was the one who brought up giving the County the Chamber building to begin with, it was not her intent to do that corner lot. She does know for a fact that the Mayor brought up that lot and she does know then they started bantering around some other exchanges. But it was never her intention. She doesn't know if everyone else on the Commission thought it was inclusive in there. That is not to say that they can't change and have it be inclusive.

Mayor Benton said Ms. Brisson can verify the fact that the discussion on the Chamber building has been taking place for at least a year, every since the creation of the Skate Park. He knows the County would like to have had that corner property for parking or something. To him, it makes sense. But if it is something they need to bring back to both of their Boards for a formal vote...

County Commissioner Dzadovsky said he would like to add, for the City of Fort Pierce to understand, that the Skate Park also has a Phase II that has been designed. The Skate Park Committee actually looked in the future to being able to expand the Skate Park. So if they are able to find the funds and move forward, they can have Phase II as part of that and add benefit to the Lawnwood Stadium in its overall expansion and design. But the Chamber building was to be utilized to help facilitate the Skate Park. So having that additional parking space that the County uses now that is owned by the City would be an added enhancement to Lawnwood and the future expansion of the Skate Park.

Ms. Debbie Brisson, St. Lucie County Parks & Recreation Director, said the second phase of the Skate Park has a conceptual design that the Skate Park Committee was involved in which talked about some bowls and some other things. They don't actually have construction drawings or designs.

County Commissioner Coward asked can she tell them more about that second phase?

Ms. Brisson said it is with bowls. The way they had planned it, it was going to be to the north and a little bit to the west. But there has also been discussions about creation of another area for younger kids, because there is some concern about the younger kids getting injured perhaps by the older kids. The other point she wanted to bring up is, the party they are not in negotiation with but has shown interest in partnering with them to help with the Skate Park and the operations is under a time restriction with a lease that they are currently at. That is not to say that they will be the responsive bidder, but they have kind of been very active in following this because they are having to make some business decisions shortly. So the sooner they could make a decision...

County Commissioner Grande said that would relate to using the Chamber building as the access point to the Skate Park and allow them to be the controlling entity for safety and monitoring.

Ms. Brisson said that is correct.

Commissioner Becht said based on the calculations he has been able to make off of the legal description, it looks like what he had originally contemplated - which was the Chamber of Commerce building and the surrounding land - would be about an acre and one-tenth. That is what he thought they had agreed on. He is understanding now that the County Commission did not think that way. Looking at the map they are presented with, it appears that the corner lot - which he thought was going to be treated separately - is about another acre and a half. In terms of valuation, he agrees with Commissioner Coward. If they combine the two, they probably have equal value between the two City parcels for the Jetty Park parcel that is owned by the County. He would point out that the Jetty Park parcel owned by the County is not waterfront property because it has barriers between it and the water and he also thinks there is some issues about where the eastern line of that property is. But in terms of valuation, he thinks if they went to the expense of getting appraisals done, they are probably within pennies of those parcels being... He means the swap of the corner parcel and the Chamber property, so there is no dispute about what he is saying now, and the County-owned portion of the Jetty Park. A swap of those would probably be roughly equal in value. He doesn't think that is what they agreed to originally; but for purposes of moving forward today, he will back off. There are other parcels they should talk about where they have mixed County ownership and City ownership that they should probably try to clean up, but he doesn't want to delay what they are trying to do with the Jetty Park, by trying to work out all those issues today. So if they could move forward today, he would concede that what he thought was the deal was not fully understood the same way by the County Commission.

Commissioner Coke said she doesn't want to hold up anything that is going on with the future of the Skate Park or the Jetty Park. It clearly was not her understanding that was what they were talking about. Unfortunately, they weren't provided with Minutes or anything else, so it is kind of tough. Her concern is if they include that, she thinks they also need to put some verbiage in the agreement, because Rotary Park is right there and they need to insure that there will always be parking for the people to go to Rotary Park. She knows all of them, that is their intention. But what happens ten years down the road when there is someone else here? If there are no restrictions, they could close that parking off; and all the moms who want to take their kids to Rotary Park will be parking over at the Chamber building and walking.

County Commissioner Grande said Rotary Park parking wouldn't be part of it. The City would retain that.

County Commissioner Coward said the line (on the map) appears to be right there and the parking she is referring to is still on the part the City would retain.

Commissioner Coke said obviously they just don't have a really good map.

Commissioner Becht said what he is referring to as roughly two and a half acres for the one and a half acres, it is the lines that are depicted on the maps they have.

County Commissioner Grande said exactly. There are two curb cuts to the street there that would stay with the City. All of the parking for Rotary Park would stay with the City. None of that is part of what they are discussing.

