

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, JUNE 2, 2008.

Mayor Benton called the meeting to order.

Mayor Benton gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approval of Minutes of the Special Meeting on May 13, 2008 and the Regular Meeting on May 19, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Special Meeting on May 13, 2008, and the Minutes of the Regular Meeting on May 19, 2008.

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

Mayor Benton issued a proclamation in honor of ETHAN MENDEZ.

Mayor Benton proclaimed June 2-6, 2008 as CODE ENFORCEMENT OFFICERS APPRECIATION WEEK.

Ms. Peggy Arraiz, Code Compliance Manager, said she wants to thank the Mayor and Commission for the recognition on behalf of all her Staff. She has the privilege of working with a group of incredible men and women who are very dedicated to their job, which is the Code Enforcement for the City of Fort Pierce, which basically works for the betterment of the City. Everything they do is to bring pride to the neighborhood and bring pride to the citizens. It is a great honor to be appreciated in this way.

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

Letter from Robert Brown, MAD DADS Fort Pierce Chapter Inc., in appreciation of Capt. Gregory Kirk and his Fort Pierce Police Officers for their work and commitment.

Letter from John Hayes, St. Lucie County Arts in Public Places Specialist, commending Public Works employees Kenny Gagnon, Tony Chite, Ed Stevenson, Charlie Turosky, Bobby Golphin, and Jimmy White for their competence, hard work, and professional service.

Ms. Tracey Skinner, 853 S.W. Grand Reserves Boulevard, Port St. Lucie, said she is a representative from Florida's Blood Centers. The reason she is here is they are having a blood drive at the City of Fort Pierce this Friday from 9:00 a.m. to 3:00 p.m. She wanted to bring a little awareness as to what their blood needs are for this area. They are the only blood center that services their local hospitals. That would include St. Lucie Medical Center, Martin Memorial Hospital, Lawnwood Regional Hospital, and they also serve Raulerson Hospital in Okeechobee. They don't currently have a branch in the City of Fort Pierce, so they depend on the City residents to donate on their mobiles when those go around. Only about 4% of the population actually donates blood. With one donation of blood, it goes to three different people and saves three different lives. She wanted to take this moment to ask for their support with Mr. Beach hopefully at their Department Head meetings coming up, if they could invite their Department Heads to encourage the employees to participate. The City being one of the larger employers, she would like to see this be a successful blood drive. It would take about 30 people to attend and that is not always easy to get. So their support would be greatly appreciated.

City Manager Beach said Mrs. Skinner is the wife of the Port St. Lucie Chief of Police - John Skinner - who is in the audience. They worked together a long time ago. Welcome and he thanks them for coming.

Ms. Skinner said she didn't want to mention that, because if they don't donate, they don't want to come around Port St. Lucie either.

Mayor Benton said welcome, it is nice to have Chief Skinner with them.

Ms. Carole Mushier, President of the South Beach Association, said she is speaking tonight on Agenda Item #19, which is the request to the City to partner with the South Beach Association for the first annual Pops in the Park, October 25th with a rain date of October 26th. They will have live music for listening and dancing. This first annual event will celebrate their City Beach Parks: Jaycee Park is virtually complete; South Beach Park, called Boardwalk Park, should be complete; and Causeway Park mostly completed by then. Commissioner Coke will outline their needs. The Chair of this event, Arden Peck, is the SBA Beach & Parks Chair. Actually this was Ms. Peck's idea; and she is here to answer any questions when they get to the discussion on the item. She thanks the Commission in advance for their consideration of their request.

The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted for **Troussaint L'Ouverture International School** to be located at the **Orange Blossom Business Center at 4100 Okeechobee Road**; said property zoned **C-3, General Commercial Zone**.

Ms. Kia Powers, Historic Preservation Officer, said tonight the applicant is requesting Conditional Use approval to operate a Charter School - Toussaint L'Ouverture International School, Inc. - in a C-3, General Commercial zoning district. The property is located at 4100 Okeechobee Road in a portion of the east anchor unit of the Orange Blossom Center formerly occupied by Belk Lindsey. The property is zoned C-3, General Commercial. On April 21, 2008, Ordinance No. L-11 was adopted, amending Section 22-31(c) of the City Code to permit daycare centers and schools other than educational service establishments as a Conditional Use in the C-3 zoning district. The Orange Blossom business center houses the St. Lucie County Supervisor of Elections, a surveyor, and the proposed Ultimate Billiards located in the western portion of the Center, and Carnival Cruise Lines, which will share the east anchor building with the proposed Charter School. The properties to the south, east, and west are also located in a C-3 zoning district and consist of multi-family housing, existing businesses, and vacant land. The unincorporated vacant properties to the north are zoned by St. Lucie County as RM-5, Residential Multifamily. The 14,123 square foot proposed Charter School will consist of eleven classrooms, six offices, and a cafeteria and auditorium without a commercial kitchen or food preparation area. Meals for the students and employees will be catered. Site features include the 15,300 square foot enclosed playground with a basketball court and open space with a rubberized surface, and a covered waiting area with benches for the student unloading and loading. The proposed facility calls for 286 students, 22 teachers - two for each classroom - and 15 administrative employees. The perimeter of the proposed playground area will be enclosed with an 8-foot aluminum picket and masonry column fence, which is consistent with the City's design review ordinance, and the existing aluminum fence located in the entrance area. The school buses will access the facility via the western entrance located on Okeechobee Road. Student pick up and drop off vehicles will access the facility via the eastern entrances on Okeechobee Road and the entrance on Hartman Road. The school buses and cars will travel along the exterior access drive around the perimeter of the development, which segregates the school's vehicular traffic from the traffic and parking areas for the other uses located within the site. The design also includes separation of bus and car loading and unloading areas. In response to the Planning Board's comment, the School Board and Planning Staff has worked with the applicant to provide adequate

directional signage, which has keyed the site plan, to appropriately and safely direct the traffic to and from the school facility. A total of 29 notifications for the Conditional Use were mailed to property owners within 500 feet. As of today a total of eight responses have been received, of which eight approve the conditional use permit. At their April 8, 2008 meeting, the Planning Board voted to recommend approval of the conditional use with the condition that handicapped parking spaces be provided to comply with Section 22-60(c)(3) of the City Code and that the bus and vehicular routes through the development are better defined and reviewed and approved by both the Building and Planning Departments. The applicants have provided the handicapped parking spaces to comply with the City Code. And based on the Planning Board comments, the applicant has submitted a revised site plan and a refined bus and vehicular route map which includes the signage locations and details. These reviewed bus and vehicular routes and the proposed signage has been reviewed and found to be acceptable by the St. Lucie County School Board's Executive Director of Growth Management, Planning and Building Department Staff. The requested Conditional Use is consistent with the Comprehensive Plan, meets the requirements of the City Code, and does not adversely affect the public health, safety, convenience, and general welfare of the City. Therefore Staff recommends approval of the Conditional Use application.

Commissioner Sessions said while he is a proponent for the project, she mentioned there was some concerns about the actual refined bus and vehicular route itself. He just wanted to make sure as far as Staff is concerned they are satisfied with the refined route and the vehicular route map. Because after all, it was a commercial area and it was a very high volume traffic area. So he would hope they wouldn't subject the children to any safety hazards and they have all the necessary safety precautions in place before they move forward with this.

Ms. Powers said yes, it has been adequately addressed and has been reviewed both by the St. Lucie County School Board and Staff, and they feel it to be acceptable.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Conditional Use for Toussaint L'Ouverture International School to be located at the Orange Blossom Business Center at 4100 Okeechobee Road.

Commissioner Becht said during the Planning Board review of this, there was some discussion about landscaping and green areas, specifically the area for the basketball court. Right now they are talking about just simply fencing an area for a basketball court and another open area. One of the comments by one of the Planning Board members - he thinks Leslie Olson, and she may have been one of many - mentioned that there was no green area, there was no landscaping. Ms. Powers in response to that had said they didn't have the ability under the code to impose it. but via the Conditional Use process, the Commission does have the ability to impose additional landscaping requirements on them. He would like to see what they could do in terms of around that fence adding some landscaping for a couple of reasons. One would be to visually obscure what the kids are doing behind there so it is more of a private area. And having a little green around it might be better than a rubberized court. He would like to see landscaping on both sides of the fence, interior and exterior. But if that interferes with what they are doing, he would understand why they can only do it on one side. But he is only one of five.

Mr. Keith Chambers, Architect with KCA Design Group, Inc., said they did include hedging material around the perimeter of that fence. It is shown on one of the preliminary Site Plans and it will be on there. Now as to the interior, it is just a safety concern to have

students playing basketball, if they go off the court they are going to hit bushes and stuff like that.

Commissioner Becht asked instead of a chain link fence?

Mr. Chambers said no chain link fence. They are going to use the aluminum fence and have hedging around the perimeter of the building.

Commissioner Becht said that is great. He couldn't see it on the plans.

Commissioner Alexander said he wants to welcome this school to the City of Fort Pierce.

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

Mayor Benton said he knows the applicant has been waiting for this for a couple of years and they finally found a location. They look forward to that opening.

Mr. David Recor, Deputy City Manager, said many of the Commissioners may know that Kia Powers has resigned from her position in the Planning Department and has decided to take a dream job and he will allow her to elaborate if she chooses. But at this time he would like to take the opportunity to publicly both recognize and thank Ms. Powers for her contributions to this organization. Many of them have worked with her longer than he; but in the short time he has worked with her, he can tell them she has earned the reputation as a go-to resource in the Planning Department. He thinks she has touched everybody she has come into contact with in this organization, so she is going to be missed tremendously. But he knows she will do well in everything she touches. He thanks her for what she has done for them. Best of luck to her where she is headed.

Commissioner Alexander said he has been sick for a few days, so he is glad she waited until he returned so at least he can look her in the eye and say good luck and thanks.

Mayor Benton said he wishes Kia the best. It has been many years and it is amazing what she has done in this building. He has seen her with the public. When the public walks in and there is a problem, she usually resolves the problem and they leave with a smile. She has been one of the most dynamic employees he has had the pleasure of working with for the City of Fort Pierce. They are going to miss her. He hopes she gets some experience and one day she might be coming back. If he was the City Manager, there would always be an opening. They wish her the best and they are going to miss her.

Ms. Kia Powers, Historic Preservation Officer, said she would love to thank each and every single one of them for their kind words, for their never-ending support. Truly it is her experience working here at the City of Fort Pierce that has brought her to the level at which she is today, that personal and professional development she has earned here at the City. She cannot thank them enough for the opportunity of just taking a little 17 year old temporary employee. So she would love to just express her gratitude and sincere appreciation to each and every one of them for their support.

Commissioner Becht said he doesn't want her to develop any bad habits, but she really doesn't have to work as hard at the Lyric Theatre as she has worked here. She can take those words with her. Good luck to her.

The next item on the Agenda was Public Hearing on **Conceptual Development Plan** submitted by Madison Vines LLC for **Madison Vines** 92-unit affordable housing apartment complex for residents over 55 years old, to be located at **4202 Oleander Avenue**; said property zoned R-4, Medium Density Residential Zone.

Mr. David Carlin, Development Review Planner, said in accordance with Section 22-58(6) of the City Code, the applicant is requesting the review and approval of the Conceptual Development Plan for a 92-unit affordable housing apartment complex for residents over 55 years old. It would include amenities such as a swimming pool, shuffleboard courts, and a large nature area. The development will be located on the southeast corner of Tumblin Kling Road and Oleander Avenue. The property is zoned R-4, Medium Density Residential. And all properties surrounding the subject property is R-4, with the exception to the northwest and to the southeast which is located in unincorporated St. Lucie County. In addition, there is zoning to the west of the property which is R-1. These all consist of single-family homes. As far as site access is concerned, there will be one entrance serving the subject development and it will be located on Tumblin Kling Road. Internal access will be provided by a typical parking layout design that will evenly distribute traffic entering either side of the building. What they can also see on this Site Plan are some scalloped areas that are shaded on the south portion of the property in addition to the northwest portion of the property. Those scalloped areas are areas where there is a substantial amount of tree coverage. This particular design will incorporate the majority of the trees on the site, which is consistent with the landscaping ordinance and the comprehensive plan. This drawing gives them an idea of what the proposed buildings are going to look like. The elevation will be 35 feet tall, which does comply with the R-4 height requirement of 45 feet. A total of 92 units will be constructed, each ranging in size from one to three bedroom configuration styles. In addition, the gross density for this project will be 9.91 units per acre, which does comply with the R-4 requirement of 10 units per acre. Staff did identify some concerns associated with the preliminary design. The first had to do with the number of parking spaces. The plan did show that there were 46 required parking spaces; however they are providing 96 parking spaces, which represents about a 108% increase over the required parking. The Comprehensive Plan does encourage and require that new construction projects provide greater pervious and open space requirements to reduce the amount of groundwater recharge and also to reduce the heat island effect that can occur with substantial pavement coverage. Another issue that was looked at had to do with the design review. This project will be subjected to the design review requirements when a formal Site Plan review is proceeded with by the applicant. Right now the buildings are set back from the current property line. Although there is a substantial amount of tree coverage on the property, this would be looked at when a formal tree survey is provided, which may require some design review flexibility when it comes in. In addition, there is a retention pond located at the northwest corner along Tumblin Kling Road and Oleander Avenue. This retention pond location is permitted under the new stormwater ordinance under Section 17-34. However, one detail that will need to be included during the formal Site Plan Review process is a water feature that will need to be placed in the center for replenishment purposes and also for aesthetics. The other thing that was looked at for this analysis, what they did find is a sign that was located within the clear vision area, a proposed sign. This is something that can be changed and modified during the formal Site Plan review process; but it is something that Staff would recommend to be changed to comply with the City Code. The last item that was examined with this Conceptual Plan had to do with the location of the proposed development. The location is not in close proximity to a public transit facility. The Comprehensive Plan does require that affordable housing locations are in an area that can best be served by transit facilities. There is a transit route, the Treasure Coast Connector, which does provide service up and down U.S. #1. The nearest stop for the Treasure Coast Connector is at the Twin Vee boat manufacturing company, which is approximately 2.2 miles from the subject development. That is something they would be looking for when the applicant comes in for the formal Site Plan Review, this will be one of the issues they will have to work through to try to find an accommodation to satisfy that element of the Comprehensive Plan. On May 13, 2008, the Planning Board did recommend approval of the Conceptual Development Plan with the conditions that Staff identified, in addition to three other items. First, that the development use the Fort Pierce median income rather than that of St. Lucie County when determining the affordable housing element. In addition, the Planning Board members requested that because there was a substantial amount of tree coverage on the property and it would be preserved, that additional walking or nature trails would be incorporated into the

development. And last, that the list of concerns that were identified by Staff was not meant to be an exclusive list and that during the formal Site Plan Review process there may be other issues that would have to be worked out. Staff does recommend approval of the Conceptual Development Plan, provided that these issues are all addressed during the formal Site Plan Review process.

