

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON MONDAY, JUNE 6, 2005.

Mayor Benton called the meeting to order.

Reverend Moses Hill, Moses Hill Ministries, gave the invocation.

The Pledge of Allegiance was recited.

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

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The next item on the Agenda was Presentation of Florida Trust for Historic Preservation Award for Outstanding Achievement for the Zora Neale Hurston Dust Tracks Trail. Ramon Trias, Jon Ward, and Marjorie Harrell were present to receive the award.

**Ms. Marjorie Harrell** said she would like to thank the City of Fort Pierce and Commissioners for their support in everything they have done for Zora Neale Hurston and her heritage here in St. Lucie County. Zora chose to remain in Fort Pierce. When she became ill and was placed in a home, her family was notified and came to get her. But she had a bond in St. Lucie County, she was family in St. Lucie County, and she had a sense of community, so she chose to remain here. Once they started working on the Trail, she started reading all of Zora's books she really had not read at that time. In one of the books there was an article about Eatonville, trying to get the family to bring her body to Eatonville instead of leaving it in Fort Pierce. She wondered why they didn't move it and she knew as she continued to read, that Zora chose Fort Pierce as her home. That says a lot for this City. Working together with the City and the County, Mr. Trias was very helpful in everything they did, everything that they asked him for, he was right there trying to help them to accomplish their goals. They started in 2002 with unveiling the Zora Neale Hurston stamp. They are a small City here in Fort Pierce, but they were able to get the post office to let them unveil the Zora Neale Hurston stamp here and sold the caches that increase in value each year. By the way, they still have some of those to sell because they were smart enough to buy up all that were out there. So Fort Pierce is the only City that has the caches. She just wants tonight to thank Mr. Trias for all he has done, because if he had not been here and had not had the vision he has for this City, they probably would not have had the Zora Neale Hurston Festival and they would not have had the Trail. They received two awards in one year and that is quite an accomplishment. There are a lot of cities who are jealous of St. Lucie County at this time because of the City of Fort Pierce.

**Mr. Jon Ward** said they enjoyed working with Mr. Trias. They got two awards and that is one of the great things he likes about him.

Mr. Ramon Trias, Director of Development, said the beautiful thing about this is they received two plaques and one of them says St. Lucie County and the other one says the City of Fort Pierce, and he thinks that is one of the great things about these projects. It was a beautiful project that deals with the history of their town, the culture of their town. It is a positive project in any aspect that they look at it and it is a result of very good people working on it. It has been such a pleasure to work with Mr. Ward and to work with the different activists who have helped them with the different staff they have here in the City. Tim Harrington did a lot of the research work. And of course, the different people like

Joe Murray who did the actual design, the drawings of the different signs, and so on. It is an excellent project. They should all be very proud that they have been given this statewide award and that they share it with the County.

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Mayor Benton proclaimed June 16th as "**Verna Jean Hunter Day**". Mr. Horace Hunter, Sr. was present to accept the proclamation.

**Mr. Horace Hunter, Sr.** said he accepts this for his wife Verna. They have a combined 74 years in the education profession in St. Lucie County. He would like to thank the Mayor, the City of Fort Pierce, and all concerned for the effort in putting this together.

Commissioner Alexander said he just wanted to pass word on to Mr. Hunter. He met some of his relatives over at the conference who worked with the Attorney General's office out of Tallahassee. They saw his name tag and they spoke so highly of their uncle and aunt and asked when he sees Mr. Hunter to send a blessing to him. He just wants to let this community know also that Mr. Hunter was a longevity in the school system. Everybody should know that; but if they don't, he is just passing that on. His niece said to tell him and his wife hello.

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Mayor Benton proclaimed June 15 - July 4, 2005 as "**Juneteenth Season of Freedom**" and June 14th as "**Juneteenth Day**". Ms. Marjorie Harrell was present to receive the proclamation.

**Ms. Marjorie Harrell** said Commissioner Alexander's father-in-law educated her about Juneteenth. He took her under his wings along with his sister Marjorie, and he carried them to a lot of conferences and workshops for taxi cab drivers because he had a vision of them taking over his cab company one day. He told her about Juneteenth and how it was a big celebration in North Florida even when he was a child and continues today to be a celebration. The reason they asked for the Season of Freedom in St. Lucie County is because they always have celebrated Independence Day. That is America's Independence Day, that is our Independence Day as Americans. But after the Civil War, the Declaration of Independence did not intend to free the slaves. They are not sitting around crying about that today because they understand that life goes on and they made accomplishments. She wants to thank Jon Ward for helping her with the Zora Neale Hurston Festival and all the things he taught her and made her go and find out in order to be able to communicate with him about it. What she did learn is that they can come together and they can work together in unity. They can work together on all the things they want; but each race of people, each nationality, has their own cultural heritage that they need to continue to honor. And when they get away from remembering the accomplishments and achievements of their people, that is when they begin to lose interest in their community and the welfare of their community. The group that is with her now, they have a feeling that if they bring about community pride, it will be one of the steps in rehabilitating and revitalizing the Lincoln Park community. So therefore they chose to start doing cultural things in their community with Juneteenth, the Season of Freedom. It will go from when the slaves were freed, finally the last place in Texas was free June 19th. That is where they get Juneteenth. But if they move on to the Fourth of July, it becomes a Season of Freedom and that is why they ask to help them celebrate freedom in America, freedom in the City of Fort Pierce, June 15 through July 4th, the Season of Freedom.

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

Letter from David Kass of Fight Crime: Invest in Kids, in

appreciation of the Fort Pierce Police Department for their partnership and commitment to public service.

Letter from Robert Kennedy, BPOE Fort Pierce Lodge No. 1520, thanking Ted Nagel of the Indian Hills Golf Course.

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

Commissioner Alexander said he would like Item 8h (Contract with Burkhardt Construction for Marina Square), 8j (Traffic Signal Equipment), 8k (Traffic Signal Maintenance and Materials), and 8n (City/FPUA Auction with St. Lucie County School Board) removed for discussion.

Commissioner Nelson said he would like Item 8e (Janitorial Services for Police Main Station and Substation) removed for discussion.

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

- a. Approve the Minutes of the Regular Meeting on May 16, 2005.
- b. Approve application to the Florida Department of Law Enforcement, Office of Criminal Justice Grants, for 2005/2006 **Edward Byrne Memorial Justice Assistance Grant**, funds to be utilized to continue the Gang Task Force.
- c. Approve execution of a **Corrective Special Warranty Deed** from the City (for use and benefit of Fort Pierce Utilities Authority) to the Florida Municipal Power Agency for the purpose of including the legal description for Energy Drive (access to the 69 acre parcel located west of Fort Pierce on Glades Cut-Off Road, which was deeded to FMPA on December 7, 2004).
- d. Approve travel and attendance by Commissioner Nelson to the 2005 **Florida League of Cities** Annual Conference in Orlando on August 17-21, 2005.
- f. Approve piggyback Town of Davie bid for purchase of one **Trash Grapple Loader Truck** for the Solid Waste Department from Atlantic Truck Center in the amount of \$85,470.00. Bid No. 5531
- g. Approve funding for replacement of lighting along the seawall at the **City Marina** by Mastec, Inc. in the amount of \$41,488.95; to be submitted to FEMA for reimbursement.
- i. Approve **Vacation Request** by City Manager Beach from June 27 through July 1, 2005.
- l. Accept lowest and best bid from Snyder Contracting, Inc. for **Pioneer Park Subdivision** (Paving, Grading, Drainage, & Utilities) in the amount of \$487,981.73. Bid No. 5511
- m. Approve travel and attendance by Commissioner Alexander to the 2005 **Florida League of Cities** Annual Conference in Orlando on August 17-21, 2005.

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The next item considered was Item 8e, which had previously been removed from the Consent Agenda: Approve ranking of firms for **Janitorial Services** for Police Main Station and Police Substation; and authorize contract with Coverall Cleaning Concepts for a total of \$34,176.00 annually. RFP 5520

Commissioner Nelson said this catches his eye in that it appears

they are about to engage firms from outside of the City as far down as Boynton Beach and as far away as Orlando to do their janitorial services of the Police Substation and Station. Were there any local contenders for this bid? It just appears to him that it is the type of jobs they like to give their local folks, they are certainly capable of doing some of these things. Was there any local bidders for this cleaning job at the Police Station?

Ms. Jan Gorham, Purchasing Manager, said there were a lot of local bidders that picked it up. She doesn't have with her the list, but she can give it to them at a later date.

Commissioner Nelson asked why were they screened out? He has no knowledge as to why they were screened out and four firms from outside of the City are the leading contenders.

Ms. Gorham said they were the only ones who bid on the project, these three bidders. They were the only ones who submitted a bid. None of the locals submitted one.

Commissioner Nelson asked so they did not have any local people to bid for this service?

Ms. Gorham said no, they didn't bid it. Local vendors did pick up the bid package and had the opportunity to bid.

Commissioner Nelson asked but they did not submit a bid?

Ms. Gorham said no. Coverall has been doing the work at the Police Department. They were the low bidder on the previous bid. So they are not new to the City.

Commissioner Nelson asked did the Police Department express any concern about that in any way?

Ms. Gorham said no, at least not to Purchasing.

Chief of Police Eugene Savage said they had a staff member - in fact he is here tonight - Captain Terry Barcelona, who sat on the Review Committee to look at the vendors that did bid for the contract. They had no input as to local bidders. They had opportunity. At one time they did use a local vendor, but that was some years back. Since that time, to his understanding, there has been no active bids whenever they bid this out.

Commissioner Nelson asked he doesn't have any concern with them being from out of town like this?

Chief Savage said Commissioner Nelson will be the first to know if there is a problem. But so far Coverall has been doing a very good job with maintaining the premises.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve ranking of firms for Janitorial Services for Police Main Station and Police Substation; and authorize contract with Coverall Cleaning Concepts for a total of \$34,176.00 annually.

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

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The next item considered was Item 8h, which had previously been removed from the Consent Agenda: Approve Change Order #1 to Contract with Burkhardt Construction for the **Marina Square Reconstruction Project** due to hurricane damage in the amount of \$203,305.95; funds to be reimbursed by FEMA.

Commissioner Alexander said his concern is, this is a change order. And from the hurricane damage itself, they say the damage is the electrical system. He just wants to know, who signed off on the first contract? And that they went out there and did no inspection on the electrical work that needed to be done in that Marina Square? That is the problem he has. This whole unit, the electrical, hasn't been... How old is this project? It was when he first came into this City Commission, right?

Mayor Benton said it is not very old.

Commissioner Alexander said it is not very old. His concern is, if it cannot be protected from salt water, why would it be placed there in the beginning? Because he thinks when he first came into this City Commission, he kind of griped about the change order they presented to him the first night about the sensors to make the water go up and down and he questioned that. In less than four years they are coming back with almost \$560,000 for repair on that section. That is the total cost on it. But again, when they went back with this hurricane damage, that wasn't one of the items they checked off on?

City Manager Beach said this is being reimbursed by FEMA. In fact, it was one of the first projects that they had work write-ups approved by FEMA for this reconstruction. He will let the City Engineer address the change order itself. But if they recall, they had an extensive discussion about tree replacement in that specific waterfront park that he thinks represented \$200,000 toward the total project.

Mr. Hector Arias, City Engineer, said the \$560,000 is included in the original cost of the project. The \$203,305 Change Order was tentatively approved by the Commission due to hurricane damages. This will be reimbursed by FEMA.

Commissioner Alexander said it doesn't matter. FEMA should ask him the same thing.

Mr. Arias said they accepted it by the fact that it was damaged.

Commissioner Alexander asked \$300,000 and some he is speaking of, that didn't include the corrosion of the wiring in that?

Mr. Arias said he is going to let Mr. Andrews answer that question, to give it more clear.

Commissioner Alexander asked is he the only one in here confused about this?

Mayor Benton said he asked at the Utilities Authority meeting, because they have had several of their projects... He believes Avenue D, the lighting there is not working, and they said it was because of water intrusion. He knows he put his utilities underground. He was required to put two pipes in - if one goes wrong and there are problems, they can use the other one. His yard was under saltwater several feet. Thank God his utilities worked. But he just wonders why also did they not put two sets in? He had to, why don't they? Maybe Mr. Andrews can help them out here.

Commissioner Alexander asked they have spent almost \$1 million in that area there or more, right? That was before his time.

Mayor Benton said right.

Mr. Jack Andrews, Assistant City Engineer, said when they originally did the estimate with FEMA on this, FEMA chose not to

evaluate the electrical system because they could not energize it at that time. They could not energize the transformers or anything to check the electrical system. So at that time, FEMA gave a kind of a low end price on the electrical system. Once they got into construction, they could energize when they brought up the transformer. Everything was inundated with saltwater and sand. All the fountain components, where there is a computer system in there, were all shot because the vault that handles all the fountain was completely filled up with water. It was just a lot of unforeseen things that, until they got into construction, they couldn't determine.

Commissioner Alexander asked if they do the repair now, what is going to keep that from happening again next year?

Mr. Arias said not unless they have another hurricane.

Commissioner Alexander said they could have one, hopefully not.

Mr. Arias said the only reason for repairing this is because they had a very massive hurricane. In fact, they had two hurricanes. The river went over the seawall and went all over that park. They can't stop anything like that. Everything was damaged. And it was agreed they should replace it.

Commissioner Alexander said he is just looking at the total cost of what Marina Square has cost the citizens over less than four years, regardless of the hurricane. And they are looking forward for more of this, is that what he is saying? If they have another hurricane and water comes over there, they are going to have the same problem?

Mr. Arias said they may have, yes.

Mayor Benton said he hasn't received answers from the U.A. yet, but he will be asking. Because in some areas the underground utilities right after the hurricanes were working. So he just wonders why in some areas they work and some they don't. Hopefully the next time it will be done better. He would hate to think that every time they have some flooding everywhere that they put in underground utilities that they are going to be replacing it. That doesn't make sense. They will see what answers the U.A. has.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve Change Order #1 to Contract with Burkhardt Construction for the Marina Square Reconstruction Project due to hurricane damage in the amount of \$203,305.95; funds to be reimbursed by FEMA.

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

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The next items considered were Items 8j and 8k, which had previously been removed from the Consent Agenda: Approve purchase of **Traffic Signal Equipment** from Transportation Control Systems in the amount of \$40,400.00; funded by FDOT through Traffic Signal Maintenance Agreement; and Approve increase to Contract with Signal Group for **Traffic Signal Maintenance and Materials** for the City's traffic control system in the amount of \$40,000; funds from FDOT Maintenance Agreement.

Commissioner Alexander said his question is concerning, they are purchasing signal equipment and then they have a maintenance company who is coming in maintaining the systems? Just an explanation.

Mr. Hector Arias, City Engineer, said there are two things involved in a signalization system. One is maintenance and they have a contractor to do it. And the other is replacements, that the contractor is not included in the contract. Both maintenance and purchase will be paid back by the Florida Department of Transportation. But there are two things, maintenance and also the purchase. Notice in his memorandum (dated June 1, 2005) that the purchase for so many signals is because they want to have a surplus. In case they get hit by another hurricane, they won't have to start searching for signals in other cities.