Commissioner Becht said he is going to say on the record that he is willing to enter into discussions for the rest of that at a later date if the County needs it for parking, so long as they can accommodate the Rotary Park. Because it makes more sense to try to consolidate ownership where the County is, in the same fashion as it would make sense for the City to square up some areas where they have the County owning, specifically the boat ramp in the middle of downtown Fort Pierce's waterfront.

Mayor Benton said they have two. Do they have a third Commissioner? Does Commissioner Alexander?

Commissioner Alexander said he is willing to agree.

Mayor Benton said he thinks they all agree on this one.

City Attorney Schwerer said he is sure Mr. McIntyre and he would both like to have this absolutely crystal clear, what they understand they are being directed to do. Somebody is going to provide them with this map. They will have their Engineering Departments map out a legal description as close as possible to the lines that are on this map and that will become the legal description of that parcel for the swap for the Jetty Park parcel. The other thing is, he will put something in the agreement that just says the City and the County will cooperate on future sites for staging for any work that is on beach renourishment projects and he will add that to the agreement. Is that what they want?

County Attorney McIntyre said he is comfortable with that.

Chairperson Lewis said she has been asked to verify that they are all talking about the Chamber building as well as the property to the corner, so everybody is crystal clear.

Mayor Benton said from the Chamber property all the way west to 23rd Street.

Commissioner Sessions said he has a question on the status of the **YMCA**. He was approached yesterday by the Avenue D Boys Choir. They have an interest in trying to get a staging place for purposes of doing what they do as well as providing some form of recreation for their young people. They have their eyes on the YMCA building. They were wondering if that could come under the auspices of the City. He explained to them what they were doing, going back and forth with the YMCA, and he couldn't really give them a good answer.

City Manager Recor said in their packet is a summary provided by

Ms. Lowery in her May 11th letter that addresses where the County is with the YMCA. He believes Mr. McIntyre had put the YMCA on notice that their programming opportunities appeared to have ceased and that the County was exercising the reverter clause. It is his understanding - although it did not come in writing - that the response from Mr. Lass was no, that is not the case, that there are programs offered at that facility, but the YMCA would be interested in entering into a facilities lease agreement with the City if indeed they wanted to use that facility. He thinks they should ask their good friends at the County to insist that the programming there has actually ceased and exercise the reverter clause, and allow the City to take that property.

Commissioner Coke said if they know for a fact that Mr. Lass is saying he is still doing programming, if they find that out, she would love to start attending the programming at the YMCA.

County Commissioner Coward said he is sure the others have also met with Mr. Lass and his staff, and they are insistent that they do in fact have programming; but they also acknowledged and are making it abundantly clear that they do have programming and they want to expand it. He is not eager to kick out the YMCA if they are truly are going to fully function. What he would be most interested in doing is working with Commissioner Sessions and others to take the programming that is going on and, if there is a need for a facility, see how they can integrate into a cooperative use of that. Mr. Lass seemed receptive to that. Mr. Lass had mentioned that he had talked to the Mayor about PAL and some other groups. He is not personally inclined to boot them out. He wants to work with them to expand the programming in that facility. He is just trying, in abundance of fairness to them, be as up front as he can. He is not under the impression that there is no use whatsoever, that the YMCA has summer programs lined up, they do have programming, and they wish to expand it. So how do they build the relationship between the City, the County, and the YMCA to get full use out of that facility?

City Manager Recor said they have to make a financial contribution to the YMCA in order to get them to increase their programming. That was what Mr. Lass's pitch was to the FPRA.

Mayor Benton said Mr. Lass has been to see them several times in the last year and they had not a very pleasant experience with Mr. Lass at one of their Commission meetings. The City Commission was adamant that they wanted that facility open for the summer and as soon as possible. Mr. Lass came to see him several months ago and assured him that would be the case. He goes by there pretty regularly and still has not seen anything over there. There is a perfectly good basketball court. Also, the ball fields associated with it have been a code enforcement nightmare. The facility has a lot of potential, but there has been very little maintenance. Knowing the County has the majority of the ownership there... He thinks the City has a little parcel of property, not much. It is on the Agenda Monday night for discussion. What he thought the City should do is ask the County to maybe try to get that property back. Because what

the City has done with the Community Center the County has given them, he thinks they have made substantial improvements to it and opened it up to the public. He would like to maybe look into what it would cost to do that, if the County would allow them to. A lot of kids live within a quarter of a mile of that facility. And it just really irks him what the YMCA has done in Martin County compared to what they have done here. What the YMCA has said to him, he won't say here, but it is just not their most favored location.