Commissioner Alexander said he doesn't see any elevators in these buildings. Are these three stories?

Mr. Carlin said the initial documentation that was provided by the applicant's representative did specify that elevators would be provided as part of this development.

Commissioner Alexander said because these senior citizens have to be considered. Nature walks, he doesn't see anything inside the complex.

Mr. Carlin said that is one of the items that the Planning Board requested, that additional trails or pedestrian type accommodations be provided if this were to come before them as a formal Site Plan Review.

Commissioner Alexander asked this is just a conceptual? The setback from Tumblin Kling Road, he doesn't see any ingress or egress, what type of turn and deceleration lanes they have.

Mr. Carlin said that would be something that would be analyzed during the formal Site Plan Review process. At that time the applicant would furnish a traffic report that would identify the number of trips, where those trips would be going; and that in turn would give Staff an opportunity to analyze whether or not a deceleration lane would be required. As the project stands now, the preliminary design, it does appear that there will be some type of full access along Tumblin Kling Road.

Commissioner Alexander said he knows they usually ask the developers for setbacks. Is he looking at a setback here?

Mr. Carlin asked is Commissioner Alexander referencing setbacks for building coverage?

Commissioner Alexander said for roads. What is the width of the roads now?

Mr. Carlin said he would have to check on what Tumblin Kling is. That may be a collector road.

Commissioner Alexander asked are they going to wait on the Planning Board to take care of all this too?

Mr. Carlin said if additional right-of-way is concerned, depending on the width and what is required, that obviously would be part of the formal Site Plan Review process. But right now as it stands, that was not analyzed because that information was not provided on the Conceptual Development Plan.

Commissioner Alexander asked these site plans come with some conditions, right?

Mr. Carlin said this is a conceptual plan. What they are looking at are big ticket items. They are just looking at things that may potentially need to be tweaked during the formal Site Plan Review. They are looking at the big picture, whether the concept is going to be well received for this particular...

Commissioner Alexander said he is just trying to look at a not so dangerous section of the community. Senior citizens in a car soon depart.

Commissioner Becht said conceptually it looks okay. He liked all the comments Mr. Carlin had and all the comments the Planning Board had; and he thinks all of those would, in his opinion, need to be folded in. It is just conceptual, but he is not happy with the part of the plan that just has one way in and one way out. That would be addressed through the formal Site Plan. But he is just going to put it in the record that it looks like a gated apartment complex. That is something the City of Fort Pierce does not like. He would prefer to see another exit point directly onto Oleander Avenue, so they can get out and go north without having going to the intersection. He thinks when they get through the Engineering Department that they are going to have to do some improvements to the intersection of Tumblin Kling Road and Oleander Avenue, but that can be dealt with later.

Commissioner Coke said first of all she wants to be sure they have enough easement on Tumblin Kling Road and Oleander Avenue. And number two, can Mr. Carlin explain the parking space theory to her? Because she is looking here with building 92 units. They wanted 96 spaces. Some of these units are going to be two bedrooms and some are going to be three bedroom, and some will be one bedroom. She understands it is 55 years old and over. But she is here to tell them, when she turns 55 she intends to still be driving and drive for many years after that. So she is not sure, if they are building 92 units, are they are saying they should only have 46 parking spaces?

Mr. Carlin said that is a very good observation. The City Code only requires half a parking space for this type of development. Each use has a different parking space requirement calculation.

Commissioner Coke asked didn't they have - she guesses that was with the South Beach Overlay - the number of parking spaces per bedroom? She doesn't know what staff's objection is to have sufficient parking here. She doesn't really think that 96 spaces is enough for 92 units when they are looking at some with three bedrooms. They are going to have someplace between 92 bedrooms and 276 bedrooms in this place; and most of those people are going to drive, especially if they are two and a half miles away from the bus route.

Mr. Carlin said that is an accurate analysis. However, the ultimate objective is to encourage mass transit and to encourage some type of mode of transportation that will get the elderly person to...

Commissioner Coke said first of all, let's not be calling 55 years old elderly. She can understand in concept them wanting to encourage mass transit. However, having sat on the Transportation Planning Organization for the last six years and recently retired as Chair of that, she is here to tell them that they are not going to have the mass transit in place that they need today, never mind five years from now. She keeps saying passenger rail, but it is not happening. The funds are not there on a Federal or State level to provide the mass transportation. As a matter of fact, their bus funds are going to run out and they are panicked about where they are getting that money. So she thinks it would do a disservice to this developer. She can understand they need to have impervious surface. Maybe they need to put the parking underneath the buildings, raise the buildings up, do something along those lines. But she doesn't see how anybody could look to sell a three-bedroom unit and give the people a half a parking space. That is her own personal thought. Other than that, she is okay with the concept.

Commissioner Sessions said with regard to the Planning Board's issue involving income, he doesn't know whether or not the Planning Board was overstepping its boundary or not, but at any rate it brought up a very interesting point. It states that the applicant will use the Fort Pierce median income not the St. Lucie County median income. He takes it there is a difference? If in fact there is a difference, which one is more amenable to an elderly person who may be low income? Is this going to be within arm's reach of those individuals who perhaps would not be able to afford a condominium on the beach, but yet affordable housing for the elderly? Is this distinction favorable for that individual?

Mr. Carlin said the average median income for Fort Pierce is \$29,600 and for St. Lucie County it is approximately \$10,000 higher. So what the Planning Board was referencing was that the City has a Comprehensive Plan that addresses the housing element. They want to make sure that when they are providing affordable housing, it is actually for the residents of Fort Pierce, because that income gap is different for those who are living in St. Lucie County. There would be a difference in terms of the affordability when it comes down to cost. But the applicant's representative is here and he can get into what their projected costs would be and what their rents would be and so on. Again, Staff is provided with limited information as a conceptual review. They are following the Comprehensive Plan as the broad policy that sets out these parameters.

Commissioner Alexander asked sidewalks? He thought at all new developments that sidewalk should encompass the whole property.

Mr. Carlin said the City Code requires that sidewalks be constructed along the rights-of-way, so that would be along Oleander Avenue and Tumblin Kling Road. It would be required by City Code to place sidewalks there.

Mayor Benton said he has some concerns. They just annexed most of White City. One thing they heard when they annexed White City was they were concerned about preserving their history. He doesn't recall seeing any three-story buildings like this in the White City area, so he has a concern. He hasn't heard from the residents there. When this is proposed, he is sure they are going to. So he does have a concern with that. Also, they approved a development he believes across the Street from this, and they had some issues with the County. He thinks the County was looking for a commitment of he believes \$1 million toward the widening of Midway Road. Does Mr. Carlin know anything about that?

Mr. Carlin said that is correct. They may recognize this parcel. This was a previously approved plan by this Commission (Oleander Village) and it was for 117 units in the County. One of the issues was that the County would not provide an approval for that development because there were some significant contributions they were requiring to improve Midway Road west of Oleander Avenue because it currently has failed and it doesn't meet the level of service. They may also recall there was access for that other development both on Tumblin Kling Road and Oleander Avenue. So it is unknown how the County is going to proceed if this applicant does come forward with a formal Site Plan Review and whether another access would be required onto Oleander Avenue. This may face the same challenges.

Mayor Benton said he hopes that the developer, between now if he gets approval and when he comes back, speaks to the folks in White City. Because he just doesn't know how this fits into their historic plan. And he doesn't know how soon they are going to sit down with the residents of White City and look at a historic area that they are going to look at preserving, their architecture and their history.

Mr. Gregory P. Law, Paramount Community Development Corp., said he is here to represent the applicant, Madison Vines LLC. He is going to try to address some of the questions and issues he has heard the Commissioners and the Mayor raise, and take any questions they may have. First of all this is proposed to be an affordable housing project under the State's Affordable Housing Program, in which they issue tax credits to encourage affordable housing, in fact allow it to be affordable housing. It is not for sale. He will address the parking issue. They built a couple of other developments that are very similar to this development. It is worth noting that while anyone 55 years of age or older without any children are allowed to reside there, the nature of the building itself and the way they have provided facilities in fact serves a much older segment of the senior population. The youngest they usually see would be 65 years old, but typically they are looking at the latter 70's and so forth. This is actually designed as an elderly housing facility. As such, the need for cars is in fact significantly reduced. But rather than just guess this stuff,

fortunately they do have some actual specific data. They actually went to both developments which are fully occupied to find out how many people do they really have there versus just conjecturing what it is. In this case they found that they have in both developments 1.2 people per unit. That essentially means that 80% of the units are occupied by one person and the other 20% are occupied with two people. By using the same mix of people and actual cars they own in both developments and projecting the worst case to this one, that means taking the worst numbers from either development and applying it here, they would expect to see 64 cars owned by residents. In addition to that, they would expect to see four cars being used by staff, between management and maintenance. They kind of heard it both ways - it is too many spaces, it is too few spaces. Hopefully what they would try to do here is get the right number of spaces to have enough parking for everybody to park, but not have any more parking than in fact is needed. They don't think half a space is actually enough, just based on their experience. He certainly heard Commissioner Coke with regard to concerns about location and so forth. Anyway they think they provided enough spaces at one car per unit plus one for each of the on-site staff to be sufficient and cover peak parking around the holidays and that sort of thing. But they are certainly amendable to further input and refining that through the actual formal Site Plan process. With regard to public transportation, which is certainly a concern of theirs as well, they found a little different information between what the Staff found and what they found. There is in fact a bus route that runs up and down U.S.#1, the stops are at the Farmer's Market and at Midway Road. Both of those are further than they would like, about 1.2 miles from the site. The site is about 4/10ths of a mile or so from U.S. #1. They certainly would seek to put a bus shelter in or build one or provide funds to build one at that location. It certainly would make it more convenient. Also the Planning Board did request that they in fact ensure that a sidewalk be connected between their development and U.S. #1 to the east, which they are agreeable to do. Also he heard comments about funding and he knows right now it is tough in many departments, but St. Lucie County does provide special transit. In fact it is one of the better counties, so that might mean they might change. But they have, for example, an affordable seniors development in Port St. Lucie in which they come twice a week with a shuttle bus on an appointment basis and essentially take whatever residents wish to go shopping for groceries and the shopping area they go to as such if they can do other items besides that. Their experience with the residents is that they will car pool and so forth, so it is not as though every individual needs to have their own car in order to get some place, and they are more flexible in terms of their time. With respect to traffic impacts on the area, they would expect it to be dramatically lower than it would be with what they call a family community such as Oleander Village was with 119 units. The amount of transit trips per day at least according to the ITE (International Traffic Engineers), the manual that is used for generating that, is about one half. In their case they have about 77% the number of units. The other big issue in regard to traffic impacts has to do with peak hour impacts. In the case of seniors, it is substantially less because they are not headed off to a place of work, in fact they try to avoid peak hour conditions. So they would expect this would have a very soft footprint in terms of traffic. With regard to access, they do understand that they will have to deal with emergency access. With regard to one entrance, they feel one of the big issues with seniors is in fact security. They will do whatever the Commissioners decide. But in fact this would be probably a location where they wouldn't call it a gated community, it would just be a gate out front to close at night so strangers aren't coming onto the property. The building itself is in fact fully secured, it requires card access in order to obtain entry during non-business hours, it requires card access on any entry other than the main entry which is attended by office staff. They would certainly work with the residents in the area with regard to architecture issues. They think it is a nice looking building, but they are certainly open to input and further investigation as suggested. Let him come back to the affordable housing aspect. There is one thing they can't agree to. They are not going anywhere with this project if in fact it is not under the State's Affordable Housing Program. It is heavily regulated. The tax credits come from the Federal Government and are distributed by the State. The project is underwritten using the tax credits based on the area median income, not some other random income. It has to be that income. The importance of that is that the way the housing becomes affordable is that those tax credits are bought by investors, usually large corporations, pensions, and so

forth. They take that hard equity dollars and put it directly into the project. That reduces the cost significantly and reduces the cost both during construction and...

Commissioner Coke said before he gets too far along with this, she read that the Planning Board suggested or wanted to require that they use the median income for Fort Pierce rather than St. Lucie County. Is Mr. Law saying up front right now that he can't do that?

Mr. Law said yes, that is exactly what he is saying.

Commissioner Coke said she understands the theory behind that. Unfortunately they have a lot of areas that surround them that the income level is a lot higher. And residents here wouldn't be as well served if they were using the area's median income versus Fort Pierce's median income. Hopefully a few years down the road that won't be the case and they will exceed the County's. But she understands the Planning Board's concern, that if they are looking to build affordable housing for the elderly, they want their elderly to be able to afford to live there.