Commissioner Alexander said okay. When he saw the maintenance and the materials... That is two different things?

Mr. Arias said that is two different things, yes.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve purchase of Traffic Signal Equipment from Transportation Control Systems in the amount of \$40,400.00; funded by FDOT through Traffic Signal Maintenance Agreement; and Approve increase to Contract with Signal Group for Traffic Signal Maintenance and Materials for the City's traffic control system in the amount of \$40,000; funds from FDOT Maintenance Agreement.

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

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The next item considered was Item 8n, which had previously been removed from the Consent Agenda: Approve list of surplus and/or confiscated vehicles and equipment; and authorize Karlin Daniel & Associates, Inc. to conduct the **City/FPUA Auction** in conjunction with St. Lucie County School Board Auction.

Commissioner Alexander said not too long ago he requested someone to come back to him on the confiscation of vehicles and so forth and about funds being utilized to go toward other venues such as the Weed and Seed program and never got a response on it. Now he is looking at them trying to auction these vehicles off and he still requests the same information. Are they allowed to divert some of those funds to the use of the Weed & Seed program, preferably the Seed portion of it, for this community?

City Manager Beach asked is he referring to the funds generated by the sale?

Commissioner Alexander said he is just speaking of confiscations. When they speak of confiscations, how do they confiscate these vehicles? Are those drug related?

City Manager Beach said yes. These are a number of vehicles, not only retired City vehicles but vehicles that have been confiscated through the Police Department and through Police operations. The resources from this, whatever that figure is, it varies depending upon the success of the sale. He has seen it as high as \$40,000 and sometimes more than that. Those go directly into the General Fund of the City. The resources are then subject to appropriation by the City Commission however they choose to allocate it. It will show up as a line item receipt in their revenue.

Commissioner Alexander said but he thinks that is the question he asked a few months ago about the confiscated vehicles and so forth.

City Manager Beach said he doesn't recall his question of a few months ago. But he knows the Police Department has a fund that they have where confiscations go into that fund and that has to do with actual cash and things of that nature. Is that the one he is

referring to?

Commissioner Alexander said whatever is derived from illegal gains, that is what he was asking for.

City Manager Beach said the Police Department's fund has very restricted use to it. The funds generated by this sale does not. It is something subject to appropriation by the Commission. The other is subject to appropriation by the Commission, but for very specific purposes; and he doesn't know if it can be used for Weed & Seed or not.

Commissioner Alexander said the gain comes through the area of illegal crime and stuff like that. So why can't they go back to fighting crime, putting toward that? Can Mr. Beach bring him something back on that?

City Manager Beach said yes, he will do that.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve list of surplus and/or confiscated vehicles and equipment; and authorize Karlin Daniel & Associates, Inc. to conduct the City/FPUA Auction in conjunction with St. Lucie County School Board Auction.

Commissioner Nelson said on some of these vehicles he notes they have the mileage and others they do not. Have they stopped putting the mileage on them now? On a lot of them, it is important that they have this because when people buy them through the auction, they have to go through vehicle registration many times and they ask for the official mileage on the title of the vehicle.

City Manager Beach said he believes they are required to have that information.

Commissioner Nelson said he doesn't see it, except in very rare occasions, in the list they have here, the mileage on the vehicle on this sheet.

Ms. Jan Gorham, Purchasing Manager, said if he will look on the first sheet, the mileage is logged in. The mileage is on the list of all the vehicles, not on the surplus sheet. But the mileage is on that sheet and whether the vehicle runs or not.

Commissioner Nelson said he read the thing itself as opposed to the tabulation sheet. Okay, he will accept that.

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

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The next item on the Agenda was Mr. Brian Anglin, American Red Cross North Treasure Coast Chapter, to give presentation on Hurricane and Disaster Preparedness.

**Mr. Brian Anglin**, American Red Cross North Treasure Coast Chapter, said thank you for the opportunity to speak to the Commissioners and residents of Fort Pierce. They have been through a lot this year. How they have survived has been a real testimony to the character of this community. Working with more than 400 local volunteers and 500 volunteers from all over the Country and Canada, the local Red Cross has distributed more than 1.1 million meals and housed 13,500 people and provided financial assistance to over 5,700 people. Still, they are working with 65 families who are struggling to get their lives back to normal. Now there is a lot of talk in the media about the upcoming hurricane season and the

experts are saying they should be expecting up to 15 named storms and up to somewhere between three and five hurricanes. That is a little scary. He is here to tell the Commission that the Red Cross stands ready to deal with whatever the upcoming hurricane season brings their way. It is going to take all of them working together - the Red Cross, local municipalities, the Police Departments, schools, non-profit organizations, and private residents - to prepare for and respond to whatever comes their way. They all know from experience that being prepared is the key to dealing with any kind of disaster. In preparation for hurricane season 2005, the North Treasure Coast Chapter has launched this most aggressive public education campaign in history. By working with the local schools, they have distributed over 100,000 hurricane preparedness brochures that tell people how to make a hurricane plan, how to build a hurricane kit, how to talk to their children about the hurricanes that may or may not be coming down the road. After all, one of the things they learned was that the impact that the hurricanes had on their children was significant and unexpected. So they have been working really hard to help families cope with that. The School District has been a great help in that. He is here to talk about what families can do right now to prepare for the upcoming hurricane season. The Red Cross is encouraging everyone to follow four simple steps. Make a plan. Build a hurricane kit. Take a life saving safety course. And volunteer or make a donation. First make a plan for the safety of their family, pets, and loved ones. If they live in a manufactured home or an address neighborhood and the officials say to evacuate, get out - evacuate. Please get to a safe part of the state or another state. Evacuation to a local emergency shelter should not be their initial plan of action, that is a last course to take. If they have special medical needs or have medical equipment that requires power, sign up for special needs shelters right now. Call Beth Ryder, the St. Lucie County Director of Community Services at 462-1777. If they have pets, make sure they have a place to ride out a storm. Remember, pets are not allowed in emergency shelters and that is not going to change. Chances are, everyone might not be in the same place when a disaster strikes, so establish a common place where their family can meet if a disaster occurs and also establish a common point of contact somewhere outside of the disaster area where people can call Aunt Sally in Alabama and let her know they are okay and that will be the focal point for the rest of the family. The second most important thing is, build a hurricane kit and make sure it contains all the items they need for up to a week. This kit should be kept in a plastic container that can be easily transported in case they have to evacuate. In that kit, make sure they have at least one gallon of water for every person for every day that they are preparing for, for up to a week. Make sure they have plenty of canned and non-perishable food. He knows a lot of this stuff has been in the media and the newspaper, but it is so important that they say it over and over again so people can hear it. Make sure they have doctor's information with them, family contact numbers, insurance information, and medications. One of the interesting things is, make sure they take their prescription medications and any over the counter medications that have been suggested by their doctors, like Tylenol or aspirin or stuff like that. Bring their personal hygiene items like tooth paste, deodorant, baby wipes, and feminine hygiene products. Ambulatory assistance, canes and walkers, bring those too. Very important, bring infant formula, diapers, pull ups, baby-wipes, zip lock bags for soiled diapers. That was a big issue during the hurricane season during the last hurricanes. Bring snacks, toys, games to help pass the time. Bring cash. Right now is the perfect time to build a hurricane kit because of the elimination of the sales tax on hurricane preparedness items. Lowes and Home Depot has a complete list of what that contains. If their plan is to seek safe haven at a Red Cross Emergency Shelter, please be sure to have a

list of all the hurricane shelters in the community. The one closest to them might be full, they might not be able to go there, so they want to be prepared to go to the next one down the list. Let family members outside of the community know where they are going. Let them know to be prepared that they may be out of power for several days so they will call them as soon as the power is restored or they can get to a phone that works. Secure their home as best as they can before they leave to evacuate or go to an emergency shelter. Cover windows, empty the refrigerator, store keepsakes in plastic bins, and unplug appliances. Disconnect gas or propane tanks. While at a shelter, it is very important for parents to remember they are responsible for their children. Watch the children all the time, don't leave them alone or let them run around for even a minute. The third step, of course the Red Cross encourages everyone to take life saving courses such as CPR, First Aid, or Youth Safety Training. During these events the emergency service personnel are spread thin and they are exhausted. Knowledge of these life saving courses could be the difference between life and death while someone is waiting for an ambulance to arrive. Fourth, he wants to encourage everyone to volunteer. Disaster preparedness and recovery is a grassroots effort. It takes all of them working together to keep their community safe. So work now to prepare themselves and their family. And then start to think about their neighbors, those in the community who may be elderly or infirm or who may otherwise be in need of assistance. They all remember all the newspaper articles and television pieces about the neighbors who were helping other people put up their plywood and their storm shutters. That can't happen without people first taking care of themselves and being ready. The more they are prepared, the more prepared they are going to be to help the people around them. After all, that is what the Red Cross is all about - it is neighbors helping neighbors. Finally, volunteer with the Red Cross. Give them a call here at their Fort Pierce office at 461-3950. Let the Red Cross know if they are able to come in and help staff a shelter or distribute food, because all the volunteers they have now before a storm hits makes it that much easier for them to help people more effectively. During the hurricane season they had about 900 volunteers local and from all over the country working to distribute food, manage shelters, and help people. The truth of the matter is, that really wasn't enough. There is no doubt about it, they could have fed more people and provided more assistance if there were more people there trained to provide the help. They are making a big push for that. If they can't volunteer, make a donation. He is the Financial Development Director, so he has to put that in. Donations can be sent to 2211 South 25th Street, Fort Pierce at 34950. He realizes this is a lot of information to absorb in one setting. The good news is, they don't have to learn it all now. Stop by their office, give them a call, go to their website at [northtreasurecoast.redcross.org](http://northtreasurecoast.redcross.org). There is all kinds of information. They have special information for senior citizens and their special needs and for children. One last thing he would like to announce is that the Red Cross is planning their first Business Disaster Plan Workshop which will be held on July 15th. This workshop is a step by step approach to emergency planning, response, recovery, and business continuity planning for non-profit and profit organizations. If they are interested in participating in that, the number is 772-562-2549. Again, he knows it is a lot of information, but he really is grateful for the opportunity to share it with their community. Hurricane preparedness and recovery is not magic. The answer is there, they just need to listen and implement, ask questions, and help each other. He thanks them very much. It really is an honor for him to be a part of Red Cross and to be a part of their community here. He looks forward with working with everyone to make sure their community is prepared as possible; so when the hurricanes don't hit them, they can all breath a sigh of relief.

Mayor Benton said speaking for the citizens of Fort Pierce and St. Lucie County, he wants to say "Thank you" for a great job the Red Cross did for this community last year. He had an honor to work with the Red Cross helping them set up. He guesses there was a group out at Westside Baptist church where they were preparing meals, but also he met several people as they were delivering meals throughout the community. He met a husband and wife from the Midwest who were here on their anniversary, he was driving and she was handing out meals. So there were people from all over this country helping them out. It was amazing. At the same time it was kind of interesting when he met Senator Bill Nelson who said it was a question mark in the Senate on whether to loan the American Red Cross money. Right after that is when the Panhandle got hit, because he guesses there were some Senators from Mississippi and Alabama who were looking to not support it. So thank you for all the work the American Red Cross has done. Last year was a very difficult year throughout the world and the American Red Cross was there for the whole world.

Mr. Anglin said by celebrating and recognizing the Red Cross, it is really the people in this room, it is really the people of their community, that is the heart of what they do.

Commissioner Nelson said he endorses the comments by the Mayor. The comments Mr. Anglin made certainly are going to be picked up and incorporated in the Minutes of this meeting. He is wondering, does he have the hard copy handout that contains similar information they can pass on to the citizens of this community?

Mr. Anglin said absolutely.

Commissioner Nelson said if he can make those available, they will help disseminate those, put them out in their foyer, or whatever they can do to assist him in that area.

Mr. Anglin said he will have a bunch of stuff dropped off tomorrow. Getting the information out there is what it is all about.

Commissioner Nelson said now is a good time to put it out because people are preparing. They can use the media and churches and efforts here at City Hall or whatever. If he makes those available, they would certainly appreciate it.

Mr. Anglin said there will also be a Hurricane Cleanup & Awareness Day 2005 over on the corner of 25th Street and Avenue Q. They will have lots of information there. It is on June 18th from 8:00 a.m. to 3:00 p.m. They will work together, they will educate people, they will help each other, and they will get through whatever comes their way.

Mayor Benton said there are two more things to add to that. Dan McCarty Middle School is the only shelter that will be open this year. Also there is discussion in the County and he hopes this becomes reality - it won't be this year, maybe next year - looking at building shelters that pets can come to. He knows a lot of people who stayed at home, he is one of those, because of his pets. So that is a need in this community, as is a shelter for special needs people.

Mr. Anglin said no doubt about it. At the Red Cross they love their pets just like everybody else. They are aggressively working to try to create a new solution to that problem.

Commissioner Alexander said he just wants to say that throughout the two hurricanes and the devastation they had, they lost no life

during those hurricanes. He just wants to assure Mr. Anglin that if it was not for the Red Cross coming into this community feeding people which was much needed, they may have lost lives just from that. He just wants to thank him personally for that, because he worked with them day in and day out. Mr. Anglin said volunteers, but those are the ones who come in and feed those people, they asked him to stand back and let them take care of it and they worked so hard. He just want to thank Mr. Anglin personally from his community.

Mr. Anglin said it really is an honor.

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The next item on the Agenda was Report on Ohio Avenue / Sunrise Boulevard Roundabout to allow for public discussion and input.

Commissioner Nelson said he attended a County Commission meeting and reviewed the action on the County's T.V. efforts. He notes they are trying to move this project forward. This serves in a sense as a public hearing. He notes with pleasure the fact that in addition to the data contained in his memo (dated May 31, 2005), they have a letter here to the Commissioners from Hibiscus Park Home Owner's Association encouraging that they in fact move with deliberate speed in the construction of that roundabout. This represents about 280 homes in the area. He notes with pleasure the aide from one of the County Commissioners is in the audience and he would that if she would at this moment could come forward and give them the position of the County and any comments they might have in this regard at this time.

**Ms. Karen Smith**, Executive Aid to Joseph Smith, said she has a statement from Commissioner Smith, who couldn't be here this evening. So at the pleasure of the Commission, she will read it for them:

"Good evening Mayor, City Commission and staff. I apologize that I am unable to attend this evening's Commission meeting. I would like to thank the City for agreeing to the County's request to hear the residents of the Sunrise/Ohio area again. Commissioner Nelson afforded me the opportunity to visit the proposed site for the Rotary and I see the possible benefits of its implementation. My concern, however, was to insure that those expressing reservations about this project had an opportunity to share them with you before this issue returns to the County Commission. I encourage you to hear their concerns, and if agreements can be made, please make them. Your decisions are difficult, but I have faith in your abilities. Best Wishes this evening, cordially, Joe Smith."