Commissioner Coke said the first time the gentleman came to see her, people who had been on the Board of Directors of the YMCA before it merged with Martin County called her and said their original intent was to take some of that big Martin County money and put it into programming up here. She thinks the reason they found about the YMCA originally stopping their programming here is because the gentleman tried to sell their building. Real estate people came in to tell the City Manager that they were buying this building from the YMCA and they were going to do this, that, and the other thing with it. That is when the City got involved and spoke with the gentleman. She met with him several times. It was not a pleasant experience. He had no programming. He said they are still doing programming. She asked, when was the last time the doors were open? Well, it was five months ago. She asked, when is the next time they have something? It used to be they had all the little kids out there playing T-ball. There has been none of that activity. She goes by there every day. The PAL organization could use it, all kinds of organizations, and they could have some programming for the kids there.

County Commissioner Coward said in all fairness to the YMCA, they ought to have another discussion with them, as opposed to them being absent. He looks back fondly to the past when he lived in Fort Pierce prior to moving to Port St. Lucie and he actually was a volunteer coach and participated at the YMCA himself in coaching kids. He knows what that facility can provide, so he is not eager to make it go away. He wants to see it be restored and expanded and bring other groups in. In fairness to the YMCA, he would love to bring them to the table and have this discussion as a group.

County Commissioner Dzadovsky said he just wants to share his experience with the representatives from the YMCA. He encouraged them and gave them contact information for a number of 501(c)(3) and non-profit agencies and asked them to be the coordination center moving forward and create - so everybody has their little piece of the pie - summer programs, educational opportunities, dance, Avenue D Boys Choir, and all of these entities. He asked the YMCA to actually reach out to the area churches as well to utilize that facility and help to raise funds and sponsorships to make it a go. He too had the same thought, from Mr. Recor's statement, that the YMCA wanted the County to fund them completely and not do any of the work. He told them his position was if they worked with the area and helped with sponsorships to raise funds, he wouldn't be moving to take them out of there; however, they needed to work with the City of Fort Pierce and they have to work with the area churches

and non-profit agencies to benefit their children. That is the goal and that is what he wanted to see happen. He has been by there every day for the last three weeks and there has not been one car or anybody there. So he concurs that nothing is happening.

Commissioner Becht said the gentleman came to see him within weeks after he appeared before the City Commission, so that would make it months and months ago. He thought they had a good discussion. He suggested to him at that time that he get a core group of Indians, not Chiefs, to come up with a vision for what the YMCA should be in St. Lucie County. He offered to be on that committee. And he has not heard anything back from him. It has probably been four to eight months since then. That was the first step, identifying what the vision is, and then finding the people who would have the energy to make that vision come true. He is disappointed that he didn't call on him for his time. But he has not moved forward with that first step. So Commissioner Coward's gracious offer to give him more time, while he appreciates that it is in the right tone, he is concerned that he has gotten a whole bunch of time and hasn't moved yet. He is only telling Commissioner Coward that because he wouldn't know it unless he shared it with him. He thinks the gentleman also recently met with some of the County Commissioners, so there is a whole lot of talk going on. But months ago that first step, get a cadre of qualified people together that have young kids who would participate in the program, he doesn't think he has done that yet. That was the first step and that was four to six months ago.

Commissioner Sessions said the only reason why he brought it to their attention was because this was something that the Avenue D Boys Choir Committee and Board showed an interest in. Sometimes a bird in the hand is worth more than two in the bush. They can sit back and reflect on memories on what the YMCA has done in the past. But by the same token, they have a new organization within their City that is not only getting a national but international recognition. These people are very motivated and willing to come to the table to make some investments. But before they do so, they want to make sure they have a solid foundation and a future in a building and they feel secure in that building before they make the investments in getting soundproof walls and things of that nature. That is an opportunity he feels that they seriously should look into in light of this organization and what they have done and what their future plans are.

Chairperson Lewis said as far as she knows, Mr. Lass has been around to speak to each of the Commissioners. He came to see her fairly recently and assured her that there would be summer programming. Since that is only three or four weeks out, she thinks they will have pretty quick idea as to what their intent is.

County Commissioner Coward said he would just like to explore the possibility of a shared use agreement. The building, in his recollection, is fairly big. Do they really need to have the entire building for one entity?

Commissioner Sessions said he did bring to their attention using the PAL building or the Community Center, and they expressed to him that was entirely too small for them. They want a building of this size or this nature in order to fulfill what they want to do and they really are not interested in sharing it with an organization such as the PAL.