Mr. Law said he could partially address this in terms of what they are providing. What they are providing is that 80% of the units will be affordable to residents whose income is 60% of the area median income, so that is substantially below median income. However, it is not the same as saying 60% of Fort Pierce median income, which is a lower number. On the other hand, it might be closer to 80% of Fort Pierce's median income. The other 20% would be affordable to residents with 35% of the area median income, which is very substantially below. Anybody can easily see that is a pretty low income. The financing that is available for this type of development depends on those tax regulations that come from the State. The State doesn't issue things to things they don't underwrite. The project has to actually be able to sustain itself. It does no one a service to build development which in fact is uneconomical.

Commissioner Coke said she hasn't used this line, she thought she was done using it, everybody had heard her say for months and months on end, that her job up here is not to ensure that the developer makes money, but it is to ensure that they have a fair equitable and higher quality of life for their residents who have lived here for a long time. She is not necessarily opposed to the project. She doesn't like the idea of a gate coming down and closing at night, because they a long time ago decided they did not like a gated community.

So long as they are in conceptual, she is going to just give them her list and then they can go from there. She doesn't like the theory of it being built to the area's median income rather than their citizen's, because she doesn't believe their elderly who are in desperate need of good housing... Some of them are living in conditions they shouldn't be living in. They need to be able to afford to move some place. She doesn't think this is going to provide that. She also is very unhappy with everybody's calculation with parking. Because when they talk of 68 and Staff talks 46, then when they are talking about a much older population, she thinks they need to take into account that hopefully these people will be fortunate enough to have family and friends to come visit them, and if they are not fortunate enough for that, they are going to have visiting nurses on a very regular basis. So nobody is taking into account the medical needs of a population of that age. She started out being very happy, but she is getting less happy, in case they didn't know.

Mr. Law said honestly he thinks they are in agreement with regard to the gates. They do not have to have gates. He just would say with respect to this one, they think it would be a good idea; but that is certainly not a show stopper by any means. It does provide security. It is important to the residents that they do in fact feel secure. They certainly try to do their best in that regard. With regard to the parking, they can tune that. But he thinks they are in the right ballpark. And from what Commissioner Coke said, he thinks they are more in agreement maybe than with the minimum amount that is required. With regard to the income levels, it is not about them making money or not, the job will not proceed if it doesn't underwrite. There are a lot of people involved. The State underwrites the project. The people who buy the tax credits are not going to invest millions of dollars into a

development and not know that this thing can sustain itself. It has to be profitable. It isn't a matter of the developer being profitable. From the get-go, if they don't know it is going to make money, they don't do it.

Commissioner Coke said she does understand that. But she doesn't know that it benefits their community is what she is saying, and that is what her job is, not to insure the investors or the developer makes money.

City Manager Beach said the subject before them is a conceptual development plan approval. He believes the question is, are they interested in having affordable housing for the 55 and up population located at this site? Beyond that, the applicant still has a complete process to go through in terms of getting a site plan approved and getting a development approved. The discussion he believes is about whether this concept is acceptable to this Commission, and whether or not this group should take the next step. Not the details of what it consists of, but whether or not the 55 and over affordable housing concept at this location is something the Commissioners would support, certainly subject to all the conditions and the details of a Site Plan Review.

Commissioner Sessions said along the same lines, he thinks it is incumbent that the applicant hears the concerns of this Commission so they can redefine when they come back with the actual site plan review. One of the main reasons he asked Staff regarding the income level was because if in fact they are coming up under the auspices of affordable housing for people who are 55 years and older, then he would hope that they are in fact doing so in making it economically viable for those individuals who are looking for some form of housing in this area. While it may be an unfortunate situation as they stand here today, hopefully it will improve. But right now the wages that are being made throughout the County at large in the surrounding area is somewhat higher from a median standpoint, \$10,000 more. And that does need to be taken into consideration as far as he is concerned. So when they go back and draw up their redefined list and come back with the actual Site Plan, that is his position as far as this is concerned. Other than that, he doesn't have a problem with what he is seeing here. He would just like to see it affordable for those who are elderly.

Commissioner Becht said if legally they can't do it, then it is not a problem for him. If they can do it, he would want them to do it. But if legally they can't, then it is not going to be a stumbling block for him. Just so Mr. Law understands where he is, he is ready to make a motion to approve, assuming Mr. Law doesn't bring up anything else. He is trying to give some direction on maybe what he ought to do, because if Mr. Law keeps talking, he might bring up other points that might change his mind.

Mr. Law said that sounds like very good advice.

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

Ms. Arden Peck said she is well over 55 years of age, not quite 70, but pushing up there. She sure would like in some of these projects to have something more active than a swimming pool and shuffleboard courts. There are a lot of active senior citizens who are much older than she is. She thinks if those amenities were there, those would be taken advantage of. At least a fitness trail or tennis court or something besides relegating people 55 and older to a swimming pool and shuffleboard courts.

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

Mayor Benton said he has a question of the Engineering Staff or maybe the TPO. Are there any plans for improvements to Oleander Avenue down there or Midway Road with funding?

Mr. Jack Andrews, City Engineer, said no, he is not aware of any or any funding.

Mayor Benton said the last project on this site, it might have had a few more units, basically found a dead end because of the requirements or concurrency issues with Midway Road. So his concern is if the County and their experts on the TPO feel there is a level of concern about the traffic on Oleander Avenue, to put senior citizens driving cars in that path, he has an issue with that. He doesn't think it is very safe because everybody sitting at the corner of Tumblin Kling Road waiting to get out. They have he doesn't know how many apartments directly across the street on those two streets that empty out on Tumblin Kling Road, so certain times in the morning and evening they could have a lot of people trying to get out of Tumblin Kling Road onto Oleander Avenue which brings a lot of people to work. He thinks that is a health and safety issue and he thinks that is why the other project died. That is one of the biggest issues he has with it.

Commissioner Becht said that is an issue of concurrency that would be dealt with, in his opinion, through the formal process of review.

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, to approve the Conceptual Development Plan for Madison Vines 92-unit affordable housing apartment complex at 4202 Oleander Avenue, subject to Staff's comments, incorporating those conditions and comments into the motion, incorporating the Planning Board comments into the motion, and adding to that the possibility that they may actually when they come back be under the auspices of a White City Overlay that has yet to evolve or be developed, and also take into consideration that they have more active senior citizens here than they are used to.

Mayor Benton said he won't be supporting the motion for the reasons he brought up. And also he thinks the architecture needs to change, because he knows the folks in White City are really concerned about their historic areas. Please work with them if they get the go-ahead tonight.

Commissioner Coke said a point of clarification. When Commissioner Becht said their revised plans when they come back should include taking into account more active senior citizens, was that a reference that they should be including a fitness or workout center?

Commissioner Becht said yes, that and tennis courts, anything else that makes sense, not just the passive things they have so far.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, and Sessions. Those opposed: Mayor Benton.

The next item was Public Hearing on proposed designation of the **Enterprise Zone as a Brownfield Area.**

Ms. Christa Razem, Grants Administrator, said they were looking at doing a Brownfield designation over their CRA back in March. They may remember this came up at the Fort Pierce Redevelopment Agency Board. After looking at the designation and looking at some of their potential sites, they opted instead to shift to the Enterprise Zone as an areawide designation. They have had one Public Hearing. This is their second Public Hearing. She wanted to run through some basic brownfield information. A brownfield site is defined in State Statutes as real property which the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination. Many times they may have an actual situation; and other times they may have a site that sits for years, not because there is a problem with it, but because people gossip about it or there are rumors that there was something going on. They have designated some brownfield sites last year in the City of Fort Pierce. In February they designated Coral Square Plaza, which is on

South U.S. #1 near the railroad tracks at Edwards Road. They also designated 1150 South U.S. #1, it is across from the Walgreens near Riverside Bank. That used to be a gas station. That gas station has been torn down and they are obviously doing work on it right now. They have some other sites which they haven't designated as brownfields, although they certainly meet the definition. 1501 Avenue D is a site where there was a gas station, it was torn down but the tanks were left underground. And through the Fort Pierce Redevelopment Agency last year, those tanks were removed; however, there is still an unknown as far as the level of fuel contamination at the site. The King Power Plant has been an industrial use for almost 100 years. Certainly that would meet the definition of a brownfield site. Generally areas in the Port also could be considered potential brownfield sites. So they do have them in their area. And rather than going into an individual designation... They have been through a very cursory review and picked up almost 40 sites in an Enterprise Zone already. They are looking at doing an areawide designation, which means a contiguous area of one or more brownfield sites, some of which may not be contaminated, but which has been designated by a local government by resolution. As part of the definition, such areas may include all or portions of the community redevelopment areas, enterprise zones, empowerment zones, and other economic engine type of designations. It is new to them, but it is not new to the State. There are already 168 designated brownfield areas throughout the State. For example - Jacksonville, Homestead, Lake Worth, West Palm Beach - they have all designated their Redevelopment Agencies. Miami and Hamilton County have designated their Enterprise Zones. These are just some more recent examples, these are not the only ones who have gone through Enterprise Zone or CRA designation. When they go through the program benefits, anywhere in the Enterprise Zone if they overlay the brownfield benefits on top of it, they end up with a really good bonus for improvements. For example, job creation. Anyone who is creating jobs anywhere in the Enterprise Zone can earn up to \$10,000 per job from the State of Florida. That doesn't come from the City coffers. What they are doing is opening up the State program so people can access these refunds and tax credits and things through the State. There is also a loan guarantee program through the State. So if a developer is having a hard time getting financing, they can approach the State which will give them a 50% loan guarantee, or if they are doing affordable housing, the State can give them a 75% loan guarantee, just because they are in the Enterprise Zone which is coupled with this brownfield designation. There is a sales tax exemption on building materials and also financial assistance for job training. This is a key thing. For example, if they are creating jobs and they need specialized training for their employees, they can approach the State because they are in a brownfield area and the State will give them money to help them train their employees for whatever the special task is they need them to do. Those are the benefits of anybody who is inside the zone, regardless of whether they actually have an environmental issue to address. If there is an environmental issue at their site, they get specialized dedicated Staff with DEP, there is liability protection both for the developer and for the bankers who are lending money, and they have access to voluntary tax credits, which is approximately 50% of their costs. So any assessment work or cleanup work that has to be done at this site, they can apply for 50% of that back as tax credits. When they get done with whatever they need to do, they get an additional 25%. There is a lot of funding associated with brownfields, which is what has attracted her to this program and why she is presenting it to the Commission. There is money through the Treasure Coast Regional Planning Council, there is a revolving loan fund which is available through the Treasure Coast Regional Planning Council, there are assessment and clean-up grants available through the State of Florida and through the Federal Government. She wanted to share with them, they do have some success. It is a new program, they have only been at it for a year, but they have some very good success, so she would like to brag just a little bit. 1150 South U.S. #1, which was their designation in the later part of last year, has already started cleanup. They finished their site assessments at the end of 2007. What they were finding was that the fuel tanks at that gas station, their fuel spill had migrated, it was starting to go under U.S. #1. This is a concern they have had with many of these sites that sit idle for years. Is there is a problem? Yes, no, maybe so. But if they don't know, how far is it going to go before it gets caught? In this case it was going under U.S. #1. But they have picked the site up, they are cleaning it up as they speak. So they have the

benefit of elimination of blight, improved economic stability, and groundwater quality. They are working on the groundwater, they are cleaning it up. They are creating jobs, increasing the tax base. There is no cost to the City, there is no liability to the City. The developer has already been approved for approximately \$30,000 in tax credit through the DEP for his work that he did through December of last year. This year he will probably incur another \$50,000 to \$100,000 and will be eligible for another 50% in tax credits. So it is possible that if his cleanup is \$150,000, he could get at least \$100,000 back from the State. Coral Square was their first brownfield designation. In this case there was a dry cleaner. They don't know exactly when the spill happened, but they do know that it was migrating. Fortunately in this case it hadn't gone off the site. Assessment and cleanup costs at Coral Square are going to be over \$1 million. They have a developer who has bought the site and is committed to cleaning it up. Just from his work last year, he has already been approved for over \$50,000 in tax credit. He has been to the Treasure Coast Regional Planning Council and they have approved him for a \$100,000 revolving loan. And because the site is so large, they have been able to apply federally to HUD and they have received the first part of a \$2.4 million loan interest package. They have been approved for the first part for an \$800,000 grant. So they are moving forward. And this designation is another step in being able to get some additional redevelopment in the City of Fort Pierce. It opens up the incentives with the State without them having to pay out of pocket.

Commissioner Alexander said in her studies or investigation about the City of Fort Pierce, she has heard of a lot of vacant lots that were gas stations and so forth. What seriousness comes from those abandoned properties as far as the health and safety of this community?

Ms. Razem said it depends so much on what has happened there in the past. It is very difficult to give them a real concrete answer. What she sees, just her opinion, the largest danger they have is ignoring it and pretending it doesn't exist. There is a gas station which the top was razed and yet it still has the tanks underneath and those are leaking. If they address that within a few years, okay. If they leave it to sit five or ten years, they run the risk of it hitting the groundwater and moving off site, and then they have an issue. It seems like it is a smarter plan to know where these sites are and address them and to help spur them into getting cleaned up and getting redeveloped.

Commissioner Alexander said he was raised in this community and he knows of several sites. She spoke of 1501 Avenue D, which the tanks were just pulled up last year after being abandoned about 20 years. And it is not complete?

Ms. Razem said they did some limited site assessments when they took the tank out. Remember, that was done by the Redevelopment Agency. They did find a spill there, but they don't know the extent of it.

Commissioner Alexander asked why not?