Commissioner Nelson said with that he would call on the City Engineer to add any input that he has; and then he will turn it back to them for their deliberations.

Mr. Hector Arias, City Engineer, said he would like to report emphatically that they have been talking to the same two property owners that have been against the roundabout for the last three years. About three years ago they had the same comments. Mr. Andrews, his assistant, also talked to Mrs. Salisbury and Mrs. Roddenberry very recently, about two or three weeks ago. He can tell them what their response was, which is the same thing that happened two or three years ago. He can assure them that they are not going to propose to build a roundabout to this Commission cutting anybody off. They are not cutting anybody off. In fact, there is a property on the corner of the roundabout that they will have to build a driveway for the property so he has the proper access to the roundabout. They have the letter from the Hibiscus property owners at 280 units. They know that more than 11,000 vehicles cross that intersection every single day. If they find

any discrepancies or they cannot convince property owners that they should build the roundabout, he will bring the report to this Commission. However, sometimes property owners are very adamant in their comments when they are against something. He would like to caution them on that. They should go for the majority. He thinks they can accommodate anything that the other two property owners want. A roundabout is round. It can't be any other way. It has to be located in the intersection where there is no need for a right-of-way. They don't need the right-of-way. This is going to be a beautiful project. It is going to cost over \$600,000. It is going to be a tremendous improvement to the area. Together with an agreement with the County there are \$84,000 tied up with the agreement that they will resurface and provide a curb for the island of Sunrise Boulevard. So the entire area from U.S. #1 to the roundabout and to Pennsylvania Avenue will be totally improved.

It is going to be a beautiful project and they have his support. They will continue talking to the property owners to make sure they understand they are getting the best deal of them all.

Commissioner Nelson said he guesses it is appropriate, but if they limit the comments of the input from the audience.

Mayor Benton said this is discussion amongst the Commission. Like he assured Mrs. Roddenberry, and he spoke to her several times in the last few weeks, that it would be open to the public. This isn't any public hearing. It is not listed as a public hearing. He thinks the next step is, if they want to have a public hearing on this; but he thinks a lot of details have to be worked out with the County before they take that next step. They have to advertise it, there would have to be a sign put up, and it would have to be advertised in the paper, right?

Commissioner Nelson said he is not sure about that. He would like to have input from the City Attorney on that. This constitutes, in his opinion, a public hearing. Their agenda was in fact published in the newspaper. They have talked about it before. They have a big public out there right now.

Mayor Benton said what he is saying is, when he received his packet, it said "Miscellaneous Reports & Requests". It didn't say "Public Hearing". Would Mr. Schwerer answer this please?

City Attorney Schwerer said the only thing he can tell them is that Agenda Item #10 states, "Report on Ohio Avenue/Sunrise Boulevard Roundabout to allow for public discussion and input." There is nothing pending before them that requires a Public Hearing on Sunrise Boulevard. It is a City project. It is not a rezoning, it is not a comp plan amendment, and it is not a site plan, so there is no public hearing requirement. If however, they wanted public input from it, they could do one of two things. This is technically on the agenda for public discussion. The Mayor could open it up for public discussion; or they could simply request that it be placed on the next agenda for open public discussion on the item and advertise it as such if they choose, but there is no requirement that they advertise it.

Mayor Benton said he has no problem listening to the public. He doesn't know if Mrs. Roddenberry is in the audience. She was here the last time it was here for discussion. He told her if it was going to be on the agenda for a public hearing, he would let her know. He thinks a public hearing should be posted. If they want to take some input tonight; but before they make any decision, there should be a public hearing.

Commissioner Alexander said put it on the agenda for the next meeting.

Commissioner Nelson said at a minimum, those people who are in fact here speaking for or against it should be heard, in his opinion.

Commissioner Coke said she would agree with that.

Mayor Benton said he has no problem listening to people. But he just wants to make sure that it isn't reported in the newspaper that they closed the door on this without input from both sides. If everyone would like, they can open this up.

Commissioner Alexander asked did not the County ask for a joint meeting?

Mayor Benton said yes, they did. The County asked for discussion at their August meeting. So they are very limited on how far... All they can do is take the next step and continue discussions with the County to see if they are willing. They just heard that the third vote might be there. If anyone would like to address the Commission on this roundabout, please come forward.

**Mr. Christopher Dzadovsky**, President of Hibiscus Park Crime Watch and Home Owners Association, said after the last meeting, they did put the issue in front of their folks at a regular meeting. They had a very spirited meeting. In the end they had a unanimous vote in support of taking over Sunrise Boulevard and the possible creation of the roundabout. At that meeting they also discussed the issue of the safety of the homeowners. While they are in support of taking over Sunrise Boulevard and they are in support of the roundabout, they would like the designers and the engineers to take into account some of the issues of safety. They did point them out to the engineer who was available to them that evening on some of their concerns. In the future when this matter does come up, they would like to be invited for discussion. And he is also offering, as the President of Hibiscus Park, to help with the neighbors if they need some input through their group because they do support them, at least in the safety issues. But at the end of the day they will support a roundabout in its entirety, but they do want to make sure the safety issues are taken into consideration.

**Ms. Jean Johansen** said her home is on Colonial Road which is in that general area. She doesn't know what these plans are. She didn't even know it got approved, so she was glad to see it on the agenda. At least it is being discussed.

Mayor Benton said nothing has been approved. It is going to be discussed.

Ms. Johansen said the only thing she would ask, on the Pinewood side which is between U.S. #1 and Sunrise Boulevard, she is in that section, is consideration for a sidewalk, because there are tremendous numbers of people. She doesn't know whether it is being considered, but she would just ask that be considered.

Mayor Benton said what they are talking about here, and he thinks what is going to end up, in August they are having a joint meeting with the County. Not just this roundabout, but the City was going to take over Sunrise Boulevard. The talk has been on-going for years. The County is going to have to give the City some money for sidewalks because they need sidewalks from Virginia Avenue all the way to where the roundabout would go in. There are no sidewalks there at all. Plus there are a lot of other improvements that need to be made. The road is in pitiful shape. At the time he thinks they were talking \$87,000, but that was many years ago. He has a feeling it is going to be \$200,000 or more. Those are the details they are going to have to work out. But this is the first step.

Ms. Johansen said there is not an association in the Pinewood area; but she is sure a lot of them, if they know about it, will probably be in full support, because there is a lot of foot traffic that loves to walk around that area, so that would be wonderful.

Mayor Benton said that is why this Commission had brought this back up, because they felt it was time that they made some improvements south of Georgia Avenue. They have all been left out and he thinks it is time the City showed a lot of interest in that area. Unfortunately the County sort of closed the door real quick, but it looks like that door might be opening again, so they are going to work on this.

Commissioner Becht said please make sure they contact their County Commissioners, all of them, because the project would be underway but for the County Commissioners stopping it. It is a County road.

Ms. Johansen asked every one of the County Commissioners?

Commissioner Becht said every one of them. Now Commissioner Joe Smith was kind enough to send a representative tonight and he thanks her for being here tonight. Joe Smith actually came by and he thinks he saw most of them about the project. But it is a County road, it is miserably maintained. But it is within the City limits of Fort Pierce, so everybody thinks it is a City road. It reflects poorly on the City. But it is a County road and please make sure she lets the County Commissioners know she is not happy about it.

Mayor Benton said he knows there were two votes in support. He believes it was Commissioner Craft and he doesn't know which other Commissioner, but he believes there were two Commissioners at the County that did support this, so they are just looking for one more.

Ms. Johansen said she will talk to all of them.

Mr. Dzadovsky said he is sorry, he forgot something. He also forwarded that letter and cc'd the County, but he also made reference in an e-mail about, if it were taken over by the City, that they believe because of the County's permissiveness of letting the contractor use that road for the mud or muck or whatever they want to call it, that the County should freely want to support and provide financial assistance for the repair of that road.

Mayor Benton said thank you. He is glad they have some support on that one. Anyone else want to address the Commission? He thinks where they are looking to go with this is to have this on the agenda with the County in August for further discussion. And hopefully by then, maybe through their staffs they can maybe update that \$87,000 to whatever the numbers would be.

Commissioner Nelson said every day they delay various projects, they have a corresponding increase in cost. They have funded this project, they are ready to go. They could have a public hearing and get on the way with this. What is the time schedule or table for getting this project going? What is the status on this with respect to their ability to get moving forward on this?

Mr. Arias said they haven't done anything because it hasn't been funded yet, but the design is completed.

City Manager Beach said the design was completed some time ago, a couple of years ago, and submitted to St. Lucie County for approval; but he is not sure they ever received that approval.

Mr. Arias said they sent it to the County about two and a half years ago. They never received a response. Then they recently sent the copies of the plan to Commissioner Hutchinson.

City Manager Beach said to answer his question, upon identifying a funding source and deciding to build it, it could probably be constructed within 12 months. Is that accurate?

Mr. Arias said yes.

Commissioner Becht said what he would like to do - without setting any precedent, because he doesn't think the County operates this way - so they can move this project forward, he would move that they set it for a public hearing at the next available City Commission meeting so they can move forward.

Mayor Benton said he hopes somehow they can have the County reconsider. Maybe Mr. Smith can put on his agenda some discussion on this, because in his opinion he thought the County closed the door on this.

Commissioner Nelson said no, they did not.

Mayor Benton asked what did they say?

Commissioner Nelson said he indicated in his memo to him some time ago, it says emphatically that they asked that the City have public input or a public hearing.

Mr. Arias said during the County Commission meeting that he attended, he suggested to the County that they could approve the agreement provided that the City have a public hearing for the project. They ignored that comment and they never did anything. One approval that can happen with the County Commission is to approve it contingent upon having a public hearing by the City.

Mayor Benton said it would have been nice had the County informed the City.

Commissioner Coke said maybe at this point they should consider sending a note letting the County know the City would like to have a public hearing for the next meeting on this. Should they approve it, having a public hearing and getting all the input necessary, and then funding the project and beginning immediately.

Commissioner Becht said he would make a motion in that fashion and also invite all five of them, since they are so concerned about this issue, to come and attend.

Commissioner Nelson said be advised they have a representative from the County Commission here who obviously is observing what they are saying and doing here and is going to report this back to her Commissioner and ultimately the County Commission as soon as tomorrow. So they are in pretty good stead with respect to advising people of what is going on. But if they want to send a letter, that is fine.

Commissioner Coke said requesting to do something is different than advising.

Motion was amended by Commissioner Becht, seconded by Commissioner Nelson, to schedule a Public Hearing for the Ohio Avenue/Sunrise Boulevard roundabout at the next available City Commission meeting; and send a letter to the County inviting their Commissioners to the public hearing and getting all the input necessary; and then

funding the project and beginning immediately.

Mr. Arias said another thing he would like to caution them concerning the comment made by the Mayor earlier. That Sunrise Boulevard from U.S. #1 to Ohio Avenue has been almost totally destroyed by those trucks. So the \$84,000 they were requesting before is not going to be enough. They are going to have to revisit that.

Commissioner Nelson said they are going to have to work things out.

Mr. Arias said that agreement shows the figures, so they are going to have to change the figures.

Mayor Benton asked how soon can somebody from staff, and he is not looking for an exact figure, but is there any way he can give them a number? Mr. Arias knows what it takes and what it costs per mile to reconstruct or to fix a road. Can they have some figures for this public hearing?

Mr. Arias said yes, they have that.

Mayor Benton said they will need those numbers too, because the County is going to have to up that.

Mr. Arias said also this reminds him, two or three years ago they send an estimated cost for different County roads in the City limits, and one of them was Sunrise Boulevard from Ohio Avenue to Virginia Avenue. They sent those requests and they never had an answer on it.

Mayor Benton said he remembers those days. But if this will mend the fence and get some action, then let's go with it.

Commissioner Nelson said the lady mentioned something about the sidewalk down in the Hibiscus Park area going toward U.S. #1. He doesn't recall whether or not they had a sidewalk. He thinks they do have a sidewalk on one side of the road, don't they?

Mr. Arias said they have sidewalks on both sides of Sunrise Boulevard.

Mayor Benton said what the County did was, they made improvements. They repaved Sunrise Boulevard from Edwards Road to Virginia Avenue and put sidewalks in. They had just a little ways further to go, and they would have had sidewalks the whole way, less than half a mile maybe.

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

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The next item on the Agenda was Request by Michael DiFrancesco, Indian Run Development, for **abandonment** of a 50-foot wide City right-of-way known as **Osceola Avenue**, running east/west between Oleander Avenue and 7th Street Canal in Maravilla Gardens Subdivision.

Mayor Benton said they have the request. Does Mr. Schwerer want to add to this?

City Attorney Schwerer said the legal technicalities have been fulfilled concerning this request for abandonment. Staff met with the Engineering Department and Planning Department. It is before the Commission tonight for approval, but they will be bringing back an ordinance officially abandoning it at a later date. It is staff's recommendation that the ordinance be placed on the agenda

when Mr. DiFrancesco is replatting the road, so that they get the substitute road the same night they abandon the previous road, so it will be done simultaneous with the abandonment.

Commissioner Alexander asked they are going to replace this road, an additional road?

City Attorney Schwerer said yes. Why they are requesting the abandonment, he can't give the details. But they are moving it and they are changing configurations per a new plat they are going to be filing, so they need this one abandoned.

Commissioner Alexander asked would the name of the road be the same as the one they abandon?

**Mr. Michael DiFrancesco** said yes, it will. It will be the same road. Basically what they are doing is moving a road approximately three to five feet to one side to accommodate their lots. They will be dedicating all the right-of-ways and everything back to the City. The road is going to have everything - sidewalks, curb, gutter, the whole works.

Commissioner Coke said just so they have something formal because she knows Mr. DiFrancesco has been here before.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve request by Michael DiFrancesco for abandonment of a 50-foot wide City right-of-way known as Osceola Avenue, running east/west between Oleander Avenue and 7th Street Canal in Maravilla Gardens Subdivision, contingent upon receipt and approval of the replat for Osceola Estates II.

Commissioner Alexander asked will the road come with sidewalks?

Mr. DiFrancesco said yes, underground utilities and everything.

Commissioner Becht said he is going to have to abstain due to a conflict.

City Attorney Schwerer said Commissioner Becht has a conflict because he has had work done with the title for this property and that is the nature of his conflict. He has worked legally with the title.

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

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The next item on the Agenda was Main Street Fort Pierce request \$20,000 in funding for 4th of July Celebration.

**Ms. Joanne Davis**, representing Main Street Fort Pierce, said in years past St. Lucie County has put on the fireworks presentation for Fort Pierce and Port St. Lucie. This year, because of the County's Centennial Celebration, they are going to be doing their own separate fireworks demonstration on July 2nd. They have asked the City of Fort Pierce and Main Street to host the fireworks celebration here. They have received funding for the actual fireworks and they have hired the fireworks company to do that. However, they are wanting to do a celebration along the lines of what the County has done with "Red, White, and Boom" every year. They want to keep it free to the public, all the activities and the children's activities and so forth also free to the public in an effort to celebrate their independence. Something they would like to do also this year is perhaps, they have been looking into hiring an orchestra to play patriotic music during fireworks celebration

and other patriotic entertainment throughout the afternoon celebration. That is what they are requesting the funds for is basically to put on this festival.