County Commissioner Coward said that kind of leads into his second point. And he is learning from what he is hearing from Commissioner Becht and also Commissioner Coke talking about some of those past promises they have been given that haven't been fulfilled, actually laying out specific benchmarks. But to him it is a very serious act to actually kick them out, that is a big deal. So the final step would be to identify some very strong benchmarks to say they are going to need to have this level of programming in place and have it laid out. If they don't achieve it, then it comes back. Maybe that is what their final challenge is, if they are going to be committed to using this, they lay out what that standard will be and put the ball in their court to achieve. If they don't, it comes back. And it isn't even a discussion, they move forward.

Commissioner Becht said great idea.

Mayor Benton said there are a lot of different organizations in the community that could use it. They have also seen the group that wanted to set up midnight basketball, they didn't have a facility. Pastor Banks had asked about it. He thinks it is a facility that can be used by a lot of folks, especially in a time when a lot of those non-profits depend on the City of Fort Pierce and the FPRA for funding, which is drying up very quickly. So next year coming up with these facilities and some of these activities is going to be a lot more challenging than it has been in the past.

County Commissioner Dzadovsky said he thinks they need to have Mr. McIntyre weigh in. How does the deed and all that come into play?

County Attorney McIntyre said just for clarification purposes, the County does not own the property. They conveyed the property years ago. It has a reverter clause in the event the YMCA abandons operations on the property. So that is how they would get the property back, if they abandon it. Staff met with the City. The City expressed an interest in using the property as it wasn't being utilized. They wrote a letter as a result of that meeting to Mr. Lass saying they felt the property wasn't being utilized and they would like to get the property back. He got a phone call from Mr. Lass indicating that wasn't the case and Mr. Lass said he was going to be speaking with the County Commissioners one on one, which he has done. Again, he has no problems with following up. The property at best is underutilized, if it is being utilized at all. But they do not own the property as of today.

County Commissioner Dzadovsky asked how do they determine utilization and the reverter clause to kick in? Is there a

level they have to reach?

County Attorney McIntyre said it talks about complete abandonment. It doesn't say the word complete, but it says abandonment, as he recalls.

County Commissioner Grande said he really likes the suggestion that Commissioner Coward made and he would hope that within the next ten minutes they could lay out specific... Who is going to establish the benchmarks, when are these going to be set up, and then whether or not they meet them? He does think that is the right way to measure it. He thinks they are at a critical point right now because they are about to go into summertime. The single most important season for this group and this building is summertime for the kids. So if they can lay out or if they can task somebody to lay out, the YMCA will have this program running by this d, o Or even if that is done in concert with the YMCA people. Let's put the list together. Let's do a scorecard. Let's hold them to the agreement and go from there.

Chairperson Lewis said they did commit when she spoke to them that they have summer programming in process. They specifically mentioned at least 50 children. They mentioned some half price allowances obviously only to the economics of the area. So she thinks there is some planning going on. But he is saying specific performance standards?

County Commissioner Grande said yes. The YMCA can come to the County Commissioners and give them their understanding of what the scorecard could be. If they are going to follow through with what they said they are planning to do, that is great. If they don't, then the County should invoke the reverter clause and use the facility.

County Commissioner Dzadovsky said in the audience they have their expert who is the Parks & Recreation Director who oversees recreational activities in the County, who he thinks would have an ability to take a look at what is proposed by the YMCA and be able to give them an opinion as to whether it rises to a level of need or use as they see fit.

Chairperson Lewis asked is this to come before the City of Fort Pierce?

Mayor Benton said he put it on the Agenda for Monday night. When Mr. Lass was in front of the City Commission months ago, and has come in to see him a couple of times since, he believes the City Commission tried to make it as clear as they could that they wanted that facility open and running, or they were going to contact the County and try to get them to throw the YMCA out. Because in their opinion, if the agreement isn't being lived up to - which it hasn't been, because it hasn't been open since maybe last summer - they would like to take whatever action. When they say action, they would like to see that facility being used as much as possible. It could be used all day long until 8:00 o'clock at night and the ballfields could be used. He thinks the City Commission agrees. If it means non-profits or whatever it takes, but they want to see kids using that facility

full time by June 1st.

Commissioner Becht said the City has a reverter on an adjoining piece of property. He has asked Mr. Recor to put it on the Agenda so they can figure out what they want to do in terms of following the County's lead because they have the reverter on the main structure. So they need to work in coordination with one another.

Mayor Benton said that can be part of the discussion for Monday night. Because he just felt with the time frame with summer so close and no action, he thinks all of them want to see something organized and the doors opened.

County Commissioner Coward said especially in the summer.

Chairperson Lewis said school will be out in about three or four weeks, it is very close at this point in time. If they have not heard from them, she would hope they would respond to their Agenda item for Monday.

There being no further business, Mayor Benton and Chairperson Lewis declared the meeting adjourned at 3:15 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