Ms. Razem said because what they are doing is they have accessed the Regional Planning Council, which is actually doing the site assessments for the City. TCRPC is using their Federal money and they are doing those site assessments. They have completed their Phase I. She expects a report any time.

Commissioner Alexander said so it is not complete.

City Manager Beach said the value of the cleanup of these properties, aside from a health and safety issue, has to do with the economic revitalization of the City. The individuals who own these properties many times do not have the resources or the wherewithal to go in and do the necessary cleanup that makes that a developable site. The idea behind the brownfield designation is to provide resources so that private owners can do this without a financial burden that makes the property undevelopable. He wanted to say before they go much further, they are still reviewing this. The City Attorney's office is still working on this. They are actually not asking the Commission to take action on it this evening. They wanted

to have this discussion, they wanted all of them to get familiar with the concept. But their City Attorney is still reviewing the concept of an overall designation of the Enterprise Zone area. So they are not asking the Commission to pass a resolution this evening; but they wanted to make staff available for answering questions and dealing with this subject and just kind of present it.

Commissioner Alexander said that is what his concern is, because he does know there are several places in Fort Pierce. Even on South U.S. #1, there is a gas station sitting there with just the pumps.

City Manager Beach said those are all over.

Commissioner Alexander said but for the City of Fort Pierce, for that to sit like that across from the old Sam's Club, that is ridiculous. What is the responsibility of the City of Fort Pierce when it comes to things like that? They just sit there and say the owner is not available? That is ridiculous, because they are jeopardizing so many people. When they are talking about doing the Enterprise Zone, that is a lot of square feet. But when they overlook some obvious places, that is where he has concern. He is wholeheartedly in support of it because he thinks about their elderly, 55 and over, they need to survive a few more years. He is serious about that because they don't know what is in those soils, do they?

Ms. Razem said they are working on declaring the Enterprise Zone. However, other sites can certainly come to them and request designation. Coral Square is not in the Enterprise Zone. They have had a request for Florida Furniture Mart out near I-95 to pursue the designation. So any of these sites, even if they are not in the Enterprise Zone, can certainly come to the City and ask them to do the designation, which is how they have done the previous two. Also they mentioned the Enterprise Zone and the size of it and she would like to address that. It is certainly healthy, it is roughly 3,900 acres. In the State of Florida they do have 168 different sites. She did go through to look and see how that size stacks up. Orlando has one that is 6,500. Highlands County has one that is 12,000 acres. So there certainly are some that are over 10,000 acres. There are many that are in between 5,000 and 10,000 acres. It is a large area, but it is not a bloated area.

Commissioner Alexander said he is wishing that and more, that is all.

Commissioner Becht said he is going to thank Ms. Razem for educating them up to this point. He thinks they need some additional education. He has a little bit of knowledge, which is a dangerous thing. The way they would judge whether contamination is spreading or not is they would have to put down a multitude of wells and then would have to check and test them scientifically on a regular basis to see what parts per million of the particular substance they are checking. So it is quite expensive. What Ms. Razem is trying to do for them is create a way where that expense can be reduced with tax credits and other incentives. He does have some concerns about whether this will create a dampening over the area, that there is some kind of fear that it has a designation. She helped by saying there are 168 other sites, where he is assuming they don't have any negativity attached to it. Did she get this information out specifically to the Treasure Coast Builders Association and to the St. Lucie County Realtors Association?

Ms. Razem said she did not get it to the Realtors Association. She did get to the banks. They were able to speak with National City, First People's Bank, and Riverside Bank. The banks are very supportive of moving forward with this.

Commissioner Becht said where he is going with that is for educational purposes. Tonight she has educated him on the package of incentives that are in there that he didn't know about. He knew some of them, but not all of them. Actually with Mr. Beach's permission, he would like to send her to the St. Lucie Association of Realtors and to the Treasure Coast Builders Association, and educate them on these things that are available. Because they

can then go to their clients and say they know how to do the work, they found them the money, all they have to do is let them do it. Because she has nothing else to do, there are a couple of other things he would like to task her with which would be specific to the King Power Plant Property. They have a very rough proposal from somebody for that. He doesn't know if it has enough information in it for Ms. Razem to go through and say they designated that as a brownfield and what are the package of benefits that developer gets that he may not be aware of that she is aware of. He would like to get that information to them because it may help push them over the edge to proceed if they know how much extra money incentive she found for them. Again, he doesn't know if she has enough information to do it, but he thinks it might be helpful if they had it, because now they know specifically what it means to them in terms of a conceptual plan for the King Power Plant. That is the only one he could think of. He was thinking about the downtown hotel on the J.C. Penney parking lot, but they really don't have a development. Somebody was talking about a hotel there, if there are enough of them who are interested in it. He doesn't know how much time it is going to take her to do that, but it really would be interesting if she didn't have anything else to do, to see how much money could be brought in for the hotel on the J.C. Penney site that the developer doesn't know about. Then Commissioner Alexander mentioned a couple of abandoned gas station sites. If they took a half acre or three-quarter acre gas station site and worked up improving it to a Subway shop - four or five employees, the square footage, a \$500,000 structure - what package of benefits are there? Because he doesn't think the Association of Realtors or the Treasure Coast Builders Association knows it; and if they can get this information and show them there is \$100,000 sitting in this designation, it could make things happen. It is the education that starts things rolling. He got a call from Mr. Schwerer today saying he has some legal issues with the Brownfield Area. But he would like to continue the education, because even if they don't designate the whole area, if they educate the Association of Realtors and the Builders Association, they may spread that information out and they may get the development they are looking for, because of what she found for them. The other thing, he doesn't know if they have an association of appraisers, but they do use quite a few of them; and they might want to have either Ms. Razem or Mr. Schwerer send them a letter and tell them they are thinking about designating this area and ask if there is anything in the appraiser book that says they have to give a demerit or give a positive because of the brownfield designation. He doesn't think there is, but they would know in advance before they actually vote on this at maybe the next meeting. He again will thank Ms. Razem for her efforts on this.

Commissioner Sessions said first of all he wants to commend Ms. Razem for her efforts and work. She is the mastermind for the most part on these brownfield designations. He asked a lot of questions and he called some banks. As a matter of fact, the lending institutions she mentioned told him she had already been there. He is somewhat following in her tracks. But he just had some concerns about the negative connotations that will be brought about as a result of such a broad designation. They are trying very diligently to attract new businesses and new developers and new industry in their City. They are talking about a 390 acre designation which for the most part is in his District #1. That is a designation that has been declared by Florida Statute as an actual or perceived environmental contaminated area. Now not only will that designation of that particular spot affect that site, but also the neighbors who are associated with that site. Not to take anything away from the City's eagerness to do something about the problem, he agrees with Commissioner Alexander, they should have taken a stand a long time ago and gotten rid of some of these sites. But they need to address these specific sites as opposed to a broad based area. He thinks it is going to have a negative connotation to it. He thinks when they talk to the lenders, there is an environmental impact they take into consideration before they give an individual a loan or refinancing when it comes to their properties, the appraisers. Commissioner Becht stated they may be able to give them some input. He believes it is going to affect an individual's property value. Not to mention, as one individual mentioned to him today, the insurance cost, whether or not it is going to affect the homeowners insurance of the citizens within the City of Fort Pierce with this designation being put in place. A specific designation, he is all for it. But a general broad based

designation, he is not convinced at this point. He would like to be educated, to be convinced otherwise; but right now he is just not comfortable because he feels there are too many negatives and the negatives outweigh, in his opinion, the pluses.

Commissioner Coke said she is going to start with the perception that they all started with when they expanded the original CRA area, because by definition the CRA contains slum and blight. And she knows at the time, many of the residents at South Beach were highly insulted by that. But when they saw the funding coming through for A1A and many other projects, they kind of got over the insult of it. That is her number one point. Number two, she thinks that one of the most valuable underused tools that they have as a City is the Enterprise Zone. Very few people know about it and very few people utilize it. She herself in the past - before she became a Commissioner, let her make that very clear, even though it is State funding - she utilized the rules and regulations of the Enterprise Zone. People don't understand, a business located within the Enterprise Zone can get money back that will pay half of their employees salaries for the first year if they live there. They don't understand they can get sales tax credit back on any building materials. There is a whole list of money available within the Enterprise Zone that they don't use. And it is not the City's money, it is the State's money. So it is such a wonderful thought to spend the State's money. Let's make people aware of State money that is available for them. She thinks the best thing they could do is to move forward with this as the entire Enterprise Zone, because not only is the State going to guarantee some low interest loans and they are going to push the banks in that direction, but the other thing it is going to enable them to do is now say to a developer they have a brownfield designation and they can help them with these things. Now they can say to the developers here is their Enterprise Zone and it is a Brownfield Area, and they have these three things they can get as an advantage for being in the Enterprise Zone and here is six more because they are a Brownfield Area. She thinks it is going to create a much larger economic stimulus package as far as bringing people in and trying to get them moving. Just for Commissioner Becht's reference, the gentleman who is looking at the H.D. King Plant redevelopment is very aware of all of this. She spoke with him about it a few weeks back. She for one would like to know when they are bringing it back.

Mayor Benton said he agrees with Commissioner Coke, he thinks this is a tool that the City needs for redevelopment. In 13 years sitting in this position, he doesn't know how many magazines - the National League of Cities and Florida League of Cities - that have had stories of some of the bigger cities and older cities in this country that have used brownfield designations as their number one redevelopment tool. Combining the two, he just sees a lot of opportunity. Commissioner Alexander was talking about a specific site. He doesn't know how long that gas station had been closed. But that Gulf Station that was there was built he believes in 1970's. During those times they had stiffer restrictions than they did years ago in the 1940's and 1950's. So if they had contamination that leaked out and went underneath U.S. #1 from that, they can imagine over on 15th Street or at the Power Plant where they had barges coming in unloading oil into a tank across the street, what could have spilled. How many old gas station sites do they have all over Fort Pierce? By giving it the designation through a brownfield redevelopment area, they are not specifically choosing a site until they find one, but then they are one step toward fixing the problem, getting that land and that contamination away from groundwater, and the opportunity for redevelopment, the jobs, everything. This is just a win/win in his opinion. He knows there has been a little hint to go around to the realtors, he thinks they should pass it on to them, but also the incentives that are there. He thinks a lot of them are familiar with it. He thinks it is merely getting the word out and educating the public. But he really thinks it is a win/win for Fort Pierce and he hopes they can move forward with it in a timely enough fashion, that as the power plant is dismantled in the next few months that any issues they come up with they can work with there.

City Manager Beach said they are actually moving forward. At either their next meeting or the meeting after that there will be a resolution on the Commission Agenda designating the

Power Plant as a Brownfield Site. Ms. Steele is shaking her head no. When would that be coming forward?

City Clerk Steele said she has no idea. They have to hold a public hearing on the site first and then it has to be advertised for the City Commission.

City Manager Beach asked they are in the process of preparing a resolution or they have prepared the resolution?

Ms. Razem said the resolution has been prepared in draft form and they do need to have two Public Hearings.

City Manager Beach said he is talking about the specific resolution for the brownfield designation of the power plant.

City Clerk Steele said it hasn't even begun yet.

Ms. Razem said they will have to do the Public Hearings specifically for that.

City Manager Beach said that process is underway is his point.

Commissioner Sessions asked with regards to the grants and federal dollars that are available, would it make a difference if they identified a specific site as opposed to a designated broad general area? Would that individual be entitled to those funds? Is there a difference?

Ms. Razem said there is a difference mostly because of what they are looking at is a federally competitive grant. In order to be competitive federally, they need a fairly large site. Their power plant site may be large enough with enough job generation to be competitive on a national scale. Coral Square, through that economic development initiative and the large scale of investment that is going in there, was nationally competitive. The regular gas station on the corner is not. What they were looking to do by doing an area wide designation was to sort of gang these small sites together. They had almost 40 sites already on first blush. They could submit them all as a package and say to the Federal Government they should give the City \$200,000, that is the most they can get at a time; and they could distribute that among these potential brownfield sites for site assessment and possibly cleanup. What they are trying to do is gather them together into an area so they can submit them collectively as a greater need. A single one acre gas station isn't going to be competitive on its own.

Commissioner Sessions asked why is it specified that it be the Enterprise Zone? How come she didn't take into consideration the whole entire City? Why is there a special designation of the Enterprise Zone, what advantage is that? They have sites throughout the entire City. Why are they specifically grasping on to the Enterprise Zone, if in fact what she is saying is true, they want a broader base in order to attract federal dollars?

Ms. Razem said it is true, they could designate the entire City as a brownfield. But what they were looking to do is find a cluster, which she thinks they did, in a reasonable boundary. When they were first looking at the Redevelopment Area, they started looking down the U.S. #1 corridor, they started looking down Delaware Avenue. And it really did seem like the Enterprise Zone fit better. If they look at the statutory definitions when talking about what is a brownfield area, one of the things is that they define these enterprise zones and redevelopment areas as something they can consider. So the first thing she did was look at where do they already have designations that she can layer this benefit on top of? Rather than designating the whole City. At that point she would consider that bloated. They have a healthy Enterprise Zone. It is not a bloated Enterprise Zone. It is a healthy size. It just seemed like it would be rather extreme to...