Mayor Benton said he had spoke to Ms. Tillman and Ms. Davis and has known about this request for some time, knowing that the County is doing nothing really. The County's program is going to be with their Centennial out at the Fairgrounds and it sort of left Fort Pierce high and dry. He felt that with the programs that Main Street has put downtown ever since the City's Centennial. They had a concert not too long ago and did an exceptional job. He just felt the 4th of July, after two hurricanes, is a special time for this community and that \$20,000 isn't too much to ask for to do it right.

Commissioner Alexander asked would this be their first time as the City of Fort Pierce?

Mayor Benton said yes. Normally the County has paid for it.

Commissioner Alexander asked where are they going to get the funds from?

Mayor Benton said he guesses it would have to be out of the General Fund.

Mr. George Bergalis, Director of Finance, said yes. He will be able to find the funds either in the existing budget or it will have to come out of fund balance.

Commissioner Alexander said his last and most important question is, are they going to have some type of rain insurance?

Ms. Davis said they actually have purchased that on one other occasion and that does cost extra money though.

Commissioner Alexander said that is why he is saying, let's get it all upfront, so they don't have to bite this bullet in case something happens.

Ms. Davis said that is something they could absolutely look into.

Mayor Benton said if it rains, usually they wait on the fireworks until the next night.

Commissioner Alexander said he knows they had one fireworks effort out there that was no effort at all. They do not want that type of event.

Mayor Benton said last year the people putting on the fireworks had some problems and the County never did get their money's worth out of that.

Ms. Davis said they have gone to another company that they have used in the past and they are very reliable.

Mayor Benton said he has been to Main Street's programs downtown, several of them from the Centennial on, and those fireworks presentations were better than the County's on the 4th of July. To him, they have an opportunity to really do it up.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve request by Main Street Fort Pierce for \$20,000 in funding for the 4th of July Celebration.

Those voting in favor of the motion were: Commissioners Alexander,

Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Ms. Glenna DeMichael, Hibiscus Children's Center, request **Alcohol Beverage Permit** for Offshore Big 3 Fishing Tournament to be held at City Marina and the Community Center in Indian River Veterans Memorial Park on June 18, 2005.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to approve Alcohol Beverage Permit for Hibiscus Children's Center Offshore Big 3 Fishing Tournament to be held at the City Marina and the Community Center in Indian River Veterans Memorial Park on June 18, 2005.

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

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The next item on the Agenda was Mr. Steven McCroey, Harvesttime / Lafitte Community and Economic Development Corporation, request 90 day extension to Site Plan for **Betts Building** at 1217 Avenue D (approved August 2, 2004).

**Mr. Steven McCroey** said he just wants to say a little bit about the Betts Building. For the site plan, they do need an extension. The Commissioners are in the process of scheduling a workshop and he wants to make sure that site plan is right on key with what they decide in the workshop. He wanted them to know, they have met everything they were told to do with the Betts Building. They incurred a little pothole with a \$35,000 lien. They paid that \$35,000 and they were promised that they would actually see some results after they paid that. They actually didn't get the satisfaction they thought they were going to get when they paid that \$35,000. But the building is current. It is paid up in taxes through 2005. They are the sole owners of it. He is the CEO and President of Harvesttime / Lafitte for the record. He definitely is proud of their Commissioners, especially their two Commissioners from District I - Commissioner Nelson who took the lead on this and Commissioner Alexander brought it up at the last CRA meeting that they were going to have a workshop on this and they would go forth.

He believes that this Betts Building will be the beacon for great and future development on Avenue D. It is ready to go. There is nothing stopping it but them getting it funded. The people who want to lease the building have ten year commitments. And he would be glad to work with the City any way they want to work with him to put this building up. It withstood two hurricanes. It is very stable. He believes in the building. He believes in the project they have to go in there. The nursing facility that wants to go in there and the pharmacy that wants to go in there will provide jobs for this community and it will turn that building from being a blighted structure into something they can be proud of. The building has already been designed in the historical form. It has already been designated a historic designation. He is very proud of that building and he is very proud that they have labored to make this thing happen. He wanted to bring it before the Commission tonight for an extension, and let them know they are very interested in putting that building up and revitalizing this community.

Commissioner Becht said he is going to move for approval of his request for 90 days extension because Mr. McCroey's letter (dated May 5, 2005) says, "...during which time the building permit will be pulled."

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to approve the request for a 90 day extension to the approved Site Plan for the Betts Building at 1217 Avenue D.

Commissioner Coke asked is 90 days going to be enough for them to get everything together to get their permits?

Mr. McCroey said they are going to pull a permit within those 90 days.

Commissioner Coke said she doesn't know how Commissioner Becht feels about it, she was going to bring it up before they did a motion, but she would rather give him a little bit longer to insure they are on key with one extension rather than...

Mr. McCroey said six months is fine, but they are going to pull it in the 90 days.

Mayor Benton said Commissioner Becht doesn't appear to be willing to amend his motion.

Commissioner Becht said he likes the 90 days; and if he can't do it, then he can come back and say why he can't do it, and then they can revisit it. They need something to happen. He is not trying to be mean here. They need something to happen.

Mr. McCroey said they do. He is in full agreement.

Commissioner Nelson said by pulling the permit, it implies he has the plans necessary to perform some construction out there and to begin construction. That is a fact. The liens on that have been in fact paid off. They are in clear ownership of the title now?

Mr. McCroey said a long time ago, yes.

Commissioner Nelson said the ownership is with the Harvesttime with Mr. McCroey as a CEO. Who are the other key people there?

Mr. McCroey said the Board of Directors are Robert Stackelbeck, Icelyn McLean, and himself.

Commissioner Nelson asked they are going to have some construction started in 90 days or so?

Mr. McCroey said 90 days of the August date. He is waiting on the workshop they are going to have.

Commissioner Nelson asked his site plan now calls for what kind of building?

Mr. McCroey asked what are those buildings Mr. Trias designed?

City Clerk Steele said Mediterranean.

Commissioner Nelson said that is a style. He meant what is it going to be - a convention center, restaurant, a hospital, a recreation center, or whatever the case may be?

Mr. McCroey said it is actually going to have an L.P.N. Nursing Facility up on top coming out of Miami. They have signed a ten year commitment to be up on top and they will train L.P.N.'s from A to Z and job place them.

Commissioner Nelson asked does he recognize that at least this Commission is somewhat anxious about that building, that it is in the heart of their district? It acts more or less as a beacon with respect to blight in the area. They are fortunate that it did in fact withstand two hurricanes. So his statement about it being possibly blown over by the exhaust from a bird doesn't fly any more. But he doesn't want to take another chance on that. He is

trying to get it renovated as quickly as they possibly can.

Mr. McCroey said they do want that. He is sure Mayor Benton wants that also. He believes they can work together collaboratively and get this building put up.

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

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The next item on the Agenda was Ms. Marjorie Harrell, African American Cultural Historical Association, request \$1,200 in advertising funds for "Juneteenth Season of Freedom Celebration" on June 15 through July 4, 2005.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve request for \$1,200 in advertising funds for "Juneteenth Season of Freedom Celebration" on June 15 through July 4, 2005.

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

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The next item on the Agenda was Mr. Prakash Patel request waiver of interest, penalties, and fees in the amount of \$3,278.41 against 511 South 10th Street upon payment of Demolition Liens in the amount of \$10,711.00.

Commissioner Alexander asked how many days?

Commissioner Coke asked did they have a specific number of days requested?

**Mr. Prakash Patel** said he doesn't have any numbers. He was contacted by a representative of Allen Realty. The attorney was supposed to be here, so he is the backup hitter.

Commissioner Coke asked how many days to pay off the demolition liens? 90 days?

Commissioner Nelson asked how soon can he pay it?

Mr. Patel said he would think 90 days. But he would also like to request, because that is an area that is coming into Hibiscus Park and they have been intimately associated with all of the Code Enforcement calls that have been on that property as much as possible, they would like to have that redeveloped. But they would also ask if there could be some consideration for CRA monies to pick up the demolition cost.

Mayor Benton said that request they would have to formally make with the CRA. They couldn't tell him tonight whether that would be possible or not.

Mr. Patel said at the end of the day their request is to have those penalty fees waived so that property can be transferred to an owner who will develop it.

Mayor Benton said he might want to give Ms. Satterlee a call to see about applying for that.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve request for waiver of interest, penalties, and fees in the amount of \$3,278.41 against 511 South 10th Street upon payment of Demolition Liens in the amount of \$10,711.00 in 90 days.

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

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Commissioner Coke said a quick point of discussion in general. It was her understanding many months ago when they were establishing this **policy of waiving fees** that they could waive upon payment of the liens that they could not waive, that all these items were supposed to be put on the consent agenda. And if one of them had a problem with one item in particular, they would pull that one item in particular; otherwise it was just supposed to go on the consent agenda. Is that not how it was?

City Manager Beach said he doesn't recall that; but if that is what the Commission wants, that is easy enough to do.

City Clerk Steele said it makes it difficult because there has to be discussion on each of these with the amount of time.

Commissioner Coke asked why don't they put a blanket of 90 days in, unless they request differently, and put them on the consent agenda. That way all these people aren't sitting here all evening. And if somebody up here disagrees with the approval, then they can pull it from the consent agenda.

Commissioner Becht said he would be in favor of that.

Commissioner Alexander said his question is, Commissioner Coke says these people have to sit here all evening. The Commissioners have to sit here all evening too. And if they are going to go away with \$3,000 or \$4,000 or \$5,000, he hopes they would be willing to stay a couple of evenings. The only concern is, are they going to be able to get this same material to go to abreast themselves with?

Commissioner Coke said she would assume so.

Commissioner Alexander said he just wants to know for sure they are going to get the same material in their package so they can be able to have at least a decent discussion on these. Again, he is looking at material like this. He doesn't know what they are saying. He doesn't even attempt to even try to read it. These are the kind of things that he has concerns about. Because again, if they have individuals that just blatantly want to treat Fort Pierce like a dump, they need to change those attitudes. Again, he will go along with that, as long as he gets the information.

City Clerk Steele said one of the reasons that she hasn't put them on the consent agenda is because they have never passed one of these without discussion yet. But if it is the consensus of the Commission... But then what they will end up doing is pulling them at the beginning of the meeting and these people will be going ahead of others.

Mayor Benton said that is a good enough reason, he thinks.

Commissioner Coke said like this one they just approved, for instance. If it had been on there with 90 days... She thinks there were several. The last few meetings they have just gone ahead and moved approval.

City Clerk Steele said putting it on the consent agenda is not a good idea.

Mayor Benton said instead of taking formal action, maybe they can get a report back from staff for their next meeting to see whether this can be done. Does the staff want to talk about this?

City Manager Beach said they will do what Commissioner Coke has suggested. They will simply find a way to word it. He thinks the City Clerk's concerns are valid. However, let's give it a try and see what happens.

Mayor Benton said he just wants to know, does that mean the City Clerk's office is going to have to call everybody that comes in and ask is 90 days...?

City Manager Beach said no. He understood their direction is that they were going to put 90 days in all of them. They have to pay these within 90 days.

Commissioner Becht said absolutely.

Mayor Benton asked does everybody agree to put these now on the consent agenda and give it a shot?

Commissioner Coke said they can give it a try. If it doesn't work, they can change it back.

Commissioner Nelson said he will go along with the majority.

Mayor Benton said they will try it then.

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The next item on the Agenda was Ms. Eileen Mark request waiver of interest, penalties, and fees in the amount of \$5,574.62 against 124 North 12th Street upon payment of Lot Clearing Liens and Demolition Liens in the amount of \$4,934.66 in 90 days.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to waive interest, penalties, and fees in the amount of \$5,574.62 against 124 North 12th Street and upon payment of Lot Clearing Liens and Demolition Liens in the amount of \$4,934.66 in 90 days.

Commissioner Coke said she is reading the letter that says they are trying to obtain a landscape company to maintain the property. Do they know if that has happened as of yet?

**Ms. April Salas** said she is the Realtor for Eileen Mark. They have both of the properties on the market. One is under contract. Ms. Mark has not had any success finding any landscape companies that will come here. She is an out of town buyer who lives in New York, so she is unable to get anybody at this time to do it.

Commissioner Alexander asked to do what? Is he missing something?

Commissioner Becht said he is missing something too. Does she represent the buyer or does she represent the owner?

Ms. Salas said she represents the seller, Eileen Mark. She is the Realtor for her.

Commissioner Becht said for the owner. He doesn't care whether the property sells or not, she still has an obligation to maintain it.

Ms. Salas said absolutely and she is working on that, but being that she is in New York she has contacted several people that say they are going to go by the property but they have not gone by there.

Commissioner Becht asked what real estate company does she work for?

Ms. Salas said Realty Executives in Stuart.

Commissioner Becht asked do they have any management up here in St. Lucie County?

Ms. Salas said not really. She has been with her on the phone trying to get some people up here. People say they will go by, but they won't.

Commissioner Becht said Mr. Murphy in the audience tonight and he probably has ten lawn companies he can give her the name of or the Mayor might have two or three he can talk to her about.

Ms. Salas said that would be great.

Commissioner Alexander asked doesn't the City of Fort Pierce have a list of individuals they call?

Mayor Benton said he thinks all it takes is basically just like any Real Estate company locally, if they pick up the phone book, they have to go down the list in there.

Commissioner Alexander said Code Enforcement can help. Mayor Benton said they have certain people the City deals with. Maybe they could help her too.

Commissioner Coke said her concern on the motion and approving the motion is not waiving the fees upon payment of the liens, but she would not want to do that if it is an on-going problem and it is not being addressed. The way it needs to be addressed, especially from an absentee landlord, is they need to hire a local firm who will address that as a number one priority and get it handled. Because if she had a lot that needed mowing, she would get somebody on it.

Mayor Benton said he wonders if it was rented out - he doesn't know when it was rented last - but whoever accepted the check, they should be dealing with maintenance of the property.

Ms. Salas said it is vacant land. When she actually went up there to meet a guy who never showed up in Fort Pierce at 507 North 13th Street, someone is dumping fish and all kinds of... People are just dumping garbage there along with the grass.

Commissioner Alexander asked does she understand, if they leave it as a dump, it will be used as a dump.

Ms. Salas said absolutely.

Commissioner Alexander said so when the community sees a dump, they add to it. Believe him, Code Enforcement will take care of that.