City Attorney Schwerer said let him try to go through some issues with them. This brownfield legislation is very new to the State of Florida and very mind boggling and mind numbing. There is not really a single source where they can tap into it and certainly no one in his office is familiar with it. Let him first assure them of what they have been able to find out in the very short period of time that they have looked at this. All of the incentives that are available for the type of funding to the individual property owners are available to them today. There is a difference in designating an area as a brownfield area as opposed to designating a specific site as a brownfield site. They have already done sites, as Ms. Razem has shown them. When they designate those sites, that allows the individual property owners to access certain dollars and tax credits and the like. That is already available to them and will be as long as the legislation is there. What this resolution is doing is defining an area, unlike a specific site, as a potential contaminated area, either perceived or actual. In doing that, what they found is that these areas require what essentially in the Statute is a person responsible for brownfield site rehabilitation and area rehabilitation. That is defined in one of the resolutions from Delray Beach as their CRA. They have to be designated and they have to report to the DEP and there are certain obligations as a designated person responsible for that redevelopment. They are still researching what is the extent and responsibility of the City, if the City designates an entire area as opposed to a specific site. Because the City has no responsibility when an owner of a property comes to them to designate a site. The Statute simply says they can avail themselves of the process. It is an owner-initiated application. They come to the City and say they would like their site designated a brownfield site. The City follows the statutory process. And then once that resolution is enacted, the property owner can access the federal or state dollars for that service. That is still available.

Commissioner Alexander asked why is the City not liable for any of these known facts - safety and health?

City Attorney Schwerer said the City is not liable for environmental contamination on someone's property when they did not create the problem nor when they do not own the property.

Commissioner Alexander asked knowing this is just like accessory after the fact, right? He doesn't mean to belabor this. He thinks they can come back with a little more information. But the City knowing these facts. He has seen these setups where the State goes in and puts in these big units and they monitor these things year after year, but there are only one or two places.

City Attorney Schwerer said that is driven by the economy. When they have a contaminated site that they know is contaminated, the owner has a certain legal responsibility. And most owners just walk away from the property. So they have to have an incentive to the owner make that property usable. And it takes dollars. Most people aren't willing to do that. If they have a site over here across the street that has no contamination on it versus the one on the other side, they are going to go to the one that doesn't have the contamination. Back to this area designation, he is going to have something to them in a report by...

Commissioner Coke asked first of all, Mr. Schwerer is explaining it all to them now and it seems to her he is saying they still don't have all the answers. So to explain it half way now and then have to come back and explain the other half, she is just going to have to be confused later on. But she has a concern because it sounds to her as if all this work, time, effort, and energy that Staff has put into this is something Mr. Schwerer is diametrically opposed to. If that is the case, she thinks they have all talked before that they want to start putting the cart before the horse instead of the horse before the cart. They have gotten real good about coming to the Commission and discussing whether or not the Commission wanted an ordinance written to do something prior to wasting Staff's time doing it. But if Mr. Schwerer is telling them that this is not the right thing for them to do...

City Attorney Schwerer said no, he is not saying that.

Commissioner Coke said they should have been reviewing it and had legal at least give an opinion prior to Ms. Razem knocking herself out and spending three or four weeks doing it, talking to banks, and everything else.

City Attorney Schwerer said he is not diametrically opposed to anything. His job is to review these matters as the law provides and to then advise the Commission what steps to take to legally comply. For instance, there is a notice requirement in here that is very confusing. It says that notice shall be given to every property owner in the area to be designated and then also it gives the property owner the ability to opt out. That is troubling to him, because he doesn't know if that happens before or after. So what he is saying is, they are working through this. It is a very good idea. They are going to be providing a legal report to the staff on their recommendations. At the minimum, they are going to be asking for modifications to this. Keep in mind they just got this May 20th when it was sent to his office. There was insufficient time really, because there is nobody of law to go to in order to research this. He is saying this matter should be postponed for at least an additional meeting. They are going to issue a report. They are also going to issue modifications to the resolution that really have been added by other cities that they have looked at their resolutions and they like some of the limiting language. They will be back in front of the Commission with that report. At that time they can flesh out these other issues, whether they should or shouldn't go forward, what the requirements are for the area. And the property owners within the area, what are their legal rights to come to the City to petition to be left out of this area? That is part of the statute, that they can come and say exclude their property; and the statute says once they make that request, they shall grant it. That is Florida Statute 376.01 that absolutely specifies...

Commissioner Coke asked is Mr. Schwerer going to tell them all about it at the next meeting, right?

City Attorney Schwerer said they want to make sure what notice they have to give to them to determine if they want their property excluded before they do this or after they do this. They need to be careful about the notice, because they are affecting property rights.

Commissioner Becht said if Mr. Schwerer is going to do this in two weeks, let's do it in two weeks and not burn any more time on it.

Ms. Razem said she would still like to have their Public Hearing, just in case.

City Clerk Steele said it is an advertised Public Hearing.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to postpone Resolution No. 08-25, Designating the Enterprise Zone as a Brownfield Area, to the City Commission Meeting on June 16, 2008.

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

Ordinance No. L-31 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTION 8.5-27, CREATION OF THE **AFFORDABLE HOUSING ADVISORY COMMITTEE**; SPECIFICALLY AMENDING SECTION 8.5-27(c) TO CHANGE THE MEMBERSHIP ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE FROM NINE (9) MEMBERS TO ELEVEN (11) MEMBERS, IN

ACCORDANCE WITH THE PROVISIONS OF F.S. 420.9076; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-31 in session and asked if anyone in the audience wished to be heard.

Ms. Sadie Cooper, Community Services Program Specialist, said this Ordinance is required by the State in order to continue to receive SHIP (State Housing Initiatives Partnership) funding.

Commissioner Sessions asked are they reappointing the whole Board or are they just trying get the additional two members?

Ms. Cooper said they are amending for the additional two Board members.

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. L-31 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-31 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Submittal of Applications for Appointment to the Affordable Housing Advisory Committee.

City Clerk Steele said Ms. Cooper (Community Services Program Specialist) has provided the Commission with applications for consideration for the Affordable Housing Advisory Committee and there will be a resolution for appointment at their next City Commission meeting.

The next item on the Agenda was Mr. Greg Boggs, representing Group III Development, Inc., request 6-month extension to Site Plan for Summerwind Townhomes to be located on the east side of Jenkins Road across from Graham Road.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve a 6-month extension to the Site Plan for Summerwind Townhomes to be located on the east side of Jenkins Road across from Graham Road.

Commissioner Becht asked have they gotten everything out of these guys they were supposed to get?

Commissioner Coke said they got the right-of-way along Jenkins Road.

Mr. David Carlin, Development Review Planner, said that is correct. The applicant has provided the necessary right-of-way dedication that was requested back at a previous Site Plan extension request.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, and Sessions. Those opposed: Mayor Benton.

The next item on the Agenda was Mr. Clifford Aiken, representing KIRCO, request 12-month extension to Site Plan for Interstate Business Park to be located on the east side of Kings Highway, south of White Road.

Commissioner Becht said he thought they had a right-of-way through this one. The interesting thing here is that it creates connectivity between Kings Highway and Peters Road. He is torn between wanting it dedicated now and the City then having the obligation of maybe paving it, but he would like to have the right-of-way. He would like to have discussion on the benefits of getting the right-of-way dedicated, whether the applicant proceeds with this development or does not proceed with this development.

Mayor Benton said he thinks it would be a good idea. Even if down the road somebody else chooses to develop the site, the City will have the easement and will have the ability to require them to make those improvements.

Mr. David Carlin, Development Review Planner, asked is Commissioner Becht referencing the right-of-way along Kings Highway?

Commissioner Becht said no, as that would be for the benefit of the County. He is talking about, for the benefit of the City specifically, the connectivity between Peters Road and Kings Highway.

Mr. Carlin said he believes the original Site Plan did specify a 50 foot or 60 foot right-of-way that goes down the center of that development between Kings Highway and Peters Road.

Commissioner Becht said it does and that is what he is talking about. If they extend the Site Plan, the question he has of Mr. Carlin is what are some of the pros and what are some of the cons as a condition of that requiring them to dedicate that center road to the City now. Then if they don't build it, the City has the right-of-way. If they do build it, great too.

Mr. Carlin said the applicants did submit for a building permit he believes back in the fall. They have already been through the building review process. He knows the Planning Department did sign off on this. So he is not sure at this point. The representatives are here tonight to get into the details of where they are in terms of the closure of the building permit to start construction. He is not sure whether or not the applicants would be willing to do that at this point in time.

Commissioner Becht said he does not care, he is not asking whether they are willing to do it. What he is asking Mr. Carlin, as a Planner, what are some of the pros and cons of going ahead and getting it? And then he is left with maybe they don't build and what does that mean? Or picking the right-of-way up? As he is looking at it, one of the big positives of doing that is that he picks the right-of-way up now. So if somebody back on Peters Road wanted to develop that maybe it isn't this property owner, they now have the right-of-way to Kings Highway, which is a major arterial?

Mr. David Recor, Deputy City Manager, said he thinks one of the questions they need to have answered, and they may need the approved plan to do so, is whether or not that is a public or private road.

Commissioner Becht said they can assume it is private. His recollection is that it is a Site Plan road. It is not anywhere but on their Site Plan. So if he will answer the question in that context, assume that there is no road there.

Mr. Recor said the only difference between a public and private road is the maintenance responsibility. The City has been holding developers to the public road standard whether or not they choose to maintain it themselves. So he thinks it would behoove them to require the dedication of right-of-way as they have in other developments as a condition of the extension. The developer is here. The developer has made application for a building permit. But certainly requiring the dedication would insure that the right-of-way is available whether this developer finishes the project or not.

Commissioner Becht said that is what he was looking for.

Commissioner Coke said she doesn't see in their summary here that granting the City that right-of-way was a condition of the approval.

Mr. Carlin said correct, it was not part of the condition of approval.

Commissioner Coke asked can they add a new condition on a Site Plan when they are giving an extension?

City Attorney Schwerer said he would have to check the code, but he believes they can add conditions. He is not sure that one specific condition can be added. This is a dedication of a right-of-way that they are asking for that was not previously granted by the Site Plan. It was going to be a private road, correct? They are now asking it to become a public road; and further they are asking it to be dedicated right now, which means they are actually going to require them to plat it. The answer is, he doesn't know. If they want to pursue this he would recommend they discuss it with the developer now. And if they are still unsure of what they want to do, they can postpone this for one additional meeting and come back. Because their action will be retroactive, they will be fine with the one year period.

Commissioner Becht said all they have is a pretty picture on the screen. But his recollection is, there is no pre-existing road through this property that would connect Kings Highway and Peters Road. After the Site Plan is built, that road as he understood it would have been a public road with the City having the obligation for maintenance on it. It is in the interim that he wanted to discuss it at this Commission level to see if there was any benefit in having the right-of-way essentially given to the City now. If the Site Plan does not come out of the ground, the City then would at least have paper right-of-way across this property from Kings Highway to Peters Road. Building a road would have to come later at someone else's expense, but they wouldn't have to condemn the right-of-way to help somebody back on Peters Road to have a more valuable piece of property.

Mr. Recor said they would not have to renegotiate it as part of an additional Site Plan approval. The right-of-way would be there.

Commissioner Becht said right.

Mayor Benton said they should invite the developer up to see if he would be amenable to this condition.

Mr. Clifford Aiken, KIRCO at 4200 Regent Street, Columbus, Ohio, said the reason they are here requesting an extension is they have had this property for nearly two years. A year ago when they got this approval, they were set to commence construction on this site in August or September 2007. The reason they are here today is because of the second condition placed this, the fair share agreement. That fair share was a contribution to the Kings Highway improvements, which is a County project which the County would not talk to them about, would not accept a fair share agreement, would not accept a fair share contribution. So it has taken them months to get this worked out. Thanks so much to Mr. Recor for helping them finally get this issue on the table and figure out that they can actually have a payment. They didn't have any clue what the amount was. They had no clue how to calculate the amount until they spent months trying to figure that out. It is now a payment to the City, not to the County. So the reason they are here to start with is, they have had so many obstacles in just getting to the table to be able to commence their project after two years of working. It is very difficult for him to sit here and agree to an additional condition that was not contemplated and had never even been thought about until three minutes ago. They would just like to do their project. They believe the extension is necessary. They have finally met their conditions after all this time. They would like to move down the road with the project they have planned.

Commissioner Becht said because their attorney Al Moore sent him some of the correspondence and he talked to him on the phone, he is aware of the problem they had with the County. He knows other people who had similar problems with the County, where they won't calculate... The law says they are supposed to calculate the fair share contribution and they won't do it. But that is not what they need to talk about. He may not have made himself clear. Because he is concerned, as he is looking at the Site Plan, there is a road drawn on this Site Plan called Interstate Parkway that connects Kings Highway with Peters Road. All he is asking the developer to do tonight is commit to dedicating that property to the City so they have the right-of-way, whether he proceeds or doesn't proceed. Mr. Aiken is telling him they are ready to proceed, so he is not understanding why that is a problem for him.

Mr. Aiken said he is telling him they finally got the approvals to proceed. They intend to proceed cautiously when the marketing is correct. The market today is a lot different than it was two years ago. They really don't want to add additional office and industrial development to a County that currently has heavy vacancies. They are going to have to wait a little while, that is why they need the extension. As well as the fact they finally got their approvals. They have to go back to their lending institutions, etc. to get everything put back together and get ready to proceed.

Commissioner Becht said he thinks he is dodging what he is asking.

Mr. Aiken said he is not dodging at all. He has an approval to do a project. He would like to have that approval extended without additional requirements that he doesn't even know what the ramifications of that are. Does that mean he now has a liability that says he has to build a road? What does it mean when he dedicates now? Does it mean he can't change the Site Plan?

Commissioner Becht said it does mean he could not change the Site Plan, because it would mean he is married to that Site Plan and the City would have the road. Yes, that is what it would mean. He doesn't want to speak too much, he brought it up for discussion. Mr. Aiken obviously has a problem with it and that may be enough for the Commissioners not to want to insist on it, so he should let other Commissioners speak.

Mayor Benton asked how long did it take to come up with a number from the County?

Mr. Aiken said the County never came up with it. They ended up having a traffic engineer do a series of calculations. He has correspondence that goes from July, August, September, October, November, December, January, February, March. On March 18th, they finally agreed.

Mr. Recor said yes. It was a nightmare.

Mr. Aiken said after five weekly meetings with Mr. Recor.

Mayor Benton said he just wants to voice his frustration on the County's part. Because here they have an industrial park that would bring business and jobs to Fort Pierce and it appears the County drug their feet because they couldn't come up with a number. Calculating a number for a right-of-way and road improvements should have been given within a week.

Mr. Aiken said if they will remember, the County not only...

Mayor Benton said he remembers very clearly, the County wanted to take double the right-of-way from his side of the road on this one.

Mr. Aiken said as it is, they are building a significant portion of Peters Road down at Cracker Barrel. They are building this road all the way through their site, which they think is a marketing advantage to them once they get started. So they are doing an awful lot of things, he thinks.

Mayor Benton said he just wants everyone to know that it is not always Fort Pierce. They take a lot of heat. In this case they are trying to move forward with jobs and business, and they have an obstacle in their way.

Commissioner Coke said in some respects she can echo Commissioner Becht's concern that he would like to see that right-of-way dedicated to the City and moving forward in the future it would help them. But she also believes that sometimes in life they just have to take a leap of faith. She thinks the problems the developer has encountered in the last 12 months were problems that were totally out of his control. She has had on rare occasions had some problems with the County herself. She understands his frustrations.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve a 12-month extension to Site Plan for Interstate Business Park to be located on the east side of Kings Highway, south of White Road.

Commissioner Coke said she is not going to support it next year if they come back and say they want another 12 months. She honestly believes when they look at what the taxable values in the County and Port St. Lucie have done versus Fort Pierce, Fort Pierce is the city to be in, the place to build, they have it all right here.

Commissioner Becht said what he wants to clarify is, the problems the developer encountered with the County were solved by City Staff. He thinks that is a fair statement. He would like for his acknowledgment with that or dispute with that.

Mr. Aiken said he will not dispute that, he will acknowledge that, absolutely.

Commissioner Becht said so the problems with the fair share, Mr. Recor and Staff were able to solve. That is the message he would like to get out. Echoing what Commissioner Coke's comments were, Fort Pierce is business friendly, come on down.

Commissioner Alexander asked what is the difference between 6 months versus 12 months?

Mayor Benton said they are giving him 12 months.

Commissioner Alexander said he knows, but they don't always give them what they ask for. He is just asking why they can't do in 6 months what they can do in 12 months? Are these special exceptions or what?

Mr. Recor said no, he thinks they are getting a sense of some of the frustration this applicant has experienced since he received his original approval. He really just didn't see any need to try to renegotiate that down to six months. He thinks they have demonstrated a good faith effort to get this project built.

Commissioner Alexander asked all he is saying to Staff is, do they understand him when other people come? Don't look at him because he says it.

Mr. Recor said he wants him to question their basis and their logic. In this case they didn't see the necessity to reduce it.

Mayor Benton said he thinks a lot of the other ones were residential units where this is a business. They just want to be business friendly, they need business in this community, and they are willing to go a little bit longer.

Commissioner Alexander said he can go along with that.

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

The next item on the Agenda was Mr. Fred Bernstein, **Island Village Developers LLC**, request extension of deadline for conveying easements to the City.

Mr. David Recor, Deputy City Manager, said he received a request on Friday that this matter be withdrawn. Mr. Bernstein has indicated that he fully intends to comply with the June 16th deadline as specified by the City Commission.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-26

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **CHERYL GLENN-REED** AS A MEMBER OF THE **KEEP FORT PIERCE BEAUTIFUL ADVISORY COMMITTEE**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 08-26 be adopted.

Those voting in favor of the adoption of Resolution No. 08-26 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was City Commission nominations to the **Equity Study Committee**.

City Clerk Steele said she has received three nominations so far: Bob Swisher, Donna Benton, and Dr. David Fromang. She would appreciate a couple more.

Mayor Benton asked do they need those tonight?

City Clerk Steele said there is no action needed. She just wanted to publicly let them know who they have nominated. They are two short. Did Commissioner Becht have someone he wanted to nominate?

Commissioner Becht said Tom Perona.

City Clerk Steele said they just need one from Commissioner Alexander.

Commissioner Alexander said he will get one.

Mayor Benton said his wife's name was thrown in there, but he would make sure with the City Attorney that it is legal. He knows when she sat on the City Tree Board, there was a resident who had voiced a concern. So if his wife sitting on this committee is an issue, please let him know.

The next item on the Agenda was Mayor Benton discussion regarding current **Vehicle Mileage Reimbursement rates and Car Allowance** for the City Commission.

Mayor Benton said let him get this straight, it shouldn't be the car allowance because that is an item he would wait for the budget workshop or budget discussions. But as far as the current vehicle mileage reimbursement for all of their employees. If any employee in any

department decides to take their car or is required to go to a session for their position, they are reimbursed \$0.405. The going rate for the Federal Government set by the IRS is \$0.505. Seeing the price of gas seems to change almost daily, he just felt they should bring themselves up comparable to everyone else. Vero Beach is \$0.505 and Port St. Lucie is \$0.505. The County uses the IRS standard, but they just haven't updated it for this year yet. He would think they should keep it at the IRS standard through ordinance. That way they shouldn't be addressing this as the price of gas goes up daily. But theirs has been in that position since 2004 when gas was probably \$1.00 or \$1.10 a gallon or something. It is just he feels it is time they kept up with everyone else. Their employees should be reimbursed the going rate.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to increase the mileage reimbursement rate up to the IRS standard rate of 2008 which is \$0.505.

Commissioner Alexander asked unless they are going to be allowed to use City vehicles to travel in?

Mayor Benton said when they take a trip, he knows a lot of times when they go to Tallahassee, the School Board and the County has what they call pool vehicles where they pool together. But they don't have that in the City. Most of their vehicles that they could use, he would be afraid to go past Vero Beach with.

Commissioner Coke said she is going to have a problem with this at the current time. She thought when she saw it on the Agenda that the suggestion was going to be that perhaps they as Commissioners lead by example and give up their car allowance since they are asking their employees to pay a little bit more as far as dependent health care and they are looking to trim the budget and save money. She really cannot in all good conscience support something that is not going to be... Every City employee does not get mileage. Every City employee cannot avail themselves of the opportunity of this increase. They are asking the rank and file from the top to the bottom to increase more of their dependent health care coverage, they are asking everybody to tighten their belts and cut the budget. And there are no facts or figures here on exactly how much is given out now as far as mileage, how many people utilize it, how many miles are submitted, and what the additional cost would be. So to carte blanche say yes, they are going to increase it, when she doesn't have any idea the effect it is going to have on the budget... They all need to remember, although their taxable income is not going to be cut as dramatically as they thought it was going to be to the tune of \$6 million, they are going to have a \$1.6 million shortfall in the upcoming year in addition to the shortfall they had last year that they supplemented by borrowing money or taking money from enterprise funds that that money is no longer there for them to take. So she can't in all good conscience, without knowing the true financial effect of this, support expending any more funds.

Commissioner Becht said he would echo that without knowing what the cost to the City is at this time and who receives the benefit of the mileage, as fair as it may seem on its face to raise it up to what the IRS standard is, he would like to know where the extra money is going to go to, and does it benefit all employees across the board or just a select few in administration?

Mayor Benton said he went through several departments today and asked. He knows many employees, at least in the City Clerk's office, all use their car if they are required to go to a conference or some educational class or if they are asked to do some City business.

City Manager Beach said there are a couple of ways this is handled. In many cases travel is conducted with City-owned vehicles. In that event, then what the employee does is charge the fuel directly to the City, there is not a mileage reimbursement involved at all. However, if the employee uses their personal vehicle to travel to Orlando or somewhere else and back, then they are entitled to reimbursement at whatever that current rate is, it is

around \$0.40 a mile. He could not tell them how many people use this, but they could determine that. He doesn't think it is an extensive issue at all, because many of the people that travel do so in City vehicles simply charging their fuel.

Mr. David Recor, Deputy City Manager, said just to give them an example and to answer at least one of their inquiries about who it would apply to, it would apply to everybody. It wouldn't apply to just management position or just a supervisory position, it would apply to any employee that uses their personal vehicle for official travel. To give them some context, a 200 mile trip, say a round trip to Orlando, at the current rate the employee would be reimbursed in their private vehicle \$81.00 at \$0.405 cents a mile. Under the proposed rate, the \$0.505 rate, it would be \$100.00. So they are talking about the difference of \$19.00 for that one 200 mile trip.

Commissioner Coke said that does not answer the question. She doesn't know if there is one 200 mile trip taken during the course of the year or if there are 10,000 200 mile trips taken during the course of the year.

Mr. Recor said he just wanted them to have some perspective.

Commissioner Coke said she also does not agree with him that it would affect everyone across the board, because she thinks there is a certain level of employees who are on the road traveling and utilizing this to go to conventions, which is something she thinks they also need to look back on budget cuts. But there are certain levels of employees who get up in the morning, they drive to City Hall, they work their eight hours, and they get in their car and go home from one years end to the next. They don't go to Orlando or Sanibel Island or Texas or any place else, they sit here in City Hall and work. So it wouldn't affect them. It doesn't affect all employees.

City Manager Beach said it only affects those employees who use their personal vehicles for business travel.

Commissioner Coke said right. What she is saying is, not all employees travel for business.

City Manager Beach said that is correct.

Commissioner Sessions asked but they are only concerned about those who are on City business, right?

Mayor Benton said what brought this to his attention was, last February they were in Tallahassee and the cost of gasoline on that trip to Tallahassee in the four or five days varied in certain places in the State some \$0.10. Some people fly, some people car pool. He was the only one from the City of Fort Pierce there. It was his job as Mayor to be there. He just feels they should be getting reimbursed the same as anybody else, the same as Port St. Lucie. They are no different than anyone else. Why create a hardship? If Commissioner Coke would like to donate her car allowance back to the City, that is fine. He can't afford to. He just felt they should be comparable to everyone else; and that is the way they do business in the Federal government with the IRS. The school system is \$0.51. Everybody is having budget issues, so it is just keeping some of them above water.

Those voting in favor of the motion were: Commissioners Alexander, Sessions, and Benton. Those opposed: Commissioners Becht and Coke.

City Attorney Schwerer said just for the record, that will require an ordinance amendment. It is Section 2-83(e)(3) that sets forth the use of private vehicles that currently provides for \$0.405.

The next item on the Agenda was Commissioner Coke request City partner with South Beach Association for the first annual **Pops in the Park Concert** on Saturday, October 25th at Jaycee Park.

Commissioner Coke said she just wanted to bring the Commission up to date on the South Beach Association, which is very involved in protecting their beaches, cleaning them up, working on designs, volunteering, they help provide free flu shots on an annual basis. They are now taking on the first annual Pops in the Park Concert. It is a non-alcoholic family event, it is going to be a dance kind of thing. They have requested to have the City partner.

She understands she will have to remove the request for waiver of fees, because that is by ordinance. But she wanted to see if she could get approval from the Commission for them to submit an application for advertising funds. She believes Ms. Peck has already worked with Mr. Hood and also Mr. Kubitschek about getting some equipment to borrow from the City and work together with that.

Commissioner Sessions asked in essence the partnership entails just giving them the \$1,000 for advertisement and using the stage?

Commissioner Coke said also the electricity. This is relatively new idea and they have already actively received - and she will say thank you now for the first time publicly - a sponsorship from Oculina Bank for \$250. They are hoping they can get some other entities to step to the plate to pay for the fees for the pavilions that they can't waive by ordinance. She was looking if they could get a consensus on this that they could partner with them, she would appreciate it.

Commissioner Alexander said he would go along with that. How can they get the Redevelopment Agency involved with this, since they just have to send a memo to those people who serve there? That is in the Redevelopment Agency area. That is the purpose.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said they need to be a 501(c)(3).

Commissioner Alexander asked if the City is going to partnership with them, does the City need the 501(c)(3)?

Commissioner Coke said she will call Mr. Ward tomorrow, because there are some 501(c)(6)'s who receive funding from the FPRA area also.

Mayor Benton said he thinks they have a consensus that they all want to support this. They will find a way.

City Clerk Steele said be sure to come in and fill out their application for public funds for the \$1,000 for advertising.

Commissioner Alexander said this is going to be October 25th, it will put them beyond October 1st. Are they going to do it this fiscal year?

Commissioner Coke said she thinks they better, because there might not be any left after the fiscal year.

City Clerk Steele said that is why she was just telling them about the application.

The next item on the Agenda was Commissioner Coke discussion regarding placement of **recycling containers** at all Public Parks and at the Farmers Market.

Commissioner Coke said at the Farmer's Market everybody is walking around with a can of soda or bottle of water. There is nothing but dumpsters to put it in. Go down to the beach, there are bottles and cans being tossed away. They keep talking about becoming a green

city. And in the meantime they don't have recycling containers in every office in City Hall, but at least they should have them out at the parks.

Mayor Benton asked do they have a consensus that agrees with Commissioner Coke? He thinks so. They need to lead by example.

Commissioner Becht said so that he is consistent, he would like to know the cost of it before he commits to it.

City Manager Beach said he was going to suggest that they might ask Staff to design how this is going to work, who is going to do it, and what it is going to cost.

Commissioner Becht said he likes the idea, he would just like to know the cost of acquiring the bins and then having the bins picked up.

Mayor Benton asked shouldn't that be something the recycling hauler through St. Lucie County should be putting these bins out there for them?

Mr. Bob Hood, Director of Public Works, said this is an issue that needs some further study he believes. One of the things they found is - this has been tried before in the City - it is very difficult to get people to comply in an orderly fashion with using the recycle containers. What he is going to suggest is that they use a pilot project approach on this and maybe choose the Downtown Farmers Market. It seems to be a very well-used venue. If they can get some acceptance down there and maybe try out a few things, some different types of containers.