Commissioner Nelson said he has some concerns with waiving these liens in general, particularly when they have evidence of people buying properties and virtually flipping them over, changing them from one person to another with the hopes that the second person would in fact come to the City and ask that the liens be waived. They are allowing properties to go for a song and a dance here in Fort Pierce. That shouldn't be the case. When they buy a piece of property, as a lot of these people are doing, they should do their due diligence with respect to researching what liens are on those properties; and of course, make their purchase or selling price accordingly. There are some cases where the fines have been way out of whack; but there are others which in fact should be collected because they are legitimate and people could in fact mitigate them in every respect. He is very much leery when they have people from out of town who recognize they are getting

properties dirt cheap. Realtors and bankers and all those people who are astute in this field of purchasing property, they know this and they hire a lawyer to come here and ask the Commission to forgive them, because it can be done. He is not supportive of these on a general principle.

Commissioner Coke said to add to Commissioner Nelson's concerns here, she seconded the motion for discussion purposes basically. This property and the next one on the Agenda, both of these pieces of property were purchased December 2004, which is six months ago. They could go on line, everybody knows how to look and see what liens are on there. Again, she hates to see somebody coming in... She thinks it is an entirely different situation if it is a home owner who is undergoing some stressful times or is elderly and having a difficult time maintaining their property than somebody who is coming in from out of town looking to make a buck and not pay the City its due and in six months has not been able to find somebody to maintain that property for them. Despite the fact that she seconded it, she won't be supporting the motion.

Mayor Benton said he was just wondering if it is one of those where they pay the fees, the property changes hands, but the problem doesn't go away. They would have to start initiating the whole thing all over again.

Commissioner Alexander asked did Ms. Coke withdraw her second?

Commissioner Coke said she didn't withdraw it. She is going to vote against the motion.

Commissioner Alexander asked who was the motion maker?

City Clerk Steele said Commissioner Becht.

Commissioner Becht said he is not going to support it now either.

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

MOTION FAILED TO PASS.

Mayor Benton said her request has been denied.

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The next item on the Agenda was Ms. Eileen Mark request waiver of interest, penalties, and fees in the amount of \$5,104.22 against 507 North 13th Street upon payment of Lot Clearing Liens and Demolition Liens in the amount of \$4,369.33 in 90 days.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to deny the request by Eileen Mark for waiver of interest, penalties, and fees in the amount of \$5,104.22 against 507 North 13th Street.

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

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Commissioner Alexander said he noticed a lot of the Realty companies that are selling these properties and the properties are looking like dumps. He is not singling Mr. Murphy out. He knows Mr. Murphy is not part of that. But he just wants to know what kind of signal can they send to these realtors coming in? If it was vacant, he wouldn't know who the property belongs to. But once he sees that big sign out there, he thinks it is incumbent on the realty companies should at least go in there and cut those lots. Those look ridiculous sometimes. Can they get a suggestion from Mr. Murphy? He just sees it and sometimes it makes him feel like

it is because it is in the northwest section. He picks up the phone sometimes and calls to let them know they need to take care of these things. He just thought maybe with the enforcement out there, they can kind of beef that up a little bit.

Mayor Benton said he knows he calls on these. He knows a lot of real estate people tell the folks that if they want them to sell their property, buyers need to be able to see the sign, for one. Also, it is a lot easier to sell a piece of property that is in order and looks nice.

Commissioner Alexander said he knows there is nothing they can do, but maybe some suggestions. He just gets tired of looking at it like that. He will leave it just as a comment.

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The next item on the Agenda was Consider **Joint Planning Agreement** between the City and St. Lucie County for the purpose of providing procedures for joint action and cooperation for Comprehensive Plan and Land Development Regulations within the Planning Area.

City Manager Beach said they are all familiar with this, it is something they have been working on for some time in an attempt to coordinate construction requirements and activities in areas that are newly annexed into the City that were previously in unincorporated County. They had been running into circumstances where their development codes were conflicting. The County didn't feel they were getting enough input on the decision-making process as it related to transportation planning for various subdivisions.

Both bodies asked the two staffs to come up with an agreement that would try to close that problem and that is what this agreement is.

It has been through staff, through the City Attorney's office. It is ready to be acted on. The only contingency is the City Attorney's office does not agree with the attachment A which is the map. That is an old map. If they are willing to approve it this evening, approve it contingent upon the revision of the map to the satisfaction of the City Attorney's office.

Commissioner Alexander said the last line in the comment from the County Board (letter from Commissioner Hutchinson dated May 17, 2005) is that the County staff will agenda this Agreement every six months for a Board review.

City Manager Beach said yes. He thinks that was their intent.

Commissioner Alexander asked is Mr. Schwerer every six months, is that an update review they are speaking of?

City Attorney Schwerer said that is something the County is going to do on their own. The Agreement is for a five year period; and it automatically renews for another five year period by its terms unless they provide notice 90 days before that five year period expires. However, either party can cancel this agreement and terminate it with a 30 day notice to the other at any time. What the County is suggesting from their end is, they are going to ask their staff to report to them every six months how is it working and then they are going to perhaps have some comments back to the City. It is not a requirement that they agenda it every six months; but certainly if staff is having a problem with this, he would expect them to come back and report that to the Commission as well. But they don't necessarily have to have it on the agenda every six months.

Commissioner Alexander said his flip side question to that is, why would they not get an update report every six months?

City Attorney Schwerer said if they want it, they can have it.

Commissioner Alexander asked shouldn't they? Wouldn't he think through all these annexations they do every meeting that somewhere down the line they should see the picture as a whole?

City Manager Beach said if things work the way they are hoping they work over the next two years, this Comprehensive Plan update and rewrite that they are working on right now, that is intended to take care of all this. Because their proposal is going to be that within the service area and the future annexation boundaries of the City, St. Lucie County and Fort Pierce will have the same code requirements. Whatever those conditions are or those circumstances are that create them concern, they want to address that in this planning process and in this comprehensive plan update. At that time that will nullify even the need for this document.

Commissioner Coke said she would move approval contingent upon the correct map being attached. And she would like them to be very certain when they look at that, that it is labeled correctly; because the last few maps they received from the County show the airport as being a County service area and not part of their urban service boundaries. She just would hate to have them endorse something that will later on come back and kick them. If the map were revised to the correct map they all agreed on with their Urban Services boundaries, she would move approval. Commissioner Nelson said he would second that if the corrected map is the one they agreed upon in the conference room upstairs some time ago (February 10, 2004).

City Attorney Schwerer said he is aware of that. That is what he immediately recognized. Also, this is not reflective of the current City limits that they have annexed, so he wanted those added to the map as well.

Commissioner Nelson said that is a good idea.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve Joint Planning Agreement between the City and St. Lucie County for the purpose of providing procedures for joint action and cooperation for comprehensive plan and land development regulations within the Planning Area, contingent upon the revision of the map (Exhibit A) to the satisfaction of the City Attorney's office, to include the Urban Services boundaries and the current City limits.

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

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-28

**"A RESOLUTION AUTHORIZING THE CITY OF FORT PIERCE, FLORIDA TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR AMENDMENT NO. THREE OF THE JOINT PARTICIPATION AGREEMENT FOR THE DESIGN AND CONSTRUCTION OF STATE ROAD 68 / AVENUE A FROM N. 2ND STREET TO N. 7TH STREET, AND STATE ROAD 707 / INDIAN RIVER DRIVE FROM CITRUS AVENUE TO AVENUE A; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE."**

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 05-28 be adopted.

Those voting in favor of the adoption of Resolution No. 05-28 were:

Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Mayor Benton to discuss Public Boat Ramps.

Mayor Benton said this has been an issue he has talked about for years. On Memorial Day he thinks things really came to light one more time. Across the street from the Manatee Center at Moore's Creek which has he guesses maybe 30 spaces if they have a real small boat, they used to have overflow parking across the street. That has been closed off now. Culpepper & Terpening don't own that property any more, someone else does. So that will probably be developed. But basically it is off limits for parking. He thinks a developer had spoke to most of the Commissioners several months ago, looking at the ramp property which is adjacent to the Ramp Raw Bar, and they were looking at purchasing the County property which is an overflow boat ramp parking which is adjacent to the Captain's Galley, and then across the street there between the old Fishmonger Restaurant and the boat ramp. The County said "No way", which really created a problem there, because he thinks one day that area should be developed. The ramp does belong to the City, he thinks it is leased to the County. Seeing during Memorial Day all of the ramps - and when he says all of the ramps, he means the new one, the stand-alone ramp, the North Bridge ramp, the Little Jim Bridge ramp, and the other ones he just spoke of - were all at capacity and parking along the roads by 9:00 a.m. and that was Saturday. Knowing the information he got for the Agenda package showed there was almost 7,000 boats in the County and knowing there is no access to the ocean or the Indian River in Port St. Lucie or in the southern end of the County, unless they go to Martin County. He thinks it is time the City talked to the County about looking to permit another boat ramp which was discussed at the Port Charrette, which would have been on the west side of the County property, Harbour Pointe adjacent to Cracker Boy. That would be a good place for one. Knowing it takes sometimes years to permit, he just would like to see if there is enough support from the Commission to start talking with the County or at least looking to siting new boat ramps at public facilities, because they are running out of room quickly. Also, he had some discussion with Mr. Beach about maybe the City or the CRA purchasing the County property there adjacent to Captain's Galley for the future. He thinks they have to start by opening up other boat ramps somewhere else before they even consider closing others.

Commissioner Becht said the Harbor Advisory Committee sent a recommendation - and that is all they can do to the County Commission, send a recommendation - to do very much exactly what the Mayor is talking about. He had conversations with three or more of the County Commissioners on this issue in the last six months now. It was not well received. The attitude was they were going to wait because Mr. Bell is going to develop the property and they are going to joint partner with him. They were serious. He means, it is a joke, but this is what they are saying.

Mayor Benton said that has fallen through now.

Commissioner Becht said no, this is what they keep saying, is they want to preserve the property in its raw state so they can develop it with Mr. Bell. It is a great idea, it has been proposed to them before by the Harbor Advisory Committee, but it hasn't been proposed by the City. Maybe if they sent it over, they will listen now. He would be wholeheartedly in support of it.

Mayor Benton said what he would like it to be is one of the items at their next joint meeting. But what he would like to do, if

there is enough interest, to send the County a letter so they can look into it now. Because over the next few months those boat ramps are going to be packed.

Commissioner Becht said copy it to the Harbor Advisory Committee because there is some support there for this kind of idea.

Mayor Benton said he spoke to them a few meetings back, he was there with that discussion. They were looking at marina sites also. But that is one reason why he finally asked for a digital camera so he can get these pictures when he sees these facilities so packed. It is just one of those where they need to wake up. The boat ramps are in the City limits, all of them; but there are County residents and there is over 100,000 people in this County and a lot of them are going to have boats.

Commissioner Coke asked does he need a motion or just a consensus?

Mayor Benton said he is just looking for a consensus so he can put a letter together.

Commissioner Coke said she would support that.

Commissioner Alexander said absolutely.

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The next item on the Agenda was Commissioner Becht discussion on St. Lucie County School District's proposed **Half (½) Cent Sales Tax Referendum.**

Commissioner Becht said he has attended one meeting. There was another one today he couldn't attend. The School Board, as he understands it, cannot fund their own PR campaign to raise this money that they say they are going to need over the next 20 years, which is a staggering figure now estimated at \$2 billion. They have four avenues they are going to try to do this with: (1) A general obligation bond; (2) Increasing impact fees, which is always resisted; (3) Maintaining ad valorem property tax rate where they are for them; and (4) Renew the half cent sales tax. He had mentioned this to the City Manager. He had called Mr. Schwerer, who called him back, to find out what legally they could do if they were so inclined to support this. The School Board is looking at a campaign that needs to be financed at roughly \$170,000 to try and make sure the voters are educated on the benefit, if not the necessity, for the continuation of the half cent sales tax. He didn't know if this Commission wanted to take any formal action on it or not.

Mayor Benton said he sat in for early discussions. He doesn't know if he was appointed by this Board, but for some reason Commissioner Kelly down in Port St. Lucie, himself, and one of the School Board members early on. And they were talking these numbers and this was before the hurricanes. The answers that he never received from them were, this is only part of the money they need? This is maybe one-third of the money they need for these new schools. His question was, what about impact fees? He heard now for almost a year that their intent is to raise those impact fees. They told him in Osceola County impact fees on a single family home were \$11,000 just for schools. He believes St. Lucie County's is somewhere around \$3,000. So to him, before they educate the public, they need to show the people how they are going to get where they are going in the big picture. They said they are going to raise those impact fees for schools, but as of yet it hasn't happened. He would like to be able to support them; but he thinks they are going to have to be clear to the public on how they are going to get where they are going. This is only part of it.

Commissioner Becht said in the Agenda packet, Mr. Lannon (Superintendent of Schools) is saying in his letter (dated May 17, 2005) that he intends to bring the impact fees before the County Commission. He doesn't think the School Board can set them, he thinks it is dependent upon the County Commission to set them; and they intend to bring them in July to raise them to \$4,500 to \$5,000 per unit. He has no desire to usurp the Mayor's authority here, if he will pick the ball up and run with it, he is happy to go back and do other things.

Mayor Benton said he sat on that committee. For some reason they have not met for several months now. It is just one of those where the last time they did meet, until the County acts on this, when they can say okay, now they have covered the other part of the cost. But he just had never got the whole picture on it and he wouldn't feel comfortable telling the public to support something until they knew.

Commissioner Becht said he thinks they have gotten that message. And the initial brochure that is in their Agenda packet points out that it is a four-pronged attack. It is going to be a general obligation bond, impact fees, ad valorem, and this half cent sales tax. The immediate problem is, if it is something they wanted to do, if it is something they wanted to support. Someone somewhere along the lines, he thinks it was the City Manager, had said they might want to tie this to some commitments that they had. It was Mr. Beach who said they might want to tie this to some commitments they had gotten from them in the past in regard to the Magnet School on Delaware Avenue. He doesn't know that they do or do not want to tie it to anything. But it was just something that is of interest to the City. One of the things he has not been able to do in the time he has been up here is to make a vote for something that would bring jobs into this community. If they are going to do that, education is one of the things that any major employer is going to look at when they come into this community. And the sales tax is, at least by the determination of the School Board, one of the fundamentals of making that happen, of making sure the City at least preserves what they have, if not enhance what they have.

Mayor Benton said he agrees, he thinks it is very important. He just hopes they encourage, especially to the south and their County Commission, to put that cost to developers and to the people coming in.

Commissioner Becht said if they don't do this, it is going to get tacked on to the ad valorem, and then those of them who are here are going to end up funding it and it is not going to get funded at the level they need. He is not looking for anything specific tonight other than he wanted to make sure this Commission knew about it, because in their own individual ways they can spread the word. He didn't know if they wanted to do anything formally with trying to help the School Board with their PR campaign.

Mayor Benton said by all means he does support what they are doing. He just thinks he wants to know those impact fees, the County votes them in; because if they don't, then he will have a problem with it.

Commissioner Becht said he will too.