Commissioner Coke said she thinks that is a great idea, because they already wrote her an email this morning when they saw it was on the agenda and said they would love to help advertise and promote it, they think it is very important that they begin recycling in the City.

Mr. Hood said he thinks that would be very good. They might learn a few things too. Then they could take it out to some of the parks on the mainland and the beaches.

Commissioner Sessions asked if he is hearing them correctly, they are saying that the associated cost of doing this might outweigh the benefit, and they want to do it by way of a pilot program first, before they agree to it?

Mr. Hood said that is exactly what he is saying. They have had experience where people have contaminated the recycle materials and sometimes people break into the containers and steal the cans out of them because the price of aluminum is up. But he thinks they can address some of these issues if they have a pilot project in an area that they have some buy-in from that organization. And then learn from their mistakes or successes.

Mayor Benton said they will try it out at the Farmers Market and see how it works.

The next item on the Agenda was Commissioner Coke discussion on **community vegetable gardens** on vacant lots.

Commissioner Coke said driving around town, there are overgrown lots. Prior to the ordinance they passed where people take down buildings and they have to sod it, there are places that are not only overgrown but filled with trash. One of the great things she has found in this community is there are pockets of people who get excited and involved about different things. If any of them have driven past her house, they know she gets a little involved with her garden. It is a great thing. It provides exercise, it is much cheaper than a shrink going out there and working and weeding, it gives them a sense of community spirit if they are out there with other people, and they can grow food. Already today she had calls from three different people who were very excited and wanted to know the particulars about starting a community garden program. So what she would like - if she can get an

agreement from all of the Commissioners - is to pursue with some of these organizations how active they actually would like to be in it, and also to contact the American Community Garden Association to see if they can get them to tell them how to set up a pilot program. She just thinks it would be a great thing. They could get the PAL kids involved in it, they can get the FFA people involved in it, Keep Fort Pierce Beautiful could be involved in it. She would much rather see vegetables and fruit growing throughout the City than trash.

Commissioner Alexander said he thinks this is an excellent idea and he will be supporting it. His only concern is the monies they give out to these different organizations, maybe they can attach some type of requirement that they do a public garden.

Commissioner Coke said wouldn't that be nice.

Mayor Benton said he thinks Commissioner Coke has a consensus with everyone to give it a shot.

Commissioner Coke said she will come back with a report.

The next item on the Agenda was Commissioner Becht discussion regarding **Retirement Multiplier**.

Commissioner Becht said he had raised this issue under Comments from the Commission last time. They got a memo (dated May 27, 2008) in their packet from Mr. Bergalis that said if they were to roll back the multiplier on non-police officers from 3% to 2.5%, they would save \$220,000 a year. There are a lot of ramifications to doing this. They have no information before them tonight on what comparable cities or other organizations have in terms of a retirement plan. He has personal knowledge of the County, which is in the State system, and the college which is in the State system, and they are at 1.6%. But their 1.6% has no part of it being paid by the employees, which is different than the City. They also have a health component, which the City doesn't have any health component to it. As he understands it, they have a real COLA. And the City's 3% multiplier at this time has not demonstrated a real COLA cost of living increase to it. What he would like to suggest is that they hold this in abeyance until they see all of the things they may have to do as the final budget is put together. It would be his hope that they could preserve as high a level of service for the benefit of their citizens without anybody talking about the millage rate and without anybody losing their job. However, if a budget is proposed by Staff that touches the millage rate, then he would be prone to bringing the retirement multiplier back up, and they may need to do it if services are going to be impacted. He thinks it is an option they have. Without additional information, he can't sit here tonight and tell them that the 3% is too high. He suspects that it is on non-police officers. But he doesn't have the information before him to go any further on that. So at this point he would suggest that they can defer it until the full budget for next year is brought back to them. At that time he would ask that they have information on what... He would like a comparison of apples to apples with other agencies - what is their retirement package, what health insurance is involved, and is there a COLA and is the COLA really working? Because they have a COLA for the Fort Pierce Retirement Plan, but he thinks if they ask anybody who is in it, they are going to tell them it is not working. What has it been, eight years since they got an increase?

Mr. George Bergalis, Director of Finance, said it has been quite a while, yes.

Commissioner Becht said unless someone else wants to move forward with it, he would like to put it as part of the package they will discuss when they discuss all of the options that they are going to have to discuss when they review the budget and try to get it balanced for next year.

Commissioner Sessions said he doesn't have a problem with it for discussion purposes, but he would hope this would be a their very last option to explore with regards to reducing the multiplier. He thinks one of their biggest assets they have are their employees. And to

decrease the multiplier in light of what just happened with the health insurance and in light of what they are probably going to be doing in terms of salaries - which is remain status quo and not give an increase in salary - he doesn't want to touch their retirement. He just feels like it would upset the morale around the City of Fort Pierce with regards to their employees. So that is his position on it.

Commissioner Becht said the only response he would have, and this may be implied in what Commissioner Sessions said, the very last place he wants to look is the taxpayers, which are also an asset of the community, and the millage rate. So they are going to be faced with some difficult balancing. This is a difficult one, and he would like to do it at the same time they are evaluating everything to get to a balanced budget - taking care of the taxpayers, taking care of the employees, and trying to maintain a level of services that is consistent with the momentum that was mentioned earlier tonight and at the workshop in raising the bar which they have been talking about for a long time.

Commissioner Coke said so long as everyone this evening is discussing budget, it seems to her they finally got some final figures. This is June. Last year they waited until their backs were to the wall and a gun was to their heads before they really moved forward. She would like to see if they could schedule their next budget workshop with the preliminary budget by the end of this month, so they can know where they are going and what they need to cut. She doesn't know how everyone else feels, but she doesn't like waiting until the last minute.

Mayor Benton said the last minute, so they all know, is...

Commissioner Coke said September 1st.

Mayor Benton said so they have basically June and July. And it is going to probably take more than one workshop.

Commissioner Coke said she thinks they ought to start as soon as possible.

Mr. David Recor, Deputy City Manager, said he mentioned to all of them when he spoke to them - except Commissioner Sessions, because he didn't have his cell phone number on Friday afternoon and wasn't able to reach him - but he mentioned to them that it is exactly where they are. They have three tentative budget scenarios. The budget gap reduction scenario is prepared. They are at a position now where they can set that at the next budget workshop and begin to have these discussions. So he thinks the suggestion is a good one, have it done by the end of the month.

Commissioner Alexander asked aren't they due to have a budget workshop with the FPUA.

Mr. Recor said that is coming up soon.

City Clerk Steele said Thursday, June 19th.

Mayor Benton said he won't be here, he will be in Miami. He just wants to comment on the multiplier. In a lot of cases they negotiated that through union contracts with different unions. The employees gave up in some cases salary increases for that multiplier. So he thinks it is something that would take a lot of undoing and a lot of negotiating. To him, the incentive is there for employees to do a better job. A lot of their employees don't make a whole lot of money, most of them are probably in the \$30,000 a year range or less. They look forward to that and it keeps good employees around. He would have a tough time even considering that. But he will be more than happy to look at numbers.

Commissioner Alexander asked wouldn't it be like almost a forced retirement for some of those employees?

Mayor Benton said for a lot of people it would make sense to retire.
Commissioner Alexander asked they don't have any numbers on who that would affect?

Mayor Benton said he knows they would lose some good people because he has already talked to several who would retire tomorrow if they knew that was going to happen. It is hard to compare their retirement system to others, because like Commissioner Becht talked about, the COLA. There are just some things that their being a small retirement system doesn't have the ability to give the employees. That is one board he has never sat on, so he looks to the Retirement Board. If the Retirement Board felt there should be a reduction, he would be looking for them to make that recommendation, and he hasn't heard anything from them. That is his opinion.

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

Commissioner Coke said she would like Item 23g (Travel to Florida Main Street 101 Training Workshop) removed for discussion.

Commissioner Sessions said he would like Item 23d (Landscape Maintenance of Medians) and Item 23e (Lawn & Ground Maintenance) removed for discussion.

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

- a. Approve Application for **Alcohol Beverage Permit** submitted by Stephen Lewandovski, representing IBEW, for a Union Picnic at Jaycee Park on June 7, 2008.
- b. Approve purchase of 14 Panasonic Toughbook **Laptop Computers** for the Police Department from Insight Public Sector in the amount of \$48,160.00. (State of Florida Contract #250-000-03-01)
- c. Approve purchase of B.E.A.S.T. **Evidence Tracking Program** hardware and software for the Police Department from Porter Lee Corporation in the amount of \$22,393.30. (Funds from Law Enforcement Trust Fund - Sole Source)
- f. Approve renewal of Professional Consulting Services from E.W. Siver & Associates, Inc. for **Risk Management & Insurance Consulting** for 2008-09 under the same terms and conditions as the current contract.
- h. Approve waiver of fines and costs of \$3,180.85 against **901 North 22nd Street**, owned by Robert L. Slay, upon payment of demolition lien and fees in the amount of \$1,732.00 within 60 days.
- i. Approve waiver of fines and costs of \$1,383.18 against **901 North 22nd Street**, owned by Robert L. Slay, upon payment of lot clearing lien and fees in the amount of \$711.23 within 60 days.
- j. Approve waiver of fines and costs of \$929.78 against **1604 Avenue H**, owned by Robert L. Slay, upon payment of demolition lien and fees in the amount of \$978.00 within 60 days.
- k. Approve waiver of fines and costs of \$341.70 against **306 North 8th Street**, owned by Robert L. Slay, upon payment of lot clearing lien and fees in the amount of \$257.35 within 60 days.

l. Approve waiver of fines and costs of \$518.75 against 611 North 8th Street, owned by Robert L. Slay, upon payment of lot clearing lien and fees in the amount of \$379.84 within 60 days.

m. Approve waiver of fines and costs of \$2,872.00 against 1124 Avenue E, owned by Emmanuel Eloi, upon payment of demolition lien and fees in the amount of \$5,260.00 within 60 days.

The next items considered were Item 23d and Item 23e, which had previously been removed from the Consent Agenda: Award contract for Landscape Maintenance of Medians in the Virginia Avenue & Okeechobee Road corridors to Mr. B Lawn & Cleaning Service in an amount not to exceed \$35,932.72. (Public Works Parks & Grounds Division RFP #5811) and Award contract for Lawn & Ground Maintenance for City Hall, Riverwalk, Old Post Office, Arcade Parking Lot, Manatee Center, Seven Gables House, Main Police Station, Public Works Compound, AE Backus, Taylor Creek, US #1, Atlantic Avenue, Avenue A, and the HDRC, to C & C Lawn Maintenance in an amount not to exceed \$25,980.00. (Public Works Parks & Ground Division RFP #5812)

Commissioner Sessions said Mr. Hood made promises during the budget workshop that they were going to do away with these needless contracts and here they are with a contract he thought perhaps they could handle in-house and save themselves maybe \$65,000 or \$70,000 in terms of doing it internally. A lot of these projects are dear to them because these are right out here in their front yard. Charity begins at home, as his Pastor says. Can they do it? If not, he guesses they have to contract it out and spend the dollars.

Mr. Bob Hood, Director of Public Works, asked can they do it? Yes, they can. One of the things the Commission tasked them with is in a professional manner use the resources they have available to them. They realize the taxpayers want them to continue to keep levels of service high, but spend less money. They fully understand that. Last year when they put their budgets together, these items were already included in that. One of the things they are trying to do is not have Staff reduced any more than they already are. Ten years ago they had 91 employees, now they have 82 employees in Public Works. But they have gotten a lot of new projects that have come on line. These two items that are on the Agenda tonight, one of them - the maintenance of landscaping - this is about their sixth year of having that contracted out. The maintenance of the medians on Delaware Avenue, Okeechobee Road, and Virginia Avenue is something new they are trying. But they have also gotten Orange Avenue and it is new. So their professional staff would like to move from an established landscape maintenance to some of these new areas. South 7th Street is another one.

Commissioner Alexander said he has no disagreement about the contract. Who maintains the watering system for these? He is coming back and forth in Fort Pierce early in the morning and water is spraying the whole road, it is senseless to him. Who maintains the sprinkler system?

Mr. Hood said the literally thousands of miles of sprinkler systems they have now is the City Public Works Department. They have a two man crew. They are constantly busy changing heads and monitoring timers and that sort of stuff. It is a constant effort. Anybody who has a sprinkler system in their home understands that too.

Commissioner Alexander said he does. That is what he is saying. If his sprinkler was to water his driveway and the street, then he has a problem with whoever maintained that. That is what he sees, water all over on Okeechobee Road on both sides. Again, he is not bringing trouble to Mr. Hood, that is just his observation.

Mr. Hood said they certainly appreciate his observation on that and they do their best to keep these sprinkler systems from watering the roadways, because that doesn't do much good.

Mayor Benton asked in other words, this a budget saving item by privatizing maintenance of this; or is it something they have been doing with a private company and they are just going to continue?

Mr. Hood said there are two items on here. Agenda Item #23e (Lawn & Ground Maintenance) is a continuation of a service they have been providing. They use local contractors wherever they can. In this case, both of the awards would be to local contractors. The other item that Commissioner Sessions wanted further discussion on (Agenda Item #23d - Landscape Maintenance of Medians) was something new they are trying on the established medians on three of the major corridors. They are going to move those crews over to Orange Avenue which has new vegetation and to 7th Street and some other areas. They have also gotten some roundabouts added in the last year that need some additional work on them.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, to award contract for Landscape Maintenance of Medians in the Virginia Avenue & Okeechobee Road corridors to Mr. B Lawn & Cleaning Service in an amount not to exceed \$35,932.72 and Award contract for Lawn & Ground Maintenance for City Hall, Riverwalk, Old Post Office, Arcade Parking Lot, Manatee Center, Seven Gables House, Main Police Station, Public Works Compound, AE Backus, Taylor Creek, US #1, Atlantic Avenue, Avenue A, and the HDRC, to C & C Lawn Maintenance in an amount not to exceed \$25,980.00.

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

The next item considered was Item 23g, which had previously been removed from the Consent Agenda: Approve travel and attendance by Commissioner Alexander at the Florida Main Street 101 Training Workshop in Orlando on June 12-13, 2008.

Commissioner Coke said she is supporting this. She pulled this more for a question to Staff. Because it seemed to her that they as a body here had requested that any time they were going to have budget increases, not that it was a cyclical thing that they would spend more earlier in the year than later in the year, but if they had reached or exceeded a line item budget during the course of a year, that prior to it happening Staff was supposed to come and say they were going to need to put x-number of dollars more into the travel fund for the Commission, where do they want to take it from? Rather than after the fact at the end of the year they end up with hundreds of thousands of dollars being moved around that none of them were aware was happening. So it seemed to her - and she is going to move to support this - she just wanted everybody to be aware that they received a memo prior to this saying they kind of spent their travel allowance and that is a fine thing. But they need to consider, where do they want to change this money around from? She just thought she would bring it up to everybody in case they hadn't received the same memo she had and she knows that often times happens, that she thought they ought to be looking to see how much of a budget amendment they want to make on that line item and where they want to take that funding from.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve travel and attendance by Commissioner Alexander at the Florida Main Street 101 Training Workshop in Orlando on June 12-13, 2008.

Commissioner Sessions asked does Commissioner Coke have any suggestions in terms of where she wants to take that from?

Commissioner Coke said no, she doesn't, because she doesn't really know. But she thinks that is something Staff should bring them as a suggestion of how much money they are going to need to increase that line item by, because they are only how many months into the year, and where they believe the money should come from, or if it should be increased or if they should cap it at a certain level.

Commissioner Alexander said being one of the most traveling Commissioners, being accused of it. But such things as Lincoln Park Main Street, he was appointed to that by this Commission, and it would be remiss of him not trying to support them. He spends a lot of dollars out of his pocket whenever he goes.

Commissioner Coke said she is not arguing approving this.

Commissioner Alexander said it is not that anyone questioning. It is just the fact that they set those boundaries. He has been a Commissioner six and a half years. It is the same amount of dollars that have been utilized for the same time period. Staff should be observing these things and not let it just be like one particular Commissioner.

Commissioner Coke said she didn't mean him in particular. She just thought, remember last year they had all these things that were over budget, under budget.

Commissioner Alexander said he is not being defensive about it, because he has cancelled some other conferences he was going to attend. He is part of the League of Cities, that is what brought notarization to the City of Fort Pierce. If they had not been part of that, then the City of Fort Pierce would have been gone by the wayside. He still has concerns about that too. But he is looking at cash expenditure of \$121.00. They can't tell him nowhere - and he is on a restricted diet - that they can get an \$8.00 breakfast. Where from? He does not know. But when he goes and stays in a hotel, his hotel bill from just dining is ridiculous. He just wants to know if they all want him to continue to support this City in his travels? If not, let's put a cap on it and he will be done with it.

Commissioner Coke said she is not necessarily saying that. She just thinks that before they get to the point where at the end of the year... She is not saying necessarily travel, but there are many things they overspent budgets on in many different departments last year. This one they just happen to be more aware of it because it is in their budget. She knows they had given direction to Staff that they wanted to be made aware of overages like this prior to them or at the time, so they could make the necessary adjustments and not be shocked at the end of the year.

Commissioner Alexander said he is in agreement with Commissioner Coke.

Commissioner Sessions said he understands where Commissioner Alexander is coming from in terms of handling business for the City. They bring back a whole lot of benefit and knowledge when they go out and see what other cities are doing in similar situations. They are educated and bring back a lot of things that he feels are beneficial, in lieu of this being just a drop in the bucket. He can tell them he has a couple of trips he has planned that he thinks are very vital in terms of making this City more viable. So if this is an item they need to address, so be it. He just got here and wasn't around and he wants to educate himself on a lot of issues. So if this is going to be an issue they need to deal with in the future, then he would hope Staff would come back with something. Because he does intend on taking a couple of trips before the end of the year himself to benefit the City.

Mayor Benton said he knows a lot of their jobs require them to sit on Boards outside just being a City Commissioner or Mayor. The Florida League of Cities operates by volunteers from cities throughout Florida. They get a lot of legislation done for the cities, they help get them through a lot of times, and help insure them. It is hard to just say they are not going to be part of that. Their job does drag them to a lot of places. He thinks that is just the cost of doing business.

Commissioner Coke said then they need to have a realistic budget figure. That is what she is trying to point out.

Mayor Benton said he thinks when they go into this year's budget, it is something they should all take a look at, the various boards that some of them sit on around the State that requires them to travel. The League of Cities, there are three or four meetings a year. It might be to Orlando, but still it requires their time, it might be a weekend. But they make legislation that helps Fort Pierce and all the cities in Florida. It is a requirement that somebody sits on those boards. He thinks it is just putting those down on paper and taking a look at the numbers, at least going into next year's budget. Whether it means amending their budget, he is sure the City Commission could do that.

Commissioner Becht said they just did. He thinks that is what Commissioner Coke's point is, that they just amended it. He is fine with the travel. But for the representation they had with the League of Cities, they wouldn't have had the Outstanding City of the Year 2005 Award. The point is, they are spending dollars. He would like to have the portion of the budget that is for travel attached to every memo where they request money for travel, so they know what they are doing and they know how much over budget they are. It is just a question of knowing how much over they are, that is all.

Mayor Benton said that is why the memo went out and he brought it to everyone's attention was because he saw where they were going and he wanted to make sure the Commission knew where they were.

Mr. David Recor, Deputy City Manager, said they can also glean that information from the monthly financial report as well.

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

Commissioner Coke said as she looked back on her calendar today she saw the Commission was supposed to have in front of them this evening a proposed lease for the **Backus Art Museum**. They have no lease, no update report. Could they get that at their next meeting?

City Attorney Schwerer said he can give that now. He doesn't have anything from the Backus folks suggesting the terms or conditions, there is nothing received in his office. He did make a call on that and he will follow up, but he hasn't received anything from their attorney.

Commissioner Coke said when they were here they were adamant that they needed to move forward and they needed to do it quickly and they had discussion. She wrote down today is the date they were supposed to have something. If Mr. Schwerer is going to send them something to make them aware that they dropped the ball, if he would copy her on it, she would appreciate it.

Commissioner Sessions said the pilot program with the **Police Substation on Avenue D**, just to get an update from the Chief. He would hate that they get to the reporting date on the pilot program and find out it is failing.

Chief of Police Sean Baldwin said the substation is open. If he is not mistaken, it opened two weeks ago on Sunday. It is open as they provided the hours. The feedback he has initially is that there hasn't been a whole lot of use. That may be a matter of it being new. They talked earlier that they needed to make one adjustment to make sure the public knew.

They have done quite a bit of advertising. They have gone as far as using their reverse 911 system in calling every house within a certain radius around the substation so everybody knows. It obviously appeared in the news. On TV Channel 27, there is a slide that shows the new hours for the substation. They are working on some radio spots. In

fact, it has been on the radio. They are working on getting some more advertising. So it is well on its way. He plans just in terms of a formal update. He has actually charted out bringing this back to the Commission at 12 weeks into the program and giving them a formal report with statistics, charts, and all that stuff, so they can actually make an informed decision as to where they go after the 16 weeks.

Commissioner Becht said if Anne Satterlee could give him an update on the **annexation** issues specific to John Carroll and the piece of property on Midway Road this week, he would appreciate that.

Commissioner Becht said Ms. Razem (Grant Writer) mentioned something earlier tonight that he had forgotten. When they were at the workshop they did mention momentum, that Fort Pierce had achieved some good momentum. That momentum to his way of thinking was confirmed on Friday when they got the real numbers of their **taxable base** from Jeff Furst (St. Lucie County Property Appraiser), at least the preliminary numbers. Fort Pierce had slid only 9.7%, whereas the County as a whole had slid 15% and their good neighbors to the south, Port St. Lucie, had slid he thinks 19% or 19.5%. That confirms in his brain that they are doing some things right. They are not doing everything right, but they are doing some things right, and that is reflected in the tax base holding its value. He just wants to pause for a second and let everybody let that sink in - that if they had invested in Fort Pierce, their value held better in Fort Pierce than it did anywhere else in the County. He thinks that needs to be acknowledged.

Commissioner Alexander said he just has a couple of commendations to give out to the Chief of Police as well as all the rest. He wasn't able to get there on the **Kids of Hope**. They tell him it was a very successful thing that was done this weekend for the youth of this community. He just wants to personally thank the Chief for making sure the kids who wanted to come and be part of it were safe and sound. It matters a whole lot to this community when their children can go into the hub of the most violent area in this community and be safe and sound. He just wants to commend the Chief for that and thank him.

Commissioner Alexander said Mayor Benton had spoken at one time about a **Youth Council**. It has gone away and he doesn't know why. He thinks that is a very viable entity for this community to have their youth come up under a governmental aspect of this community and be part of it. He doesn't know what happened to it.

Mayor Benton said they don't have 15 applications into his office yet. He has done everything. They have advertised it on television. He has been to the schools. He guesses he is going to have to physically go to each high school personally. He needs a makeup of the whole community. He has asked Commissioners to go out and see if they can enlist or draft some kids. Like he said, he doesn't have 15 yet. As soon as he can get 15. He is hoping by the beginning of the school year next year they can do this. Because a lot of young people have so much going on, being part of the City is... He hasn't given up on it. It just hasn't fallen into place as quick as he would have liked.

Commissioner Sessions asked how many are they short?

Mayor Benton said he is not sure. He thinks about six short, the last he was told.

Commissioner Sessions said count on him, he will get four.

Mayor Benton said what they are looking for is students between 9th grade and college. They need a makeup of the whole community. He was getting a lot of applications from one group. One group would come in that he would work with and they would get several, but he needs a makeup of the whole community.

Commissioner Alexander said with the history he read up on it, he thinks it would be a no loser for the City of Fort Pierce, from the City Manager's office and on down, having someone there to look over their shoulder.

Mayor Benton said everybody here can do some drafting. It would be nice to have 25 names to choose from. He is going to be asking everybody up here to appoint these folks. But it would be nice having something in line going into the school year. He knows during the summer vacations and everything it is very difficult to get them in here.

Mayor Benton said County Commissioner Craft brought to his attention Friday that the County is partnering with Port St. Lucie to open up a **clinic for employees**.

Commissioner Coke said Port St. Lucie opened up their own.

Mayor Benton said he guesses the County is looking to partner with them. He had asked Mr. Beach today if they could possibly - and he wanted to get their blessing - that maybe Fort Pierce could look at it. County Commissioner Craft asked if the City might be interested in joining with them if Port St. Lucie is. But the more employees, the lower it will cost. He told him it is looking to save the County \$3 million in health care. This is minimal health care and prescriptions. They have a facility in Port St. Lucie, but if they had one here.

Commissioner Coke said Port St. Lucie opened their own clinic on site at their City Hall.

City Manager Beach said Mr. Anderson (St. Lucie County Administrator) called him today and they are scheduling a meeting for the end of June to talk about that subject. They are inviting the City, the School District, and a number of other governmental entities to listen in to that discussion and talk about the pros and cons of that concept as far as an alternative for medical care. The City certainly will be represented there. He thinks the Commission will be invited as well. They will see how that is working in Port St. Lucie.

Mayor Benton said if the County is saving \$3 million and the City could save \$1 million a year and give all the employees who work for government in the County together... Any time they can save money they have to do it, especially with health care when they are looking at cutting the benefits the City is paying and requiring more from the employees.

Commissioner Becht said the Fire District staff actually presented it to the Fire Board for consideration. The representation there, Commissioner Kelly and Commissioner Cooper, three months or six months into the program, they said they were saving lots and lots of dollars. His concern was that they needed more than three months or six months for him to feel comfortable to make that significant of an investment. But he thinks it is a great idea. He would like for Staff to find out as much as they can about it and see if the City can save dollars there too.

Mayor Benton said that is what he was looking for is to get the blessing from everybody up here. Because this was something he just found out about. The more employees, the cheaper it will be for all of them.

Mayor Benton said he wants to bring up something he has noticed over a period of a couple of years now. He doesn't know who would be in charge of enforcing it. But if anybody has been at to South Jetty and watched when they **kite surf**, the new thing is jumping the jetty. They have been doing it for some time. But he has seen some people fishing literally get hit. He has seen a lot of close calls. The suggestion he got from several of the folks out there was to put some type of distance that they should be surfing away from South Jetty with these kites. They are moving at a pretty good speed; and if they hit somebody, somebody is going to get hurt or killed. He witnessed it himself. So if it is the County or the City or whoever, maybe they can have Staff look into that. But it is a real bad situation, and he can see a real problem coming up.

Commissioner Becht said he would like for somebody to look into it, because they are there under a real loose arrangement with the Army Corps of Engineers. And he doesn't want the Corps coming in and putting any restrictions on them needlessly. The kite surfers need to police their own; but if they won't, then the City needs to do something.

Mayor Benton said the biggest problem he has seen is not so much where they would go from the ocean to the inlet, it is the Spur Jetty which belongs to the County. That is the real problem because there are people out fishing on it and they jump that Jetty every time the wind is blowing. So if they can check into that.

There being no further business, Mayor Benton declared the meeting adjourned at 9:30 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