Commissioner Coke said certainly they need to do something to assist the School Board. She thinks it should be not necessarily a City of Fort Pierce sole effort, but it needs to be something that is equally shared among people. If it is an ad valorem tax increase or a sales tax increase, their citizens are going to pay their share of it. And along those lines, if they end up paying

their share of an ad campaign, that is one thing. But for the City to pick up the ball and run with it without a commitment from Port St. Lucie and the County and every place else, she thinks is doing a disservice because they are going to volunteer to pay the taxes and volunteer to foot the bill. Her biggest concern with all of this, because she has heard a lot of people saying they are tired of seeing school buses running all over this County with two or three kids in them. They are tired of seeing kids at 4:30 or 5:00 a.m. standing on street corners, it is a dangerous situation. And transportation and busing, she doesn't know but she thinks it is over 50% of the School Board's entire budget. The calls she is getting from people are, is if they went more with a neighborhood school system and less with the busing unless it was necessary, and ran full buses and mapped it out a little bit better, they would have enough money to do everything they want. She is not saying that is true. She is just telling them, she has had many calls with people saying they are tired of seeing empty school buses running the County roads and tired seeing kids at 5:00 in the morning.

Commissioner Becht said what Mr. Lannon said to that issue was that the busing is roughly \$12 million, but \$8 million comes in from the Federal Government for that; so it costs the school system \$4 million to do the busing. He doesn't think the \$4 million is any... It is a lot of money, but he doesn't think it is 50% of their budget. He shares her concerns that he would like that they would efficiently use the monies that they get, whether it is for a campaign or whether it is from tax dollars. But if they don't make the monies available, he doesn't know if they ask for the efficiencies before or after they do this. He does want to share with them that County Commissioner Joe Smith was at this meeting and very much in support of the County being supportive of it, and Port St. Lucie Council member Patricia Christensen. It was a School Board function, so only Kathryn Hensley from the School Board was there. Whatever they all want to do is fine with him.

Mayor Benton said he thinks at least they should all agree to the half cent sales tax, it would just make sense. His understanding is that the School Board cannot raise their millage, it is set by Tallahassee.

Commissioner Becht said they are maxed out too, he thinks.

Mayor Benton said right. Their millage is set by Tallahassee; and he guesses Tallahassee tells every school district in the State how much money they get. It is not something they can just say, they need more money, they are going to raise the millage rate. So that woke him up. He had no clue that is the way the School Board has to do business.

Commissioner Alexander said he is willing to be in support, but he does have some concerns as far as the location of all these new schools they want. It seems as though in the last five years he knows they haven't had not one new school built in Fort Pierce nor in the north County. They have development coming into the north County that they are not going to be able to supply if the schools are not already there.

Commissioner Becht said C. A. Moore.

Commissioner Alexander asked C. A. Moore, what is that?

Commissioner Becht said it was redone.

Commissioner Alexander said okay. Again, he is just speaking of north County, they have only one elementary school out there.

Commissioner Becht said he is not arguing with him. C. A. Moore was redone. He knows that was redone because the Housing Authority gave them a bunch of property.

Commissioner Alexander said he knows; but again, he put him to the test on that one. He is saying, he is not going to be in support of all these schools being south of Virginia Avenue. He will just put it point blank. Every where they go they see new schools. There is not a middle school whatsoever. All in north beach and south beach have to come over there to schools. He is not saying they need a school on the beach; but at least the north County, they are two or three schools behind schedule. He is in support of it. He is willing to do whatever to do with the education force of this community. But he will not stand to the side and continue to see Port St. Lucie get all the schools.

Mayor Benton said for the record because the press is here, he just wants to say he is in favor of the half cent sales tax, because he knows where most of those schools are going to be. But if they want to stop growth, roads and schools are the way to do it. And if this does not pass, they are talking double sessions. If they have kids over in school, they don't want to go through double sessions, that will definitely create some problems for this County. So he thinks it is a good idea; but like he said, he would like to see the big picture. With the impact fees, he thinks then it is time to get on board. He knows there was a concern. Is it this year they are going to have this? Because they were talking about wait and see.

Commissioner Becht said July. This letter which is in their Agenda packet written May 17th to the Editor, it says that they intend to bring this before the County Commission in July.

Mayor Benton said for impact fees, but not as far as the referendum.

Commissioner Becht said the referendum he thinks is September.

Mayor Benton said he knows they were looking to hire a consultant to look into whether it would pass or not. He knows they have done that once and he thinks they are looking at doing it again. He knows they have concerns, but they are paying it now; so to him, it just makes sense to continue it for schools.

Commissioner Becht said he thinks he has gotten everything he needed, which was more information than anything else. And it seems to him they all have a great deal of information already. He would be careful about, the way to address the busing issue and where the schools are located is through the electoral process of who is on the School Board. He doesn't know that they as a City Commission need to venture too far into that subject. But it is of interest to him as well.

Commissioner Alexander said he is just making it a point, because if they want his support, then he can request... He is saying Lakewood Park, there are no new schools out there. How old is the school there?

Mayor Benton said Lakewood Park is 20 years old maybe.

Commissioner Alexander said that is his concern. If they want his support, then they need to make sure of the location of some of these schools being in this northern County.

Mayor Benton said he thinks they will learn a lot more tomorrow on education in St. Lucie County. Hopefully everybody will be at that

program tomorrow.

Commissioner Alexander asked what program is that?

Mayor Benton said for the Education and Research Center. That is scheduled for tomorrow from 2:00 to 4:00 p.m.

Commissioner Nelson said he guesses he should, for the record, indicate his stance on this. His first concern is, he is committed for the next three or four years to try to find ways in which they can reduce the ad valorem taxes for the citizens of Fort Pierce. He recognizes very definitely the need for providing schools and revenues to enhance or build those schools for all the citizens of the County. Therefore the idea of adding or increasing the City's ad valorem taxes is a "No" for him. The one half cent sales tax might be an appropriate way to go is his first choice in this. Secondly, he would address the impact fees for new construction, making people pay as they go. He was fortunate to have a discussion with Mr. Lannon on several occasions in executive session with other organizations. The School Board really has a problem over there. The Commission should do what they can to help their kids along. Because the next 20 years with the school system is going to be somewhat like the next 20 years for their transportation road system. So they must look forward to addressing this in a very comprehensive and logical manner.

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The next item on the Agenda was Commissioner Coke request letter of support asking Florida Department of Transportation to fund **Access Management / Median Improvements** for Orange Avenue from Angle Road to 13th Street in the amount of \$275,000.

Commissioner Coke said they had a meeting of the MPO last week where the Congestive Management System made a presentation on ten or fifteen projects that they were planning on doing over the next three years. One of the projects was Orange Avenue from Angle Road to 13th Street, they were going to do some median improvements. The funding is available this year. The point being though, the funding is available in two places. It can either come from the MPO Congestive Management System; or they say that because of the safety issue and the fact that it has a high benefit to cost ratio, FDOT will fund it if requested by both the City and the MPO. The MPO voted last week to send a letter to FDOT asking them to fund this \$275,000 project on Orange Avenue. She would request the City Commission do the same. That will get them \$275,000 in the City that they would not have received from FDOT and it will free up \$275,000 of the MPO's funding, which they are trying to get here.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve a letter of support be sent to the Florida Department of Transportation to fund Access Management/Median Improvements for Orange Avenue from Angle Road to 13th Street in the amount of \$275,000.

Commissioner Alexander asked are they considering in this project here a traffic light on 29th Street and Orange Avenue?

Commissioner Coke said she believes so, yes.

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

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The next item on the Agenda was Commissioner Coke discussion on **Auditor** selection process.

Commissioner Coke said she has some questions only because she knows sometimes these things come and go and contracts get renewed and they are not aware of it or they are not aware of it until the

very last minute. She is not making a stand one way or the other on their auditors. But she knows that is out for bid. She looked at the bid package. She would like to request that the choice is, either staff comes back with one recommendation to the Commission or that the Commission can request a presentation from the top three firms that staff ranks. She thinks the audit firm is one of the most important things in the City. She for one, although they all have enough on their plates, thinks it is not the kind of thing they should shirk their responsibility on. She would like to see the presentations from the top three. But she is only one vote. She just thought she would bring it up in case everybody else felt the same way; or if they didn't, that is fine too.

Mayor Benton asked does everyone agree?

Commissioner Alexander said he is in agreement with that.

Mayor Benton said that is the way at the Fire District when a contract is up, they always took a look at the top three and made a decision. The only thing they never discussed was the numbers.

City Manager Beach asked the consensus then is that they will actually schedule interviews with the top three?

Commissioner Coke said she thinks the way the RFQ was put out, she read it on the Demand Star thing, was that the top three firms, either the staff would either present the top firm or the City Commission could request a presentation from the top three firms.

City Manager Beach said that is correct. If that is what they want to do, they want a presentation, staff will see that it happens. Commissioner Becht said the danger of this is that it can make the process political. He gets approached by accountants all the time regarding the City's audit. Over at the Housing Authority they got approached by various firms all the time. Over there they felt like staff is the one working with the auditors on a day to day basis, so they gave great weight to staff. He will suggest to Mr. Bergalis that is still his intent. Mr. Bergalis is the one who is going to have to work with these folks on a day to day basis or as regularly as he works with them.

Mr. George Bergalis, Director of Finance, said they already have gone through the RFP process. They received seven bids. Is he to understand they are going to allow staff to select the top three to present to the Commission? Using the criteria that staff establishes, or is there criteria the Commission wants to establish so they can determine who are the top three?

Commissioner Coke said she would certainly bow to his expertise on that.

Mayor Benton said he would expect staff would make that call.

Commissioner Alexander asked the auditor that they have, how long have they been auditors for the City of Fort Pierce? They have no criteria, right?

Mr. Bergalis said they do have criteria because they did this process five years ago. They always do this process.

Commissioner Alexander asked for the auditors?

Mr. Bergalis said yes.

Commissioner Alexander asked how long have they been auditors for the City of Fort Pierce?

Mr. Bergalis said this firm through various names has been associated with the City for more than 25 years.

Commissioner Alexander asked they do have criteria in place? He knows Mr. Bergalis does. But he just doesn't want it to be something like Commissioner Becht said, make it political.

Mr. Bergalis said the only thing he can tell him, it will not be political at staff level in determining the top three. Once the presentations are made, then it is taken out of his hands and then it becomes whatever it becomes.

Commissioner Alexander asked the top three are going to come with recommendations from staff?

Commissioner Becht said they will be ranked.

Mr. Bergalis said they can do that. Do they want staff to rank them or just give them the top three?

Commissioner Coke said the only thing she would request is if Mr. Bergalis could give them the background on how they ranked them.

Mr. Bergalis said they will provide the top three responses and the staff's evaluation of how they arrived at that top three. That is no problem.

Mayor Benton asked any presentation made, would it be done at a City Commission meeting with a brief presentation?

City Manager Beach said it will either be at a City Commission meeting or they will schedule a special workshop. It depends. To do it any justice they need to give them 20 or 30 minutes each, so it probably would need an afternoon scheduled.

Mayor Benton asked does everybody agree or do they need a vote on this one? He hasn't heard from Commissioner Nelson.

Commissioner Nelson said they have their experiences and they have their not experiences. He is a proponent for consistency in what they do and letting history guide them on every occasion. The system they have now is to have staff make recommendations of the top three firms for these professional services and the Commission picks one. All of them end up being fairly good, but they pick one based on the recommendation.

Commissioner Coke said that is not the system they have now. The system they have now is staff just chooses one.

Mayor Benton said it would be on their consent agenda.

Commissioner Coke said the system that is in place now is that staff chooses one firm. They don't get the top three. They don't get a list of firms that applied. They get one recommendation from staff.

Commissioner Nelson said then what they need to do is insist they get the top three. But to have them become before the Commission and reveal their technical expertise or fancy footwork to laymen such as the Commissioners are, he is not sure that is going to be that beneficial to them. Anybody can make a good pony and dog show presentation. But if they get the input from people who work day to day with these firms to give their feedback and recommendation he thinks is a better way to go. It has proven over the years. They hired their present auditor some five or six years ago through

this process. They have been with them for quite some time. They are not perfect. But he gives a lot of credence to the fact that they have been found to be fairly in compliance with all of the applicable regulations from the budget office to all these other governmental regulations and have numerous awards and all that. So there is a certain amount of proficiency these people have in fact demonstrated that they have on board. Certainly there might be others who could challenge that in many areas. They possibly could spread the wealth around in certain areas too, to not let them become too complacent. Those are his comments.

Mayor Benton asked does everyone agree? It is going to come back to the Commission with the top three.

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The next item on the Agenda was Request by Marty Sanders for Joint Workshop Session between the City Commission and the **St. Lucie County School Board**.

City Manager Beach said he is not sure this requires any action on behalf of the Commission. This was a letter to them from Mr. Sanders, who indicates that he will be getting back with them to schedule this. He guesses if he just gets an acknowledgment from all the Commissioners that they are willing to do this, that is probably all that is required here.

Commissioner Becht said at that time they might want to agenda two of the concerns that popped up tonight. One was the concern about busing and the other was a concern about where these new schools are going to be located.

City Manager Beach said it would be an excellent opportunity for that.

Commissioner Becht said also, what are the plans for the Delaware Magnet School. So if Mr. Beach would put those three things in the letter and anything anybody else wants to put in there.

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The next item on the Agenda was Submittal of Applications for Appointment to the **City Planning Board**.

City Clerk Steele said they have two applications in front of them for consideration. A resolution will be on their next agenda.

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The next item on the agenda was City Manager discussion on **Annual Salary Adjustment** for Management, Mid-Management, and Non-Bargaining employees.

City Manager Beach said they have a memorandum in their Agenda package from him dated June 1, 2005 that describes where they are and what is being proposed. They recently settled their PBA (Police Benevolent Association) contracts with two of the unions - the Sergeants and Lieutenants, and the Officers. That agreement called for a 2% salary adjustment and an increase of the retirement multiplier from 2.5% to 3%. They are currently in negotiations with the Teamsters Union for next year. They have not had an Out of Sunshine meeting with the Commission yet on those negotiations to get those parameters. Most of them are familiar with the fact that they deal with their management and non-union employees separately from the beginning of the fiscal year each year specifically to avoid confusing or giving any indication to the negotiators about what the City Commission is willing to do. So for the past, as many years as he has been here and possibly many years prior to that, the decisions about salary adjustments for non-union employees occurred in April of each year and was effective April 1st of each year. They did not do it this year because they were still closing out the contract negotiations with

the Police Benevolent Association. He has five options listed in his memo and those are listed primarily to give them some indication of the cost associated with that decision. The first four options are based on the annual cost of the decision, not just the period of time left in this fiscal year, but what it would be for a full year. What he has recommended and what he has suggested here is that the City Commission authorize a salary increase retroactive to April 1st of 3% for all management and non-bargaining employees. Also attached to that memorandum is a list of who those employees are. There are some 70 or 80 employees that are not part of the unions. The cost of that 3% salary adjustment retroactive to April 1st of this year for the remainder of this fiscal year would be in the vicinity of \$73,000. In addition to that, he is recommending that the Commission raise the multiplier for the retirement program from 2.5% to 3%, but make that effective October 1st of 2005, which means it would not go into effect until the next fiscal year. That would be included in their budget documents that would be presented to the Commission later on. In April 2006, the subject of salary adjustments for the non-union personnel would be brought back for further discussion by the Commission. He would be happy to answer any questions or go into more detail if it would be helpful.

Mayor Benton said they have information on Vero Beach, Port St. Lucie, the County, and Stuart. They know what they have done with their employees as far as a percentage raise, but he would like to know what their multipliers are. He wants to keep up with everybody else, but he doesn't know what they are.

City Manager Beach said they haven't researched that, he doesn't believe.

Commissioner Nelson said they did have that information at the Retirement Board at one time. But he thinks throughout the State the average now is about 3%, so that might include or may not include Vero Beach.

Mayor Benton asked County employees are with the State though, aren't they?

Commissioner Becht said yes, but they are not 3%. The Fire District went to 3%. But the rationale with going to 3% with the Fire District is it is a more hazardous occupation and they really don't have the career lifetime to build it up over a more clerical job. But the County and the college are like at 1.6%.

Commissioner Nelson said no.

Commissioner Becht said yes, he knows so.

Commissioner Nelson said he doesn't know.

Commissioner Becht said it is not for discussion. He knows that it is 1.6% for the college.

Commissioner Nelson said anything is for discussion if they discuss it.

Commissioner Becht said it is 1.6%.

Commissioner Nelson said Commissioner Becht might not want to discuss it. Let him ask Mr. Bergalis, what did they gather from the Actuary regarding the multipliers throughout the State? Does he recall?

Mr. George Bergalis, Director of Finance, said in the defined

benefit plans, 3% is a relatively normal percentage for a multiplier. Port St. Lucie does not have a defined benefit plan, so hence there is not a multiplier. Their retirement system is set up such that like a 401, where dependent upon what their earnings are and the plan they are in, will be what they will receive when they retire. Commissioner Becht is correct, the Florida Retirement System does have at least a 1.6% multiplier. But it has varied multipliers because it also lists varying classifications of employees in the FRS and they all have different multipliers; and those employers pay in anywhere in the neighborhood of 20% or more into the Florida Retirement System on an annual basis. So they have to be careful in what they are comparing here. This system is not like all other systems. It is like some and unlike others. He thinks it is not a fair comparison to say this is like this or the other one, or what is this plan paying or what is that plan paying. Unless it is a similar plan compared to this defined benefit plan, it is not a fair comparison.

Commissioner Alexander asked did Mr. Beach say he wanted it retroactive back to April 1st?

City Manager Beach said the 3% salary adjustment.

Commissioner Alexander asked how many new employees have they had within this year?

City Manager Beach said a lot. He couldn't tell him that off the top of his head.

Commissioner Alexander said that is exactly what his question is. If they have individuals there, is there such a thing as a probation period on the job?

City Manager Beach said typically there is a six month probation.

Commissioner Alexander asked at that time they get incentive raises?

City Manager Beach said depending on their employment agreement. A lot of times, and this applies to all levels of employees, if they are having difficulty hiring someone, they may put in there a certain hourly rate and tell them they are eligible for 5% to 7% or 8% within six months, assuming they have a successful probationary period. That is a variable. It is not fixed.

Commissioner Alexander said again, it is just not that he is against anyone receiving raises. Surely they are hard working individuals of this City and they deserve it. And he is not picking on any individual in particular. But his concern is, if they just hired an individual the beginning of this month, he is going to retroactive back too?

City Manager Beach said no, that would not be applicable. He would probably make those decisions on an individual basis. But clearly, if they didn't come to work and weren't employed by then, they wouldn't have pay retroactive, and they may not get anything at all. If they haven't been here for six months, they may not get anything at all.

Commissioner Alexander said that is just more than fair, because individuals who have worked here for 20 years... He just had that pop up in his mind. He is through.

Commissioner Coke said she would be inclined to support Option #5.

Commissioner Nelson said he thinks it is better if they go with

Option #5 at this time in that they have already done something of that similar nature with the police officers. The only problem he has there is trying to figure out what the cost is going to be next year extrapolating forward, and that they are going to have no problem with the funding efforts.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to authorize a 3% salary increase for Management, Mid-Management, and Non-Bargaining employees retroactive to and effective April 1, 2005; and an increase in the multiplier from 2.5% to 3% effective October 1, 2005.

Commissioner Alexander asked Option #5 is effective April 1st or October 1st?

City Manager Beach said Option #5, the raises for the employees is effective April 1, 2005 and the multiplier from 2.5% to 3% would not go into effect until October 1, 2005.

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

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The next item on the Agenda was Director of Development to advise of his approval of a **Minor Replat** for property located at 2525 South 25th Street. (Applicant: Fort Pierce Hellenic Association)

Mayor Benton asked who is taking this one?

City Manager Beach said he is hoping all of them have met David Recor, their new Deputy City Manager. He is filling that capacity this evening.

Mr. David Recor, Deputy City Manager, said it is a pleasure to be here this evening. He said this matter requires no action by the Commission. It is presented to them this evening for their information only. The Fort Pierce Hellenic Association located at 2525 South 25th Street recently received a minor replat for their 3.85 acre property. The purpose of the replat was to provide for future multi-family development as well as an overflow parking area for the Hellenic Association. The application was reviewed by the internal departments of Engineering, Public Works, and the Fort Pierce Utilities Authority without objection, and it was approved accordingly.

Mayor Benton said thank you very much and welcome to Fort Pierce. They look forward to a good working relationship with him. He knows Mr. Recor bought a house here and his family is here.

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The next item on the Agenda was Director of Development to advise of his approval of a **Minor Replat** for property located on the southwest corner of Reynolds Drive and Metal Road in the Crossroads Parkway area. (Applicant: Premier Hospitality)

Mr. David Recor, Deputy City Manager, said no action required. It is presented to them for their information. This replat is located in the Crossroads Park area of the City. The original parcel was 9.95 acres. The purpose of the replat is to provide for two parcels for future retail, perhaps a restaurant business. There have been some high-end well known restaurants mentioned as possible purchasers of the two properties. The replat was reviewed by Engineering, Public Works, and the Fort Pierce Utilities Authority, and it was approved without objection.

Commissioner Alexander asked did he say this was two pieces of property?

Mr. Recor said the original parcel was 9.95 acres and the replat results in the creation of two additional parcels.

Commissioner Alexander asked why are they receiving three applications?

Mr. Recor said he doesn't understand the question.

Commissioner Alexander said applications for the replat, he is looking at three. His question is, why? Is he looking at something wrong?

Commissioner Becht said no. He is right.

City Clerk Steele asked does Mr. Recor have the background information provided by Mr. Trias?

Mr. Recor said no, he doesn't.

City Manager Beach said he believes what has happened here is what they have are three applications on each parcel that was created by this replat.

Commissioner Alexander said they are only creating two parcels.

City Manager Beach said it refers to Parcels #3, #4, and #5.

Commissioner Becht said if he could make a suggestion. The Deputy City Manager is somewhat at a handicap tonight. But if this is going to be provided to them for information purposes, what he needs to see and he thinks the rest of them need to see is the original plat and then the modifications to the replat. But the information they were provided tonight by Mr. Trias does not allow them to either see the original plat or the modifications to it. He realizes it is just for information purposes, but they didn't get the information tonight. That is not meant as a criticism of Mr. Recor, but it was not in their packet.

City Manager Beach said okay, they need to add more information. But what this says is that this replat adds two parcels. They had one parcel. Now they have three. The replat is adding two parcels and these three documents reflect each of those individual parcels. That is his understanding of reading this.

Mayor Benton said right, he guesses. He knows it is difficult when Mr. Recor is interpreting Mr. Trias's memo.

Commissioner Alexander said he just saw the applications and thought he would question it.

Mayor Benton said understandably. He knows Mr. Recor is just standing in for Mr. Trias and the memo came from Mr. Trias.

Mr. Recor said they can certainly follow up.

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The next item on the Agenda was Chief of Police to give presentation on **Graffiti** and proposed ordinances.

Chief of Police Eugene Savage said the Commissioners received an informational package he provided on graffiti in the City. That package provides a very graphic description of their problem with all the vandalism and graffiti they find all over the City. His recommendation based on that and also based on his staff's research is that they are in dire need of two City ordinances at a minimum.

One, to make graffiti a crime; and the second one, to prohibit the sale of the instruments that are used to paint the graffiti on the various walls and buildings throughout the City. These sales are

basically aimed at young people, people 18 years and below. A lot of cities have enacted such ordinances and a lot of cities have benefits from those ordinances. Whether it is going to stop graffiti or not, it will not; but it will certainly deter it. One of the things he would like to incorporate in their ordinance is something that would allow a person caught doing that to be responsible for eradicating it. Also, they are looking at using their own Juvenile Deferral Program. They are looking at using that program for these first-time youth offenders, incorporating that into the program for them to go out and paint over graffiti. He has a short Powerpoint presentation he would like for them to view. He thinks this essentially drives home the point more than he can. The contents are very graphic, so they have to pardon the language, but this is what they have. (Chief Savage presented a slide show on graffiti.) As they see in the first slide here it shows that this problem affects the whole City. The major reason it does is because it is unsightly and it costs the property owners. Essentially, when young people put graffiti up, it is used as a newspaper or is used as a sign. It sends a message to certain elements in the community. These are recent photographs they are looking at and these are locations that are quite familiar in the City of Fort Pierce. 1904 Havana Avenue. This is one of those fences, every couple of weeks it is messed up with this graffiti. They can see the message themselves and they can also see what it implies and what it stands for. All of these messages imply some gang type activity. Like in this particular case, it is the Nine Trey Gangsta Killers, which is a gang. That is a portrayal of something that is in their City. This next slide, again this was found at 1904 Havana Avenue, and as they can see this crib symbol there symbolizes their 29th Street Gang. The next slide shows Vatos Locos, which is an Hispanic gang that operates in the City. He sees a lot of these things on 25th Street. This particular location is Savannah Street and Indiana Avenue. On the next slide if they are familiar with this park here, this is the ball field that is on Havana Avenue. The next slide is Okeechobee Road and Georgia Avenue. He can't tell them how many times this wall has been painted over; and the next week or the next day or so they come back and put the same stuff on. Again, they can see some very descriptive and graphic language there. They also put it on the streets. This is one of the roads that is next to Dreamland Park. As they can see nothing is untouched. This is another angle from Dreamland Park and more of the same. This is Avenue B and 28th Street. These are the United Blood Nations, which is a national gang organization. This is more of the same area of Avenue B and 28th Street. There is the old Winn Dixie, which he is sure they are familiar with that on 25th Street and Orange Avenue. There is the 1500 block of Avenue D, the old Rice Hut. There is Sabal Palm Plaza, just right down the road there off Virginia Avenue and U.S. #1. These next slides are various locations throughout the City. Stop signs, road signs, speed signs, traffic signal box, and a telephone circuit box. The next slide is one on the beach. That is the South Beach Boardwalk. He just needs the Commission's support to try and get some ordinances in place to help them with this problem.

Commissioner Nelson said the Chief is absolutely right. It is graphic and portrays a very definite need for some type of corrective action. Some time ago they addressed graffiti in their City, particularly when it comes down to graffiti on public properties. He thinks their Public Works people were charged with or they took it on their own to try to eradicate this graffiti. Has any coordination been done with them? The second question is, what has the Chief done like installing video cameras or something to catch these perpetrators when they are doing it on a repeat basis on private property?

Chief Savage said they have done some surveillance, but surveillance is not the answer to resolving the problem. They do not have an ordinance that specifically deals with graffiti. They have to rely on vandalism. Usually the vandalism occurs at night and usually the perpetrators remain unidentified. As far as Public Works, at one time they were trying to paint over graffiti as fast as it was put out in certain locations. Again, they have to have some meat to deal with the problem. Having Public Works go out and paint over the problem is good, but it is not resolving the problem, because the next day they are back out doing it again. They repeat that cycle again, and again, and again. They have not done anything as far as enforcement efforts unless they happen to catch someone engaged in that activity.

Commissioner Nelson said the probability of riding up in a blue and white car and catching them in the act is quite slim. But if they go clandestine and put up some type of cameras that were concealed in a fashion that allows them to videotape these repeat offenders, he thinks it might serve as a deterrent. That records them and they would be looking around and they won't do it. He sees it coming up in as many places as the Chief mentioned here, the pictures don't lie. It is happening and they need to do something about it. But making a law is one thing. Right now they have a law that says they don't deface public property, they say they shouldn't trespass and mess up private property. But are they catching them and enforcing those laws that they have? They can make an ordinances all day and he will support it. But if they don't have a tool and mechanism in place to catch them and prosecute them to act as a deterrent, it just won't do it. Just like murder. It is against the law to shoot somebody. They catch them and put them in jail and take them before the judge.

Chief Savage said he certainly understands where Commissioner Nelson is going. But the practicality of having surveillance equipment stationed at any particular position and time for vandalism is slim. They just don't have the resources to do that.

In the operations they have done - and he is basing this on his 35 years in law enforcement - if they catch someone, it is primarily due to happenstance and not because they have...

Commissioner Nelson said he is sure the Chief has known of cases where people poison a man's dog across the fence and they put a camera to catch them. There are all sorts of things going on. He is not going to compete with his 35 years of experience, but he is going to rely on his common sense and knowledge. They can't possibly catch everybody. But if they catch one. Their law enforcement should be such of a posture that they can't catch everybody; but when they catch somebody, they make an example out of that somebody that is going to deter a lot of bodies.

Commissioner Coke said she thinks Commissioner Nelson wants to bring back public flogging.

Commissioner Nelson said that may be a good idea.

Commissioner Coke said in some cases he wouldn't get an argument from her. She is certainly going to support the Chief in both the ordinances he wants to have passed. The only question she has here is, she sees someone on his staff wrote a memo suggesting that in addition to graffiti that they include in the ordinance that etching is also against the law. Did he want to add that into his ordinance?

Chief Savage said yes. That is why those were included in the packet.

Motion was made by Commissioner Coke, seconded by Commissioner

Alexander, to ask staff to draft the two ordinances proposed by Chief Savage (that would prohibit businesses from selling spray paint to youths and impose penalties for anyone found engaged in graffiti) and bring them back to the City Commission.

Commissioner Alexander said his concern is, they know they are dealing with juveniles; and when they are speaking about not selling spray paint to juveniles, they can get adults to go get that. At what point do they start making the parents responsible for these kids? They can haul those parents in every day to court with the responsibility they are over their children. If they are going to do an ordinance and try to put some teeth to this, then when are they going to start taking the real culprit?

Commissioner Nelson said they are over 18 years of age.

Mayor Benton asked what about the younger ones?

Commissioner Alexander said that is what he is saying. When are they going to make the parents responsible? If they catch a kid driving the vehicle, someone has to be responsible for the injury or harm that is done. Again, he is just trying to support the Chief in his actions, but they need to draw these parents in.

Mayor Benton said put some more teeth into it, that maybe if they arrest somebody or catch somebody eventually, they can go to court. Because he doesn't think there is anything the City can do to make somebody pay up. If somebody was to get caught red handed and go to jail, they could prosecute them. Maybe he will direct that to Mr. Schwerer. Is there anything in there they can do to make the parents responsible for the actions of their children?

City Attorney Schwerer said he doesn't know off-hand what they can do until he studies it. But they have to be careful not to infringe upon what the State has already legislated in their criminal statutes. The City is free to determine and enact ordinances that don't otherwise encompass subject areas that are reserved for the State. There is a statute out there that makes parents liable for acts of their children, any act. If they punch someone and injure them, that person can make the parents pay medical bills. He doesn't know whether that statute covers the situation; but he would presume that if a minor is guilty of defacing public property and is otherwise been charged and shown to have done it. First of all that is not, nine times out of ten, done in the criminal case where they order restitution to be paid and they order the parents to pay for the repairs. That happens with private property, like they damage a neighbors house or something. He doesn't know what else they could do, but they can look at that to determine if there is anything else that they can put in their code that makes a parent liable.

Commissioner Alexander said he heard the Chief saying too that maybe they can utilize the Juvenile Program. But his concern is again, when they go before the Juvenile Judges, the parents have to be there, right? So how will they get the kids before the Juvenile Judge on an incident like spray painting something?

Chief Savage said what he was referring to is they have a Juvenile Diversion program for first-time juvenile offenders wherein they do not put them into the system. They make them perform certain functions, certain duties, certain community services. He would like to include graffiti eradication as one of those services, whether or not these young people were engaged in that. To him, a peer can send a better message to one of their own than he can.

Commissioner Alexander said he just wants to feel how would a kid,

knowing this is a known gang area, would want to go over there and comply with what the Chief says about painting that building. He just thinks maybe those gang members are standing back there looking at the individuals that are doing that. How are they putting these kids in harms way? Because they know each other. If they are teenagers, they are teenagers.

Chief Savage said it would be a supervised program. They wouldn't just go out and paint over things.

Commissioner Alexander said he knows it will be supervised, but it won't be 24/7 supervision. It was just a thought. He just thought maybe if they can corral these parents to take that responsibility and go out there and help those kids paint those buildings.

Mayor Benton said he wishes they could do that too, because he will guarantee the parents would finally start being parents again. But unfortunately, those kids wouldn't even be part of a gang if their parents were doing their job.

Commissioner Becht said they can't spank them anymore.

Mayor Benton said a lot of times they can't find the parents.

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

Mayor Benton said they have talked about, but they haven't set a date on a workshop. When they do, he would ask that the Chief could make a presentation on gangs. He knows through the Executive Roundtable he has heard a lot and he knows the Chief has been very involved in the Gang Task Force. He thinks they would all like to be brought up to date on how bad that situation really is.

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**Mr. Patrick Henry** said during Hurricane Jeanne they got hit with a six and a half foot storm surge. He is real sorry he exceeded the code. That storm surge didn't matter to him any more than last week's rain in the neighborhood. In exceeding the code, he is sorry that he built a house that he is holding the damage to his roof. People say, is that all there is? No, there is more. This is the rest of it, one shingle off the front of his house, because he exceeded the code using liquid nails on his roof as well as the front. Third, they had a hurricane wind of 122 miles an hour. He was talking to Max Mayfield last Friday and Mike Lyons down at the town meeting in Stuart. He just learned about something called mini-swirls. The reason he got into it, he knew it wasn't a full blown hurricane, but when he was out there in his patio during Hurricane Jeanne, literally what came up is what they described as a mini-swirl and it pulls up. He could feel the suction trying to pull him up. He saw a couple of shingles on his south side pull up. What he finds interesting, not only did he take a 122 mile an hour wind, he is sure he can take 145 mile an hour wind and he is looking to test it just to prove it for his own personal satisfaction what a ten foot storm surge would do in a 145 mile an hour wind. His point here is, with his letters and this lawsuit, he has just two questions that none of them can answer. What has it accomplished; and second, what do they expect to accomplish? That is all he has to say. He will see them all at the next meeting.

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**Mr. Mike Simone** said he just had a comment on the item that was discussed earlier, the proposed (St. Lucie County School Board) **half cent sales tax referendum**. He just wanted to ask to bring this up just for discussion, whether or not since the School Board is talking about a 20 year projection, \$2 billion, that is a lot of money. Has anyone talked about virtual classrooms and that whole

technology? Five years from now it is going to be a lot bigger, in ten years. Instead of building all these schools, building like maybe community centers for the students that are in the virtual classrooms, at home or wherever, where they can meet and have social functions. He is just saying that is a lot of money, \$2.1 billion. Virtual classrooms will take care of the bus problem too, a lot of that. He just wanted to bring that up. He didn't know if anyone from the School District ever mentioned that.

Mayor Benton said he thinks Port St. Lucie talking about a charter school system has made this whole thing interesting as a whole picture. Where that goes, he doesn't know. They are still talking. It might be next year. But that is really going to make a mess out of things. He is waiting to hear all the details. There are a lot more details that will be coming forth soon through public campaigns and that is what he is waiting for.

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**Mr. Jerald Wuhrman** said he is the Developer of the proposed **Ocean Vue Condominium** on South Beach. He is not here to discuss the virtues of the project at all tonight. He has given them some background on the evolution of things in the package he submitted to them. But he is here to ask the Commission for their guidance and involvement to try to help get this back on track both for himself and Pat Murphy who represents him on the project and has reservations for several of the units. What they are trying to get built up there is what they feel will be one of the nicer units on South Beach aesthetically. It sort of got off track here and he would just like to get their input as to how they can get it back on track. They went through a siege of not having gotten the project started on time. They lost the entitlements in talking to Community Development last fall during the hurricane season. They said get them a letter. Well, they didn't get it within the year's time, so it was indicated he had to resubmit, which they did on the same basis as previously as far as the density was concerned and as far as the height was concerned. Then they got to the Planning Board without any real objection technically through the technical review process and all, and it was just unilaterally rejected. He just feels that under his rights of due process for the application that there must be a way to get it back into the cycle again. He would like to ask if the Commission can't help him in establishing that, either by determining that it should it have been referred from the Planning Board to the City Commission for final action or that they defer it back to the staff of the Planning Board for further discussions and hopefully to clarify. But some way to get it back on track.

Mayor Benton said it is his understanding, if the Planning Board has formally voted on this, it comes to the City Commission with whatever recommendation they have made. He can just tell Mr. Wuhrman that the way the atmosphere has changed, the last meeting they turned down a request from somebody who was looking to get an extension for a project similar to this and that was denied. He can say within two weeks somebody came in with a whole lot better project. This it is right adjacent to Mr. Wuhrman's property, across the street. His understanding is, if he has been in front of the Planning Board, that he will be brought to the Commission.

Mr. Wuhrman said that is what he thought too. He was disappointed and surprised that it wasn't just unilaterally referred to the City Commission for action, even with staff's denial on it.

Mayor Benton said let him ask the City Attorney. Isn't that what happens? Whether they vote yes or no for it, it still comes to the Commission with the staff recommendation, right?

City Attorney Schwerer said he believes that is generally the case.

He apologizes, he is not able to really address this case, because he saw it for the first time in the agenda package just like they did. Mr. Walker is out of the State presently, part vacation and part business, so he was unable to talk with Mr. Walker when he received this on Friday. So he doesn't know what happened at the Planning Board level. He has no Minutes of what happened to review. So essentially, if this gentleman is asking for some appeal to the Commission, then he would have to evaluate that as an appeal. If he is asking that the matter be brought from the Planning Board up to the City Commission on its record, they will certainly look at that also. He doesn't know what appeal right he is seeking at this time.

Mayor Benton said from the information provided, basically it says that it has been voted on by the Planning Board. He thought the normal process that it...

City Manager Beach said he believes that is the process. What he would ask either one, Mr. Wuhrman or Mr. Murphy, is to get with his office tomorrow. He will get with the City Attorney's office and they will get a definitive answer on that question. It won't take that long to get that answer. Is that okay with everybody?

Mr. Wuhrman said he would appreciate if they would do that.

Commissioner Coke said she just has a quick question before they go much further. It is getting late in the evening, so perhaps she is misinterpreting this. But it appears to her that his plans are four stories over a story of parking.

Mr. Wuhrman said right.

Commissioner Coke said it is her understanding that four stories over a story of parking is allowed on the mainland in the downtown area. South Beach is to be four stories period, end of discussion. But she could be misinterpreting that. But that is what they voted was four stories, not four stories over parking. Four floors - 1, 2, 3, 4 - whether it was parking or living.

Mr. Wuhrman said he thought it was 45 feet; and they did conform with that both initially and this time. He thought it was 45 feet was the restriction in the code on South Beach.

Commissioner Coke said it is a combined thing. It is four floors and 45 feet. It is not that if they stay within the 45 feet, they couldn't have five floors or six floors there. If it is 45 feet, it is four floors.

Mr. Wuhrman asked is that something that has been recently adopted?

Commissioner Coke said that is something that has been since 1983.

Mr. Wuhrman said what they presented this time was the same as was approved last time; and there was discussion about the 45 feet height, but they conformed with it. In fact, the City Commission didn't take action on it after the Planning Board had approved it the first time around.

Commissioner Coke said she must have missed it the first time around.

Mr. Wuhrman said they referred it to Mr. Trias for him to work with him on establishing better aesthetics from the flat roof design to the hip roof design. So he felt, because there was no technical objection to what they submitted either initially or this time about that height...

City Manager Beach said he thinks the question that was presented to the Commission from his understanding is that Mr. Wuhrman wanted to know if he had appeal rights or if this should go to the Commission. Let them deal with that first. He thinks the input he is getting from Commissioner Coke is important from the standpoint that if it is determined that this project does come to the Commission and that occurs, then that is the discussion he is going to hear. He is going to hear in great detail about this requirement for 45 feet and four stories.

Mr. Wuhrman said he appreciates that; and maybe through staff and Community Development, they can get that clarified before it comes back to the City Commission.

Mayor Benton said for the record, if the Planning Board has denied this request, it would take a 4/5ths vote to get it past this Commission. Like he said, there was something in front of them that was approved a year ago; but the atmosphere has changed a little bit he thinks, after hurricanes and through a charrette. So for the record, Mr. Wuhrman might have a bit more difficult time this time.

Commissioner Nelson said he is looking over some of the data that he gave them - August 2003, October 2003, and other dates. They have a procedure that allows them to resubmit plans after a certain period of time. Of course, they must go through those various steps. Even if the Planning Board recommends denial, it still comes to the City Commission. If he comes back, then of course he has to go back after the lapsed period of time and go through that process again. Now he should in fact be going through that process again, if that is his desire. But to come in here at the end of the meeting here and submit something and ask them to approve it or act on his behalf in favor of what he is trying to do is not how they operate. Mr. Wuhrman needs to possibly talk with the City Manager and get his question answered that way; and hopefully the City Manager would advise him to probably reinstitute the process again and take into consideration the current climate relative to the stories and the height and all that kind of business. He doesn't expect for the Commission to act on it now.

Mr. Wuhrman said no, that wasn't the purpose at all tonight. It was only to see if there isn't some way to get the due process on this as was suggested. They will pursue it through Mr. Beach. Commissioner Nelson asked he is amendable to the idea to talk to the City Manager and get the information, right?

Mr. Wuhrman said that is right, that is fine.

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**Ms. Marjorie Harrell** said she liked what the Commissioner asked on the (St. Lucie County School Board) **school issue**. Are they going to build any schools in the north? No. They say the growth is in the south and all new schools are scheduled to be built in the south. Eventually it was scheduled that within five years they would tear down the old part of Lincoln Park School and rebuild that back and then they would eventually tear down Westwood School and build that back. But because of the hurricanes, that has been put back. But there is a lot of talk now in all the meetings and she is reading that they are talking about going back possibly to neighborhood schools. Just ask them to give Lincoln Park back in their community.

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Commissioner Coke said the City's request to the MPO (Metropolitan Planning Organization) to send a letter to the Florida Department of Transportation (FDOT) that they support the **truck signage**, trying to get the trucks moved off the U.S. #1, the MPO voted to do

that this week, that they will support the City in that.

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Commissioner Coke asked could Mr. Beach schedule some time to give an update on their **property acquisitions**?

City Manager Beach said they have a meeting scheduled he believes this week with their acquisition consultants.

Commissioner Coke said there is only so much oceanfront property around; and while so much of it is for sale, if it is all feasible for the City to obtain it for public use, she thinks they should jump on that.

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Commissioner Alexander said he just has one comment concerning the **conference** that he attended last week. He is telling them it was very informative. He has been to a couple of these events and the Attorney Generals offices from the State of Florida and Georgia, they did it first class. Next year it is going to be in Miami. He hopes, if they need to start today putting monies aside, that they allow to send some of these children to those conferences. The kids who were there... It was just unjust for the Fort Pierce kids not to be there.

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Mayor Benton said he doesn't know whether this memo that went from the City Manager went to staff or anybody here has seen it, but he brought it to the City Manager's attention. They had closed on a unit in **Harbour Isle**, not himself, but some family members. When they went over there, it wasn't that pretty picture that they saw. He inquired with the landscape architect. But the Royal Palms that they kept seeing in every beautiful picture that was put in front of them, and also that the 900 and some people bought into, those are now Cabbage Palms and Washingtonians. Being in that business, they are talking several thousands of dollars in difference in the whole project, millions of dollars he would think. He brought it to the City Manager's attention. He doesn't know whether anything can be done. But they saw the pretty pictures. But also on the landscaping plans, they didn't say Royal Palms. So it is one of those, he doesn't know what they can do.

Commissioner Coke said live and learn.

Mayor Benton said it wasn't the pretty picture that they thought they would see and it has been brought to Mr. Simpson's attention.

Commissioner Nelson said the site plan and the landscape plan shows by name the types of trees.

Mayor Benton said right; and Royal Palms were not included. When they saw the presentation, it wasn't a give-me. So 900 people who have bought into it were also expecting to see Royal Palms because they didn't get that information. For whatever reason, maybe it can be cleared up. But he just thought when they start approving plans, they don't always see it because it is in very small details that they would almost need a magnifying glass to see. But with developers coming in here the way they are coming in here now, they need to keep a real close eye, and that means staff too. Because they will see where this goes.

Commissioner Nelson said they have the potential for false advertisement. But the site plan and the citation of the vegetation that is supposed to be used in the landscape plan mitigates against that somewhat. The potted plant guy down there has to tell them about that.

Mayor Benton said he called Greg Boggs.

City Manager Beach said they are researching that now. They are researching the site plan as it compares to those images that were presented and they will have some report back to the Commission.

Commissioner Coke said now they will have to sign off on the picture as well as the site plan.

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There being no further business, Mayor Benton declared the meeting adjourned at 10:12 p.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER