

MINUTES OF A REGULAR (ADJOURNED) 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 TUESDAY, JUNE 6, 2006.

City Clerk Steele said this meeting is a continuation from their Regular Meeting on June 5, 2006.

Mayor Benton called the meeting to order.

The Pledge of Allegiance was recited.

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

The first item on the Agenda considered was Deputy City Manager to advise the City Commission on the status of the **Moratorium** (on hotels and motels in C-5, Tourist Commercial Zone) passed on February 21, 2006, and discuss possible extension.

Mr. David Recor, Deputy City Manager, said on February 21st the City Commission approved a 90 day moratorium for condominium hotel style development in the C-5 zoning district. The purpose of the moratorium was to allow staff the opportunity to research and develop criteria for that style of development for their consideration. They have completed their research. They have proposed criteria. They had an initial review of the South Beach Overlay District at their meeting last night. They have identified a tentative schedule for public participation and adoption. They believe they could have the South Beach Overlay adopted potentially by the end of July. The 90 day moratorium effectively expired on May 21st. Right now the C-5 zoning district is without protection or is subject to the rules and regulations as they exist today in the land development regulations for hotels and motels. Based on the fact that the condominium hotel style development that was driving the development of those criteria is no longer in front of the Commission for consideration, the imminent threat of that style of development is no longer before the Commission. With that said, they are not recommending and don't feel that it is necessary for the City Commission to adopt a new moratorium because they will have the South Beach Overlay adopted by the end of July. They are certainly free to extend or adopt an additional moratorium if they choose to do so. But given that scenario, staff doesn't think it is necessary to do it at this time.

Commissioner Nelson said good. No action required then.

Mayor Benton said no.

The next item considered on the Agenda was Request by Darryl Bey, **Fort Pierce Jazz & Blues, Inc.** for **Public Funds** in the amount of \$10,000 for Musical Production Tango & Sinatra.

Mr. Oscar Bravo said he is President of the Hispanic Cultural Foundation of the Treasure Coast. He had the opportunity to work with Darryl Bey in a production before and asked if could

assist them in this new production. What they are attempting to do is to bring to the City a production that would bring the two communities - the Hispanic and the Anglo - into a production that will make a difference for them. What he has before the Commission is a production that will be called Tango & Sinatra. It is a tribute to Frank Sinatra and Carlos Gardel. Tango is something that is well known internationally. They have been able to secure the national champions in tango in the United States and they are the world



finalists in Buenos Aires, Argentina. They have an eight piece orchestra they will be presenting with two singers, one in Spanish and one in English for Frank Sinatra. They are asking the City Commission for their support.

Commissioner Alexander said he is very much in support of this community. Did he understand him making a statement of Spanish or Anglo? He is trying to bring the Spanish and Anglo together? What does that mean? What is Anglo?

Mr. Bravo said Americans. They have different communities. Let's say English speaking community and the Spanish.

Commissioner Alexander said he didn't want to miss anything. He is very much in support of them.

Mr. Bravo said some of the people who saw this said they would like to see a school of Tango here. It is a brilliant idea. If they get that kind of support, he will make sure they come at least once a month and teach that.

Commissioner Nelson asked where are they getting other funds from?

Mr. Bravo said private. Their organization will provide some funding. Right now they have commitments from McDonald's, Comcast, and today he received commitments from the Scripps Newspaper. They already started doing the advertising.

Commissioner Nelson asked what is his overall budget projection?

Mr. Bravo said his financial background allows him to say that the success of any enterprise is the flexibility on how to prepare the budget and adapt to it. They can prepare a great show with as little as \$17,000 without counting advertising, the advertising will come from all the supporters they have. After that, whatever they get in addition to that, they will be able to do more advertising. He has been asking, for example, what will be the cost of billboards. If he gets an additional \$10,000 for example, other than what they have here scheduled for production, they will be able to put this on the billboards and put the other names of the community or companies or organizations that support that.

Commissioner Nelson said this request he is proposing now for getting \$10,000 from the City of Fort Pierce will become public knowledge and available to all concerned. Do they have a similar request from other entities for a similar amount that they can incorporate in the overall budget?

Mr. Bravo said the request they have sent to other organizations shows different levels. They have \$15,000, \$5,000, \$2,500 and \$1,000 that they can contribute. They will be finished with that probably by next week and after that they will start printing this. Whoever was able to come in with some kind of donations or promotions, they will be printing that.

Commissioner Nelson said he is trying to get that overall

budget. They will get \$10,000 from the City of Fort Pierce. How much from the County?

Mr. Bravo said he doesn't have anything else. This is the only organization he has come to from the City or the State to ask. This is going to be presented in the Sunrise Theater.

Commissioner Nelson asked are they going to be selling tickets?

Mr. Bravo said yes.

Commissioner Nelson asked does he plan to make a profit on that?

Mr. Bravo said he doesn't think they will be making a tremendous amount of profit; but if there is any profit, that profit goes back to the public non-profit organizations. One of the goals of the Hispanic Cultural Foundation is to create a museum and acquire a collection. Outside the Commission chambers they have a collection of Ecuadorian art. That is going to cost them about \$1 million to acquire that and put it in a setting. This will be the kick-off. If he gets \$10,000 extra, it goes towards that. He needs to raise about \$50,000 to put down a deposit and keep that collection here.

Commissioner Coke said first of all she thinks it would help if he took a couple of seconds to talk briefly about some of the things he has already done within the community as far as helping people finance houses and things. Maybe it would help give everybody a little better level of comfort if they knew what he did for a living. And in case he wasn't aware of it, although the County does have some strict rules and legislation against giving money to any organizations, the County owns billboards.

Mr. Bravo said thank you. Allow him to present himself. For a living he works for Riverside National Bank as an Assistant Vice-President. He has a degree in economics; and he had been doing consulting most of his life, until they made him an offer he couldn't refuse. So that is what he does for a living. He likes to help people in whatever area they need, especially in trying to help them raise funds for putting down payments on houses. He has been involved in certain communities such as when they try to develop communities and he tries to follow up with them and tell them they can do that - all they have to do is this, and this, and this. Many people just don't know how to do certain things and that is where his expertise comes in. He has also worked with the Chamber of Commerce to secure a center of information for bilinguals - Spanish and English. He thinks they are very close to accomplishing that. He cannot disclose that until everything is on paper, but they are working very hard on that. He has the support of the Chamber of Commerce. They created the Hispanic Council of the Chamber of Commerce for which he is a member and they are going to start creating a diversity program so they can inform the public as to why Hispanics are who they are, their backgrounds. It is a very diverse culture, not only music but food and dance and a lot of

things they can see as they are coming up in this City.

Mayor Benton said plus he has some bigger plans. Maybe he can sit down with these folks and let them in on what are some of his intentions are in the future.

Mr. Bravo said absolutely, he would love to. They need support.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve donation of Public Funds in the amount of \$10,000 to Fort Pierce Jazz & Blues, Inc. for Musical Production Tango & Sinatra.

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

Mr. Bravo said he appreciates, more than the financial help, their support. If they make a commitment to come here, they will discover something great; and if they bring their family and friends, they will not be disappointed. After that he hopes they are asking for more shows and he will be glad to provide that.

The next item on the Agenda was Appointment and reappointment of members to the Historic Preservation Board.

City Clerk Steele said in order to present the Resolution for adoption, she needs the Commissioners to determine if they want to reappoint the three current members, and then to appoint one of the applicants for the vacancy.

Mayor Benton said the current members are Mike Simone, Carol Reed, and Jerous Vincent. Mr. Simone has done a great job.

Commissioner Alexander said he would accept these three members for reappointment. (Commissioner Becht seconded the nomination.)

City Clerk Steele said for the vacancy, she needs a nomination and a second for either Mr. Culverhouse or Mr. Burdge.

Commissioner Coke said she would like to nominate Mr. Culverhouse who has been instrumental in helping them with the White City situation down there with that historical house. He donated his time for that. He thinks he has shown his commitment to the City.

Commissioner Nelson said he concurs.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-32

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING MIKE SIMONE, CAROL REED, AND JEROUS A. VINCENT, AND APPOINTING BRAD CULVERHOUSE, AS MEMBERS TO THE HISTORIC PRESERVATION BOARD; PROVIDING FOR AN EFFECTIVE

DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 06-32 be adopted.

Those voting in favor of the adoption of Resolution No. 06-32 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Submittal of Application(s) for Appointment to the **Historic Preservation Board**.

City Clerk Steele said they have another vacancy on this Board and they have additional applications. On the next Agenda will be a resolution to choose someone to fill that vacancy.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-33

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING AMENDMENT TO **RULES OF PROCEDURE** AS ADOPTED BY THE **CODE ENFORCEMENT BOARD**; PROVIDING THAT CITY CLERK AND THE DEPARTMENT OF COMMUNITY RESPONSE PROVIDE SUPPORT TO THE CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE TO THE EXTENT PROVIDED BY THE RULES OF PROCEDURE, AS AMENDED."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-33 be adopted.

Those voting in favor of the adoption of Resolution No. 06-33 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-34

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING **RULES OF PROCEDURE** FOR DISCIPLINARY MATTERS AS ADOPTED BY THE **BOARD OF EXAMINERS OF CONTRACTORS**; PROVIDING THAT THE DEPARTMENT OF BUILDING AND CODE ENFORCEMENT PROVIDE SUPPORT TO THE BOARD OF EXAMINERS OF CONTRACTORS TO THE EXTENT PROVIDED BY THE RULES OF PROCEDURE; PROVIDING THAT THE OFFICE OF THE CITY ATTORNEY PROVIDE COUNSEL FOR THE BOARD OF EXAMINERS OF CONTRACTORS."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-34 be adopted.

Those voting in favor of the adoption of Resolution No. 06-34 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-35

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE **FLORIDA DEPARTMENT OF TRANSPORTATION** FOR THE JOINT RIGHT-OF-WAY MAINTENANCE OF CERTAIN LIMITS OF STATE ROAD 615 - **25TH STREET** - MARTIN LUTHER KING BOULEVARD FROM ORANGE AVENUE TO AVENUE Q; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-35 be adopted.

Those voting in favor of the adoption of Resolution No. 06-35 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Discussion on request by **Committee for a Sustainable Treasure Coast** to present their Final Report.

Commissioner Nelson said he will take the lead on that. As they know, he served on that Committee for a year and a half. It was quite an experience dealing with some people of their Treasure Coast who are very prominent in their respective fields. They have come up with a final report that is being offered at all of the cities within their region. He recommends they allow them to come to their next City Commission meeting to point out some of the things which they have made up so they can recommend it to the Governor. And of course, ultimately the Legislature will be incorporating some of those in the various laws that affect this region. It is a matter of just scheduling it for the next meeting if it is acceptable to all concerned. (The Commissioners agreed.)

The next item on the Agenda was Mayor Benton discussion about applying to **U.S. Navy** to name a ship after the City of Fort Pierce.

Mayor Benton said a Navy Veteran came to see him and gave him a bunch of hats. They can see there are a lot of cities that have ships made after them. One thing Fort Pierce has over so many cities is, this is the birthplace of the Navy SEAL. The best of the best came from Fort Pierce. It started here, it originated here, and he feels that would be the starting point for them to get a ship named after Fort Pierce. He guesses what it takes is a request to their Congressmen and Senators. So all he is asking from this Commission is that they let him take the next step and send a letter starting with Congressman Foley, being he is a resident of Fort Pierce now, and see what it takes. He

thinks it would give a lot of recognition in their future to their past.

Commissioner Coke said absolutely.

Commissioner Nelson said he thinks it is a great idea. Those people have made great sacrifices. And to attach their efforts to Fort Pierce and vice versa, he thinks would be a plus.

Commissioner Becht said he is all in favor of that. He wouldn't be here but for the fact that his dad trained as a pilot right behind where Mayor Benton's house is right now; and that is what brought his dad back to Fort Pierce, because he flew the area while he was training with the amphibs. So he is all for that kind of recognition. He appreciates the Mayor's leadership in bringing it to them.

Mayor Benton said he thought it would be a great idea. He knows what they have done over on North Beach with the museum. This is taking the next step. He is sure they would have to be on a list, but let's get the process rolling.

The next item on the Agenda was Commissioner Alexander discussion on Florida League of Cities Excellence Award Program.

Commissioner Alexander said they all see the material that was placed in the Commission packages. Last year they had people say they had no chance like a snowball in hell to win this City of Excellence Award, but they proved those people wrong, the employees of this community did. One thing that was overlooked last year was there were other awards to the employees, not only just the cities. He just thought it would be remiss if they didn't put a few of their City employee names on this list. He was just told it had to be brought before this Commission in order to get a consensus on it.

Mayor Benton said he would agree.

Commissioner Coke said absolutely.

Commissioner Nelson said he thinks they ought to put all of them there. Throw all the fish in the sea, they might catch one. The hooks in the water might catch one big fish, starting from the City Manager on down.

Mayor Benton said they are very proud of their employees and they are a City of Excellence, so that means all of their employees are excellent employees. So it would be appropriate to put all of their applications in.

Commissioner Nelson said it is not the easiest job now, because they have one person who did this last time, Ms. Satterlee, and she collected data. Did they have anybody below their department level or City Manager?

City Manager Beach said they have an employee awards program every year. What he would suggest is that they go through that and look at what they are doing this year and let's make a run

at the City Employee of the Year, because he can assure them they can find someone who would be very competitive in that category; and that could be a supervisor, department head, a driver, a police officer, or anything. It could be any number of positions. Any employee of the City is eligible for this.

Commissioner Nelson said he thinks their Finance Director and all those awards he has gotten over the years ought to be recognized.

Commissioner Coke said their City Clerk.

Mayor Benton said yes, the City Clerk.

Commissioner Alexander said absolutely.

Commissioner Nelson said he hates to be facetious, but she ought to get the Commissioner of the Year.

Commissioner Nelson asked should they leave it up to the City Manager to select one person?

Commissioner Coke said no. She thinks they ought to go for City Clerk, City Finance Official, City Employee of the Year.

Mayor Benton said it may be better to include everyone.

Commissioner Coke said she just left Mr. Beach and Mr. Schwerer out.

Commissioner Alexander said there is one that he thought just stood out. Maybe Fort Pierce can select a Citizen of the Year to be included in this; because of the fact that without the citizens of this community, they wouldn't matter anyway.

Commissioner Coke said she thinks that is a great idea.

City Manager Beach said then they will work on those four categories, if that is acceptable. That is the City Clerk, the City Finance Director, a City Employee, and a City Citizen.

Mayor Benton asked what about City Spirit?

City Manager Beach said they are killing him here.

Mayor Benton said fifteen years ago, people weren't proud of this community, but they have come a long way in fifteen years and everybody speaks very highly of them.

Commissioner Coke said they have proof of that by the citizen survey. Mr. Beach can't complain that he is overworked because they got them David Recor.

City Manager Beach said okay, they will work on those five categories.

The next item on the Agenda was City Manager discussion on Comprehensive Settlement Agreement between the City, St. Lucie

County, and Port St. Lucie which requires the County to fund a portion of the Sheriff's Road Patrol from Law Enforcement Municipal Services Taxing Unit (MSTU).

City Manager Beach said he submitted a memorandum that discusses this subject. He believes Mayor Benton and Commissioner Nelson were probably here at the time they settled this agreement. If they weren't, they came along shortly after. This is a lawsuit that was initiated by the City of Port St. Lucie and the City of Fort Pierce, actually before he came to work for the City. It was eventually settled by the County agreeing to create a Municipal Services Taxing Unit in unincorporated County to support law enforcement, to support specifically the road patrol of the Sheriff's Department. That has been going on now for either 11 or 12 years, a long time, and that agreement is now expiring. What is suggested in the letter from the County Administrator is that they would continue to fund at least 24% of the Sheriff's road patrol budget through this MSTU. That needs concurrence of the City Commission in order to authorize that. He thinks their options are to agree to that or they re-investigate this discussion about how much of the Sheriff's Department law enforcement activity is applied to the City of Fort Pierce and whether or not that is appropriate. He has met with Assistant Chief Sean Baldwin and he has run some preliminary figures on what that consists of and the type of support that they are getting from the Sheriff's Department for law enforcement in Fort Pierce. The Police Department is comfortable that the City is getting a level of input from the Sheriff's Department that this agreement that is in existence today with the 24% is adequate and it doesn't represent an undue burden on Fort Pierce citizens to support the balance of the Sheriff's Department.

Mayor Benton said he would agree. He wouldn't want to start any kind of battle with Port St. Lucie because he knows the Sheriff's Department has been here for Fort Pierce. When they see them, they have Citizens on Patrol around the City. And every time he and the City Manager have gone to the Sheriff and asked for help, the Sheriff has been there. The Sheriff is working with Weed & Seed. So he thinks they have been very lucky to have the Sheriff and the law enforcement working together, which is something that 20 years ago really didn't happen. Today they all are doing a great job working together. In his opinion, they should continue going the way they are going. Does everyone agree?

Commissioner Coke said she would agree they should continue this.

Commissioner Alexander said absolutely.

The next item on the Agenda was Interim Director of Planning to advise of his approval of a **Minor Amendment** to the Site Plan for the **Savannahs Apartments** (a/k/a Lakes at the Savannahs Condominium) located on U.S. #1 at Lakefront Boulevard.

Mr. Peter Buchwald, Zoning Administrator, said the applicant has applied for a Minor Amendment to the Site Plan for the Savannahs

Apartments, now known as Lakes of the Savannahs Condominium. The Minor Amendment consists of the exchanging of location of the tennis courts with the clubhouse, pool, and parking lot within the designated recreation area. Also rearranging of several of the condominium buildings to eliminate back-to-back patios. The changes are indicated by the cross-hatching on the amended Site Plan. The Minor Amendment does not result in a change in the density or the number of dwelling units. The proposed Minor Amendment meets the criteria as specified for a Minor Amendment in Section 22-58 of the City code. In addition, affected departments have reviewed the Minor Amendment and approved it, based on it meeting the technical requirements of the code. As the amendment meets requirements of the code, the Department of Planning has approved the Minor Amendment to the Site Plan.

The next item on the Agenda was Interim Director of Planning to advise of his approval of a **Minor Amendment** to the Site Plan for the **Shoppes at Five Mile Creek** on Okeechobee Road.

Mr. Peter Buchwald, Zoning Administrator, said the applicant has applied for a Minor Amendment to the Site Plan for the Shoppes at Five Mile Creek to allow for the construction of the Quarterdeck Restaurant. The Minor Amendment consists of a modification of the restaurant that was proposed in the northeast corner of the Shoppes at Five Mile Creek in the original Site Plan. On the original Site Plan, it did not provide specific details for the restaurant. It indicated a future restaurant to be built there and it was designed to accommodate a restaurant of 7,000 square feet in size. A tenant, the Quarterdeck Restaurant, has been assigned for this location, and this proposed restaurant will include 4,420 square feet of floor space and 1,100 square feet of covered outdoor seating. The restaurant will also feature a nautical theme with extensive landscaping and a boat play area. The proposed amendment meets the criteria as specified in Section 22-58 of the City code. In addition, the affected departments have reviewed it and approved the Minor Amendment based on it meeting the requirements of the code. As it meets requirements of the code, the Department of Planning has approved the Minor Amendment.

The next item on the Agenda was Staff Report on legal issues of providing **Insurance to Widows of slain Police Officers**.

City Manager Beach said they have a memorandum dated May 24th from the Administrative Services Director, Mazella Smith, to him that outlines a lot of the issues that were described to the Commission recently by a member of the community who was attempting to find support for the continued health insurance coverage to widows of slain Police Officers in Fort Pierce. That report indicates that at least three of these individuals have remarried in that time frame, which would have made them ineligible for the insurance proceeds even under the State Statute that Mr. Lasenby approached the Commission about. Staff has discussed this at the Department Head level; and from the perspective of Finance, the City Attorney's Department, and Human Resources, they see just a whole host of glitches

associated with attempting to do this. He would defer to the City Attorney or the Finance Director to go into this in more detail, if that is necessary. Although the idea has tremendous merit in terms of a humanitarian act and fulfilling society's responsibilities to people who are subjected to what these ladies have been subjected to, the implementation of such a thing is just fraught with complications and drawbacks in terms of its administration - how do they do it and how do they apply it - and just any number of dilemmas that staff is having difficulty in wrapping their minds around in terms of exactly how to accomplish it. He thinks even under the conditions that were presented to them, there may only be one person who would be eligible based on not having remarried since her husband died.

Commissioner Alexander said he is just pulling out one item of particular concern to him is Ms. Ellis. She has not received any insurance benefits whether it was health or death benefits? Did the City not pay for anything?

City Manager Beach said he doesn't believe there was a record of it. That is what they did not have, a record of it.

Commissioner Alexander asked they don't have records back in 1966? Don't they have archives?

City Manager Beach said what this memo says is that there is no record of her receiving any insurance benefits. He can't tell him what they were doing in 1966. He simply does not know.

Commissioner Alexander said he has a problem with that. If he tells him they only have one officer to be ever killed in the line of duty and they don't know whether there was a death benefit paid to that individual's family, that is totally not Fort Pierce, and he won't accept that is the way business was done in those days. He is just bringing that to a point for a matter of a record. If there were no death benefits paid? They had to have a funeral service.

City Manager Beach said the memo indicates that there is no record of that, but it doesn't mean it didn't occur. They simply haven't been able to find anything that would substantiate what was paid to her.

Commissioner Alexander asked did they ask the widow?

City Manager Beach said he doesn't know.

Commissioner Nelson said he would like to hear the Finance Director and the City Attorney's take on this. He concurs with statements made by Commissioner Alexander. Certainly they can find somebody who knows something about these people, not only Ms. Ellis but many others who have had this tragedy. This gentleman who brought this to their attention, is he here?

Mayor Benton said yes, Les Lasenby.

Mr. George Bergalis, Finance Director, said he will give them a

quick historical background. He doesn't know what happened with Ms. Ellis, that was obviously prior to his time. He does know that back in 1987 when they had two officers slain - Cooper and Wouters - the City Commission at that time, in addition to all death benefits and insurance proceeds the family was obligated to get, they received and the Commission at that time also granted and paid for four years of health insurance benefits for those widows and their children. After the four-year term, both widows had the opportunity to continue in the City's program provided they pay the premium. Ms. Cooper chose not to. Ms. Wouters chose to stay in. In fact, Michele Wouters is still in the City's health insurance program today paying the premium. Danny Parrish's wife was granted insurance by the Commission and all death benefits when he was killed in the line of duty. His wife was given the opportunity to continue in the program if she wanted to, and she chose not to. That is the current status of it. The one thing he would say is that they need to be cautious in proceeding with something like this because of the fact the City is self-insured. The City pays all the bills, both the premiums and all the claims, and they have a re-insurer who picks up once any individual in any particular plan year exceeds \$125,000 in claims costs. In situations like this in the past, the re-insurer has opted to not participate in reinsurance because they are not insuring employees, they are going outside the scope of what their plan document provides for. So that is something they need to be careful. Whenever they look to extend benefits like this, they could be taking on a very significant liability. The liability being if they extend coverage to someone who is not eligible and their family incurs a \$500,000 bill within one year, which could happen in today's medical claims, the City would be obligated for it. There is no re-insurance in a lot of cases like this when they go outside the scope of who they are allowed to insure.

City Attorney Schwerer said he shares in Mr. Bergalis comments. This is why the Florida Statutes mandated by law what is going to be required. It had a date, and that cut-off date is established by Statute. So therefore, any insurance that contracts with city government would have to comply with the statutes. But once the City goes beyond the Statute, they are not legally required to do that; therefore, Mr. Bergalis contingencies come into play, because it is a marketplace issue then. He is not sure what the request is, so he could not provide any real legal analysis except to say that every time they looked at this, there were issues. For instance, are they going to pick up coverage from this date forward for someone who has not remarried? Are they going to apply the Statute as of this date or are they going to apply the Statute retroactive to some other date before the cut-off date? If so, do they have a gap in there where people may have not been remarried and may be entitled for some reimbursement? And do they have claims by one of the widows who says she had claims filed during that period of time, and if they are giving coverage to this person because she wasn't... They may have lots of different issues there. They have got to set up ground rules and eligibility requirements and this is almost like setting up a program; and therefore, from a legal standpoint, until they set up what it is they are going to do and when they are going to fund this and

how they are going to fund it and whose pocket it is going to be paid from and what date of eligibility, they have nothing really to tell them other than it is a real problem.

Commissioner Nelson asked that Statute is applicable after...?

Mr. Bergalis said 1993.

City Attorney Schwerer said it set a date and said any law enforcement officer who dies in the line of duty after a certain date, then the governmental entity or whatever is required to continue the insurance for so long as the widow stays unremarried and for so long as there are dependent children who are also covered for a period of time. He thinks it goes to a certain age or whether they are emancipated by marriage. He thinks it goes to age 25. So that is making government do that from that date forward.

Commissioner Nelson said he has a proposal that might solve that, but he would like to hear from the petitioner before he goes further.

Mr. Leslie Lasenby said the date on that Statute was June 1, 1993 he believes. He knows it is not absolutely by law or a requirement for the City to supply the insurance. He just feels that these women have given a sacrifice that none of them can really understand. He has been close to a couple of the widows, he knows them personally, and he feels he can understand better than most people what they have gone through. This insurance problem from what he understands, Ms. Cooper and Ms. Parrish gave up the insurance due to the cost of the insurance. Michele Wouters is still paying the insurance at \$485 a month. He does not believe there is any dependents who are now eligible, although the cut-off age is 25 years of age. He is not sure, there may be one. He hasn't checked on the age of the kids and he apologizes for that. If the City was to enact this insurance from this date forward, would there be a problem? Without saying anything in the past and putting into the paperwork that it was not required by law prior to this date, and it would like to enact and start receiving the insurance from this date, would that create any legal problems if they were to sign papers to that effect?

Mr. Bergalis said just one comment he thinks is important to make is that the Florida Statute states: The political subdivision shall pay the entire premium of the political subdivision's health insurance plan. The implication there is that the political subdivision is involved in an indemnity type of insurance program where it is paying a premium to a company and the company is paying the claims. That is not the case here. The City pays the premiums and the City pays the claims. The Statute requires that the political subdivision pay the premiums only, not the claims. So to proceed with what is being proposed not only imposes the City paying for the premium costs, but they are also on the hook for all claims costs, which is not what the Statute references. It says, premium only.

Commissioner Becht said he is confused. Which widows are in

need of the health insurance or requesting the health insurance benefits tonight?

Mr. Lasenby said none of them are actually requesting it. He is requesting it on their behalf.

Commissioner Becht asked on behalf of which ones?

Mr. Lasenby said he just requested it on all of the widows. He thinks they all should receive the insurance. It is a strain on them financially to pay their own.

Commissioner Becht said if some of them are getting it through their current husband's employer, and he doesn't know that they are or they are not, then there is no strain.

Mr. Lasenby said he doesn't know about Ms. Ellis. He believes she is paying her own. He is not sure.

Commissioner Becht asked are any of these ladies over 65?

Mr. Lasenby said Ms. Ellis is.

Commissioner Becht said Ms. Ellis is covered by Medicare. Seriously, he appreciates the idea he brought, but she is covered by Medicare so she is taken care of. The other one, they don't even know if the ladies are covered by their husband's insurance or not. Does anybody in the room know if these ladies are covered or not covered by their husband's insurance?

Mayor Benton said Michele Wouters is the one who has retained her coverage with the City.

Mr. Lasenby said Ms. Parrish has remarried and has since divorced. She is currently paying for her insurance through her current employer.

Commissioner Becht said he doesn't want to put somebody in a position where he motivates them to get divorced. He has seen it where, if the City is going to pay the insurance coverage which could be \$500 or \$1,000 a month, they get divorced and live together. As silly as that sounds, he doesn't want to put somebody in the position where that is kind of awkward. He would like to help the people that have made the ultimate sacrifice. But he just doesn't know how they will make it work.

Mr. Lasenby said on the widows, Ms. Wouters has never remarried. She is currently paying her insurance to the City of Fort Pierce. Ms. Parrish and Ms. Cooper apparently dropped it due to lack of funds. Michele Wouters is actually working an extra job to pay her insurance. His request is that the City help these widows out. It became a law in 1993. He understands most all of the cities have supplied it, grandfathered them in some way, shape, or form on the insurance. What can they do?

Commissioner Nelson said he tried to indicate he had a proposed solution to this problem and he thinks he has. It is important that they put these type of issues to rest, because if they

don't they have a tendency to come back and haunt them in the years down the road. He wonders whether or not the legal staff could afford to have someone research this and come up with a recommended course of action that they could adopt here to allay all the fears of this. Whether it in fact requires contacting these people and asking them to say they do or do not need support, or they are getting insurance with the husband's employer, or if they are beyond the age where they are eligible for it. But they need to in his opinion make a decision that would put this thing for rest for future generations.

Commissioner Coke said she understands Commissioner Nelson's concerns. She also understand Mr. Bergalis concerns, since the City is self-insured, if someone were to come up with a \$500,000 medical problem. It is not like a regular insurance company, the City would be paying that. She is wondering if they could not perhaps look and see out of these four women who would actually still be eligible to be on the City insurance policy and formulate a special exception for these women where the City could possibly purchase a regular insurance policy for them through something like Blue Cross/Blue Shield, so they would be satisfying the needs of these women and in the same vein not leave the citizens of Fort Pierce open for a \$500,000 medical bill. She thinks if they can determine eligibility and call an agency, that might be their easiest solution to this.

Mayor Benton said also maybe through the League of Cities they can find out if there are other cities who are self-insured and how they are doing it.

City Manager Beach said he would like to suggest that they follow the recommendation that Commissioner Coke has put forth. He will assign this to the Human Resources Department to follow through with and see what they can bring back to the Commission.

Commissioner Becht said one final thought - and he doesn't mean to pick on Ms. Ellis- but he would like to terminate whatever program they come up with at age 65. At that time the Federal Government provides a very ample medical package for those folks. They could limit their exposure at age 65 and that reduces the number of people who apparently are eligible to three and not four policies. They can talk about that when they come back with whatever recommendation there is.

Commissioner Nelson said he certainly wants some legal input on that because it is important that they act on it legally. He guesses everything they do is legal in a sense. But he knows the type of work that Jim Walker and Steve McCain (Assistant City Attorneys) do. Could they coordinate that in some way?

Mayor Benton said they are going to look at this a little bit closer, what Commissioner Coke had mentioned, and see what they can do and see what their options are.

City Manager Beach said that will include a legal review.

Mr. Lasenby said even if these ladies reach the age of 65, they all know that Medicare does not pay everything. Maybe they

could just give them a supplement after the age of 65. He happens to be on Medicare and the supplemental insurance kicks in after that point. Maybe there is a supplemental insurance policy that would be cheaper than the full insurance policy for the widows after they are 65.

Mayor Benton said they are going to check on their options. They are not done yet. They do appreciate his bringing this to the Commission and they will look into it and find a way to do it.

The next item on the Agenda was Presentation by Director of Building & Code Enforcement on the **Neighborhood Enhancement Action Team**'s progress and future goals.

Mr. Bob Dusanek, Code Compliance Manager, said they have a report of what has actually happened with the N.E.A.T. progress and future goals. He trusts that they have looked at it; and if they have any questions, he would certainly do his very best to answer them. He would add that they are currently working on a brochure with pictures with the Assistant to the City Manager, Anne Satterlee, to put together for future areas that they would move into as the Commission would determine.

Commissioner Becht said a couple of months back he was fortunate to attend a meeting of Department Heads ranging from Mr. Hood to Mr. Alcorn to Mr. Ward for a general discussion concerning the N.E.A.T. program and a specific discussion concerning how it has worked and how it has not worked in the Hibiscus Park area. At that meeting it was his general impression that the N.E.A.T. program as it had been presented in the Hibiscus Park had been presented more with the stick approach than the carrot approach. From various discussions, giving Mr. Ward credit, he thinks the idea was to create a PR package, the pamphlet he talked about with Anne Satterlee. He attended the one they did for Sheraton Plaza and Paradise Park, trying to sell the folks on annexation. They were trying to create an information pamphlet that would let the residents of Hibiscus Park know that this was not just a code enforcement thing, but that there were positive things that Public Works had done and other things. As they left that meeting, they had asked and agreed that each department would submit a positive summary of their efforts to do the N.E.A.T. program. Does he know if all that material has been supplied by all the Departments to Ms. Satterlee?

Mr. Dusanek said the things that have been turned in are reflected on this sheet, the cooperative efforts between the Building Department, Police Department, and Code Enforcement Department. A Police Officer attended each Hibiscus Park meeting.

Commissioner Becht said he doesn't really want to get back into reading everything. What he was asking specifically is if the departments had turned in the summaries so that Anne Satterlee could put the pamphlet together?

Mr. Dusanek said these are the basic summaries that they have given to them.

Commissioner Becht said at that meeting Mr. Ellis was in attendance. He brought to their attention one of the problems, not just with the N.E.A.T. program but law enforcement in general, is that their residents are apprehensive about calling law enforcement on somebody who is in their neighborhood for fear of reprisal. He asked Mr. Ellis, because he is in the community, if he would come back and give some proposals for dealing with that problem. He doesn't see anything on here where Mr. Ellis has come back with any proposals for how to deal with that problem - and it is a very complicated problem - but he did ask him to do that. He doesn't see anything on here to that effect.

Mr. Dusanek said to his knowledge, Mr. Ellis has not furnished anything to them.

Commissioner Becht said this is an underlying problem. He thinks that they have a problem with the residents being fearful, not of the Police, but of making a call to the Police and then the reprisals from the criminal element. So he doesn't know if they can follow up with Mr. Ellis on that and ask him for a recommendation. Mr. Ellis has said this is a problem. He is not the first one he has heard it from. He asked him to come back with recommendations for solving the problem. If Mr. Dusanek could follow up with him on that.

Mr. Dusanek said yes. He thinks that meeting was a month or a month and a half ago. He believes he was on vacation at that time. But he will get with Reggan Ellis and see if they can get something on it.

Commissioner Coke said she wants to commend him on this. She thinks it is a step in the right direction for the City. Reading the synopsis, one element that she thinks they are missing is they started, they went through, they brought different departments in, they interacted with the community. Now she understands they have had staff's feedback. Where do they have the community's feedback? They have been throughout the community and she appreciates the one or two people who are the big activists in any given neighborhood; however, she thinks they need to make an effort to survey all the residents. If there are 310 residential properties in there, they need to at least give those people the opportunity to say... They have done this in their neighborhood, they have brought in Code Enforcement, Public Works, and the Police Department. Do they think it was beneficial? How do they think the City could have done it better? What would they like to see next time? How could the City have kept them better informed? If they make it the citizen's project and they get that kind of feedback, it is easier when they go to the next neighborhood, because people in every neighborhood in this City are pretty much the same, they are people. If this person feels they were bullied by this department and loved by that department, then they should know that so when they go to the next neighborhood to try to do the same thing, they can tone down what people thought were bullying and raise up the friendly part of it. She is only one person here, but she would like to see the City try to get a survey, a

simple little thing asking what people felt, how they liked it, and what the City can do better on it.

Mr. Dusanek said he will work on that. He appreciates the suggestion. The officers did try to visit every house personally. He thinks it states in here that there is about 86% of the neighborhood that is in compliance with about 43 houses that are not in compliance at the present time, but they are going with further steps on that. But he will work on trying to get that done.

Commissioner Alexander said just a follow up on what Commissioner Coke was saying about the approach to the neighborhoods. He thinks in Hibiscus Park, the community itself volunteering speaks of folks being receptive of it. But now they have gone into the part of the community, the historical part of this community and some historical structures. His concern, he is looking at the information that they have been mailing friendly letters. He thinks it is something they are going to have to insist on when they are going into the District I. They know 75% of that district is rental properties. He is a rental property owner. He hasn't received anything from the City - friendly, nasty or anything. He is not saying that they are not picking on him. But the thing is, they know that the rental individuals will tear a piece of property down from the inside out. To go into these communities such as what they just did on 8th Street there and shut the whole community down, it saddened him because that didn't get like that over night. He remembers two years ago he asked Mr. Beach when they had those two hurricanes, how long did he think it would take for this community to get back? Mr. Beach told him about two years. Now they had the two years from hurricanes, but 50 years of dilapidation and slum landlords. They can't fix this over night. They are going to have emergencies and people finding somewhere to live. It is almost like a zero number to those things where someone has to move for whatever reason, whether it is a fire or something, for them to find another residence is very difficult. What he is saying again, Hibiscus Park is an excellent format for the City to go in and follow, but they are looking at apples and oranges when they cross that Orange Avenue.

Mr. Dusanek said he doesn't disagree with him. This was a pilot program for the City. This is something that they did not come up with. This was a program that he and Mr. Alcorn became aware of out in Phoenix, Arizona at a conference a couple of years ago. This was explained to the residents of Hibiscus Park that this was a trial and error. They will continually work on and update what they do so that things will work better.

Commissioner Alexander said he says that because when they all visit certain areas and see how people live, it is disgusting to them. But it is disgusting to him that they have people complain, he has people calling him constantly, and he directs them to the Code Enforcement, no matter what. If a woman says they won't fix her toilet. She is calling him, but he tells her to call and report it to the Code Enforcement; and if they don't do something about it, then come back to him. That is on a

daily basis. It is up to here with him. It is not that the people are complaining, it is just that they have been treated any kind of way. This is not Fort Pierce to treat individuals like dogs or animals. They don't and he won't allow it when he knows what is going on. He just thinks this is good when they implemented this, the N.E.A.T., that was fine. But if they go over here, they are going to find out it is not going to be very neat. It is going to have to be implemented over there and he says that because he sees it every day, he sees it on a daily basis. And the thing they are doing with the Creole and Spanish and all that, that is a big help.

Commissioner Nelson said he thinks they are making some great strides there. But let him point out something that he finds rather concerning to him and that is in the area of trying to keep their City more beautiful and cleaner. They had at one time a young lady who went around and told people that they need to put their trash in their trash cans and not set it beside the road. There is certain stuff that they can break up and put in the garbage can and it doesn't look bad and the dogs don't run over it. Did they address anywhere along those lines that type of thing, some kind of notice saying they should put this in the trash can or something? He has it in his neighborhood right now on 13th Street and Avenue O. There is a cart that has been sitting in the right-of-way there for at least three weeks, right at the road, until he picked it up. He sees it as he goes out. Do they have anything for that type of educating the public to do things like that?

Mr. Dusanek said the Solid Waste Department has some of that stuff. He has a few of those brochures in his office that talk about collection dates and those types of things.

Commissioner Nelson said if they see the trash on the side of the road piled up there, like when they rake their leaves up for example, if they could just put it in the trash can, it doesn't allow for the wind to blow them away and this kind of business.

City Manager Beach said several years ago Anne Satterlee developed a brochure in three different languages that talked about programs as far as complying with codes and it dealt with issues just of that nature and it was directed toward individuals who may be new to the area and new to the country. So yes, they do have that and they do pass that out on a regular basis.

Commissioner Nelson said that is good.

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

City Manager Beach said Staff needs to remove Item 44b (Agreement for Professional Service Contract for Kimberly Bergalis Park and Surfside Park, Jaycee Park, Jetty Park, and South Jetty Improvements) and Item 44c (Agreement for Professional Service Contract for South Beach Boardwalk Park Improvements and Beach Accesses) because they are not appropriate for the City Commission Agenda. They should be

taken up in the Fort Pierce Redevelopment Agency Agenda.

Mayor Benton said maybe the FPRA can have some discussion on those and at least do some fine tuning with the public on that one, because those numbers are pretty expensive.

Commissioner Nelson said he would like Item 44f (Purchase of a John Deere Tractor for the Indian Hills Golf Course); Item 44m (Code Enforcement Board fines against 622 South 11th Street); and Item 44p (Employment Agreement for Director of Planning) removed for discussion.

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

- a. Award **Banking Services Contract** to Harbor Federal for July 1, 2006 to June 30, 2009, with renewal options.
- d. Approve purchase of two 2007 Crown Victoria **Police Cruisers** for the Police Department from Orville Beckford Ford in the amount of \$40,080.00.
- e. Approve increase of \$10,000 to Blanket Purchase Order with Sysco Foodservice for food and beverages for resale by the **Indian Hills Golf Course**.
- g. Allocate \$52,000 for engineering and design services by Stanley Consultants for **Emergency Power Generators** at City Hall and the Main Police Station.
- h. Approve Specific Authorization #1 and Specific Authorization #3 under Agreement for Professional Services with Tetra Tech EC, Inc. in the amount of \$43,530.00, to conduct mitigation requirements pursuant to FDEP and monitoring of the abandoned South Channel, and to provide boundary and topographic survey services for the Fort Pierce **City Marina**.
- i. Approve Specific Authorization #2 under Agreement for Professional Services with Tetra Tech EC, Inc. in the amount of \$29,329.00 for engineering design and services related to the replacement of a bulkhead seawall at the southern end of Riverwalk in the **Indian River Veterans Memorial Park**.
- j. Accept proposal (Option 3) by Northstar Geomatics, Inc. for surveying and mapping services for stormwater drainage structures in the **Northwest Moore's Creek Drainage Basin** in the amount of \$32,200.00, in compliance with FDEP National Pollution Discharge Elimination System criteria.
- k. Approve travel and attendance by Commissioner Alexander and Commissioner Nelson to the **Florida League of Cities** Legislative Wrap-Up Police Committee Meeting on June 23, 2006, in Orlando.
- l. Approve waiver of Code Enforcement Board interest, penalties, and fees in the amount of \$40,857.73 against 13 properties owned by **St. Lucie County**, conditioned upon payment of \$70,117.30 in lot clearing and demolition liens, and upon

approval of the exterior design of the proposed affordable workforce housing by the City's Urban Designer.

n. Approve **Historic Preservation Property Tax Exemption** for 426 Avenue A, owned by Jasper Dempsey.

o. Approve **Vacation Leave** for **City Manager Beach** from June 13 through June 16, 2006.

The next item considered was Item 44f, which had previously been removed from the Consent Agenda: Approve emergency purchase of one John Deere Tractor for the **Indian Hills Golf Course** in the amount of \$20,031.00.

Commissioner Nelson said the word emergency purchase caught him and he doesn't want them to go on record saying it is an emergency to buy a tractor. What is the emergency?

Mayor Benton said all he can say is it probably broke down and it is raining. If they don't mow a Golf Course every other day, they are in trouble.

Ms. Mary Beth Birsky, Director of Indian Hills Golf Course, said Mayor Benton is absolutely right. They have a 1987 Ford tractor that they inherited from the previous private ownership before the City took over.

Commissioner Nelson said but they are saying this is an emergency.

Ms. Birsky said it is an emergency because if they don't get that piece of equipment, there are other pieces of equipment that attach to it, then they can't mow; and they are becoming hay fields out in certain areas of the golf course.

City Manager Beach said he thinks there may be another distinction here. Is there another reason they are classifying this as an emergency purchase? Because typically that means they are going outside their normal purchasing standards. Is that what they are doing?

Mr. Tony Barnes, Director of Purchasing, said the tractor hit a tree and they don't have another one. It is an emergency. They have to mow on a daily basis. The tractor was an old tractor and it hit a tree and it can't run, so they had to get one quickly.

Mayor Benton said hopefully the employee didn't get hurt.

Mr. Barnes said nobody got hurt, but it is torn up.
Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve emergency purchase of one John Deere Tractor for the Indian Hills Golf Course in the amount of \$20,031.00.

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

The next item considered was Item 44m, which had previously been removed from the Consent Agenda: Approve recommendation that the Code Enforcement Board fines, lien, and administrative costs against 622 South 11th Street, owned by Tyrone Jackson & Moshe Fyzakov, be reduced from \$87,068.50 to \$28,668.50 if paid within 60 days.

Commissioner Nelson said that is what he was concerned about the willingness and the ability of the person to pay. The note that they were provided by the attorney involved in this case here or the recommendation by the attorney. Is it indicated these people are going to be able to pay that kind of money in that short period of time?

Commissioner Coke said the monies are in escrow. They sold the property.

City Attorney Schwerer said they sold it at \$450,000.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve Code Enforcement Board fines, lien, and administrative costs against 622 South 11th Street, owned by Tyrone Jackson & Moshe Fyzakov, be reduced from \$87,068.50 to \$28,668.50 if paid within 60 days.

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

The next item considered was Item 44p, which had previously been removed from the Consent Agenda: Approve Employment Agreement with Matthew G. Margotta for the position of **Director of Planning**.

Commissioner Nelson said he had a few questions on this. In Paragraph 2, Mr. Margotta is going to be awarded as a full time employee to get the same pay as other people in FY 2007. Don't they need to stop that sentence there saying, as may be awarded to regular full time employees?

City Manager Beach said he is not sure. He thinks the intent of this is that if the Commission awards percentage increases in 2007, that this person would be eligible for it. Is that the intent of that wording?

Mr. David Recor, Deputy City Manager, said yes, it is. Which they would be anyway, because the general rule of thumb is that if they are on the payroll as of April 1st or as of the date that they initiate the retroactivity to.

City Manager Beach said so if they wanted to end it at employees, they could do that.

Commissioner Nelson said just stop it after the word, employees.

Mr. Recor said that would be fine.

Commissioner Nelson said because they have FY07. But this is

going to have a three year contract, right?

Mr. Recor said that is true.

Commissioner Nelson said the next thing in the same Paragraph 2 it says the compensation may be increased each year in such amounts, at such times, and to such extent as the City Manager and the Commission may determine based upon a performance appraisal. Can they get this City Commission any way in that when they start giving out these monies? That \$85,000 payable biweekly. It says compensation may be increased by the City Manager and the Commission, based upon performance. This unilateral approval of these pay increases really has a profound affect and compound in some cases. They don't know what the guy is getting. They have people coming in their system, they get them pay on one hand and they give them a \$10,000 pay raise, and next year they are making \$15,000 or \$20,000 more than they started at.

City Manager Beach said typically the only increases that the City Manager will authorize has to do within the first year of their employment. After six months, if they get a good employee evaluation, they are eligible for an increase, but only if that increase is included within the employment agreement. He doesn't see a specific figure in this employment agreement. Beyond that, all of the employees, the only increases that employees of this City get are increases authorized by the City Commission, unless there are very exceptional circumstances. If they are increasing somebody's level of responsibility or shifting around within the organization, then they will change their compensation and will increase it to that effect. But for the most part, the only increases that take place are those that are authorized by the Commission each year, a percentage.

Commissioner Nelson said they have had people take temporary positions and given them \$5,000 or \$10,000 increases.

City Manager Beach said yes, that is correct. That is what he said, that is the only exception is when they shift people around in the organization or give them promotions or additional responsibility or something like that.

Commissioner Nelson said okay, so long as it is clear to everybody. Paragraph 4, the use of a vehicle, they are talking about unrestricted use. Who pays for the maintenance, the insurance, and the gas for that vehicle?

City Manager Beach said if it is the employee's vehicle, the employee pays for it. If it is a City vehicle, the City pays for it.

Commissioner Nelson said unrestricted use. And he uses this example all the time, the guy who decides to take off with the family and goes to California, and the City pays the gas and all that stuff?

City Manager Beach said no. The City would not pay the gas for anything that wasn't locally related.

Commissioner Nelson asked is that clear? Because he knows in the past they have had people with unrestricted use and they were using the vehicle to go to the races up in Daytona.

City Manager Beach said they may be able to go to the races in Daytona, but they couldn't do that at the City's expense. Putting fuel in there for non-local use would not be appropriate.

Commissioner Nelson asked could they insert that in the contract some kind of way?

City Attorney Schwerer said they don't need it.

City Manager Beach said they have policies to that effect.

City Attorney Schwerer said policies that are adopted say that the City only pays for City business use of the vehicle. The City doesn't pay for personal fuel.

Commissioner Nelson asked why do they say unrestricted?

City Attorney Schwerer said unrestricted means as to use, not as to payment. That only applies to use. Unrestricted use of the vehicle meaning they are not placing restrictions that he can only drive 20 miles a day and things like that.

Mr. Recor said or that he has to share the vehicle with another department or it is out of a motor pool.

City Attorney Schwerer said he assures them that there are policies that prohibit employees from filling up their car with gas and charging it to the City and driving on vacation or outside the use of the vehicle for City use. The Purchasing Director can confirm that and so can their Finance Director. But there is no charge card that allows anybody to do that.

Commissioner Nelson said he looked at this gentleman and he appears to be ex-military.

City Manager Beach said he is actually current military, in the Army Reserve. He thinks he has done a couple of tours.

Mr. Recor said the next step is Lieutenant Colonel.

Commissioner Nelson said it is dangerous for them to get somebody who thinks like him.

City Manager Beach said he walks pretty straight.

Commissioner Nelson asked what happens if they don't get this guy?

City Manager Beach said he has accepted it.

Commissioner Nelson asked he accepted this contract? Did they

get a background check on him?

City Manager Beach said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Employment Agreement with Matthew G. Margotta for the position of Director of Planning.

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

City Clerk said the next item on the Agenda is Comments from the Public.

Mayor Benton said before he opens this up, he just wants to let everyone know the City Clerk is keeping track of the five minute time. She will be interrupting nicely. They are not doing this to be nasty. But because they are going to start televising these meetings in the near future, like the County they will have a buzzer then. Five minutes is five minutes, so if they could limit their comments to five minutes or less.

Ms. Carole Mushier said she is from the South Beach Association. She is a little confused. Why were Items 44b and 44c on the Consent Agenda pulled? (Agreement for Professional Services for various **Parks and Beach Accesses**)

Mayor Benton said because they are looking for that funding to come from the Fort Pierce Redevelopment Agency.

Ms. Mushier asked so the Commission doesn't authorize the negotiation and they have nothing to do with it from here on?

City Attorney Schwerer said it will go through the Fort Pierce Redevelopment Agency for debate.

Ms. Mushier asked when will that happen?

City Manager Beach said June 28th.

Ms. Carole Mushier said on R-1 and R-2 height on the beach, Mr. Recor mentioned 35 feet last night. The current code is 28 feet above grade, except that conditional uses to 35 feet may be approved. Have they really gone to 35 feet as the standard?

Mr. David Recor, Deputy City Manager, said in its draft form last night (**South Beach Overlay District**), it was written at three-stories and 35 feet; but they certainly are not going to permit anything above and beyond what is currently permitted. So if that indeed was the case, they will make sure that is corrected before they send it back through the Public Hearing process. That was not the intent.

Ms. Mushier said she was hoping that was the case.

Mr. Recor said he thanks her for pointing that out.

Ms. Carole Mushier asked may she just suggest **insurance for spouses of slain Police Officers**? She is a feminist and she believes it cuts both ways. They cannot just single out widows. Spouses of slain police officers, please. The Commission knows what she is talking about, when they were talking about insurance for the widows?

Commissioner Becht said there are only four officers.

Ms. Mushier said she is talking about in the future.

Commissioner Becht said as he understands it, the law changed and everybody who might die in the line of duty now is covered going forward. They are creating an exception for the four officers who died before the law took care of the family members. In the exception there are only four spouses and they happen to be widows.

Ms. Carole Mushier said regarding **Commission Meetings**, can she suggest, in the words of Jack Cahill, quite frankly she is getting too old for this. Either the Agenda has to be limited or they are going to have to schedule special meetings when they are going to deal just maybe with developers. Maybe they are going to have to schedule some daytime meetings that can go from 9:00 a.m. to 5:00 p.m. Every item on an Agenda is worth their full attention. She doesn't care how large or small it is, because it is very large to some of the people out there. She really thinks it is time that they have to consider some alternate ways of handling these meetings.

Mayor Benton said last night was an exception to the rule. Because they have had change in the Planning Department staff, a lot of those site plans that were in the loop had to go back through the loop. Some of them were new to the loop and a lot of them postponed until last night. It is their intent that won't happen again, hopefully. They will do their best. But with the amount of development and the amount of stuff on their Agenda, he does see a lot of 11:00 p.m. meetings. But going to midnight or after midnight, he thinks in the near future if that happens again, then they will look to having two meetings just like this. They are not worth it after 12:00 midnight.

Mr. Jack Cahill, South Beach Association, said they talk about cooperation. They have never had so much cooperation. Last night they had three of the principal members of the County Planning Board here attending the City Commission meeting because they want to know what the City thinks about certain things - Charles Grande, Pamela Hammer, and Bill Hearn. They are all part of the community. They are not just residents of South Beach, they are residents of Fort Pierce, that is exactly how they feel about this. They spent the last 14 months, and he doesn't want to spend it again, because they went through some of the worst site plans he ever saw in his life. Site plans that quite frankly didn't fit on the lot; and they have been approved by the previous **Planning Department**. He wants to thank them all, and particularly he is going to thank Dennis Beach, because he was his neighbor for about three or four years and he

used to always thank him about the downtown restoration as he was washing his car and Mr. Beach was taking his boat out. But the thing is that he has brought them David Recor and Peter Buchwald and Travis Gibbons in a great frame and some other people he can't think of. But he wants to thank Mr. Beach, because not only are they accessible, they have concerns about the City in which they live and they are great to work with.

Mr. Michael Jacquin, Paul Jacquin & Sons, Inc., said he has an interpretation question that has to deal with, there are two specific projects. (**Tower Medical** on South 25th & 26th Streets and **Salvation Army** at South U.S. #1 & South Market Avenue.) He has a handout he would like to share with them and take a moment to go through it. Let him orient them to the Salvation Army. Basically this is a new facility they are looking at bringing forward at U.S. #1 and South Market Avenue. They met with staff, had a meeting he thinks was real productive. If they look at the second page, it has some highlighted boxes and so forth. Basically, the one comment from his understanding is there is a code in the landscape code, that says all retention/detention areas shall be located at the rear of the property away from public roadways and shall be landscaped with at least a thirty-six-inch hedge around the perimeter so as...

Mayor Benton said he hates to interrupt him, but isn't this something that should be on their Agenda?

Mr. Jacquin said he is going to get to that point.

Commissioner Coke said this is supposed to be comments from the public. He is supposed to get up and speak, and the Commission is supposed to thank him for his comments, they can't render a decision or opinion or anything.

Mr. Jacquin said he is not asking for a decision. He is just trying to outline where they met with staff and made the changes. He is just asking for them to listen to what he has to say and respect that. Basically staff, at their meeting, the way he understood it was they were pulling the retention area 50-feet off the roadways and landscaping and so forth. These retention areas are going to be primarily dry retention areas. It is going to look like they are mowing the grass and so forth. They are going through a landscaping process and so forth. So right now it is the only comment that is holding them up. They still have to deal with the County in respect to what they are dealing for, it is an interpretation thing, they are saying that they still haven't met it. They have met with staff. He felt like they have gained some ground in trying to give them what they looked for. They have cut out some parking as they had requested. So he was just trying to share it with the Commission. He is just trying to get this project moving forward. It is a good project and so forth. On the coattail of that he has another one that is different. Basically it is located on 25th Street and they have recently approved it.

Commissioner Nelson said he is really pressing, he is stretching it. This is not appropriate. If they are going to hear this input from staff in concert with his submittals, why go through

it now? Why subject them to it now? Mr. Jacquin is working on it, that is fine; but they are not going to review this in detail tonight.

Commissioner Alexander said he would suggest that Mr. Jacquin meet individually with the Commissioners.

City Attorney Schwerer said if Mr. Jacquin has a ruling from staff on the interpretation of the Code, the Commission can't help him. The Commission is not the interpreter of the Code. If he disagrees with the interpretation of Staff, the Code provides that he can appeal any decision of Staff as to interpretation of the Code to the Board of Adjustment & Appeals. He has a right to appeal that. He has a right to challenge Staff's interpretation of the Code through that process, not before the Commission. The Commission is not the arbiter of the Code. And if it gets to the point where it gets actually past the Board of Adjustment & Appeals, then it lands on his desk, and then he has to make a decision as to whether the Board of Adjustment is right or wrong in its interpretation, and he or Mr. Jacquin may have to appeal to the Circuit Court. But that is the process. Please don't take it to the Commission at this time, because they are not able to help him. He thinks Mr. Jacquin is just burning their time. But that is his suggestion.

Commissioner Becht said later tonight under Comments from the Commission, he is going to bring up what was in the memo from Attorney Ferguson in regard to his project on the definition of aquatic areas as it relates to the calculation of density. He thinks that definition will impact what their code currently says about the location of detention or retention ponds. It has to go through that process, probably a revision of their LDR's. As Mr. Schwerer explained, the Commission can't change what it is now, the arbiter of that is staff.

City Attorney Schwerer said if Mr. Jacquin has a suggested change to a provision, he can submit that to the Planning Department and they can advance that to the Planning Board and go through that process. Anybody can make a proposal for review. Is that correct?

Mr. Peter Buchwald, Zoning Administrator, said yes, that is correct.

City Attorney Schwerer said so if there is a change he would like to see considered by the City, he has to start the process at that level, not at the top.

Commissioner Nelson said he thought Mr. Jacquin was going to tell them that One Marina Place was going to be coming out of the ground next week.

Mr. Jacquin said they are making good progress with the Developer's Agreement though. The reason he came here tonight was, as expressed by staff, there was a couple of different ways to do this. He was just trying to come here and explain to the Commission these were two projects that are unique in its respect and it revolves around this one particular

interpretation of the Code. All he was trying to express, it is an interpretation issue, and all he was trying to do was tell them all at one time.

Mr. Paul Jacquin said he has a comment on an item that has to deal with the City **Parking Garage** (Consent Agenda Item 44g - Emergency Power Generators). There are exhaust systems associated with that, so if they are thinking about putting the Parking Garage at City Hall, just consider that.

Mr. Rick Reed, 716 South 2nd Street, said this morning he received visitors at his house. They brought to his attention something that was very troubling to him. He and the Mayor spoke yesterday morning and he alluded to the situation and he received memos regarding this problem. He spoke to Mr. Recor regarding this situation. If the Commission as a whole is not aware of it, he thinks they should be, and he thinks something needs to be done. It involves the **Code Enforcement Department**. One Code Enforcement Officer, Shirley Kirby who has been with the City for 25 years, claims that she was referred to as a monkey swinging from a tree by Mr. John Alcorn. One of the Code Enforcement Officers that is pregnant left the building today, hyperventilating, so upset that she ran down the street. They are all black. In October 2005 the City hired four black and two white officers. The two white officers have recently received their promotion. The four black officers, probation has been extended through August. He knows for a fact today Mazella Smith sent a memo to Mr. Alcorn regarding sensitivity and conduct regarding this, Mr. Smith wanted to have a class or a seminar; to which Mr. Alcorn responded back that it was not necessary. He can't believe in this day and time that this is how the City of Fort Pierce talks to and treats their employees. Mr. Recor has told him that he is very troubled by this. He is not putting words in Mr. Recor's mouth, but he has told him that he wants to do something about this. He can't believe they allow this to happen. He would like to know what they are going to do about it.

Mayor Benton said they have had that discussion. Mr. Recor and most everybody up here knows about the situation. The Commission is very limited in what they can do to direct staff. Those days are over. They need to clear up this mess. Mr. Recor is working on it and he believes it is in good hands. He does not feel in his position, because it is an issue between the administration and the employees, other than they can influence the City Manager and the people that answer to the Commission to make changes. This is unacceptable.

Mr. David Recor, Deputy City Manager, said he will tell the Commission, just as he told Mr. Reed earlier this evening, he and the City Manager have communicated on this issue. They have a zero tolerance policy for discrimination and the kind of alleged work environment and behavior that has been explained to them. They are in the process of investigating the matter and they will address the matter, bottom line. So their concerns are understood and they will address those concerns.

Commissioner Nelson said he is troubled by some of this stuff he

is hearing here in a public forum. Under the guise of the Charter he thinks the Commission can in fact direct an investigation and get a report back as to what took place in this regard.

City Manager Beach said as Mr. Recor indicated, that assessment is underway. Steps are being taken to determine the validity and the accuracy of the statements that were made, the conditions under which they were made. He can assure the Commission that appropriate action will be taken. He does not think there is any reason for any further discussion of it at this level. This is not an issue for the City Commission. This is an administrative issue. They need to be given an opportunity to deal with it. If they don't deal with, then at that time it becomes something the Commission may have an interest in.

Commissioner Nelson said he couched his comments with reference to the Charter, which says in effect that this Commission as a body can in fact direct an investigation. And the City Manager is making an investigation. But the Commission directs an investigation, they expect him to in fact conduct an investigation and give them a report back, which they can act upon. He would put his life on the line to that belief.

Mayor Benton said he would ask by their next Commission meeting at least they get some information on how things are going with this. Because this was brought to his attention and he spoke with Ms. Smith and he would ask everyone...

City Manager Beach said let him caution everyone to be careful about what they believe about what they hear. Anybody can walk up to the podium and say anything to them. He is working on this.

Mayor Benton said he feels it is in good hands, they do recognize the sensitivity and the issue. But he thinks the Commission is very limited in what they can do.

City Attorney Schwerer said there are legal processes that are involved here. When employees have grievances they have raised, there are processes. Those processes need to be followed. Once it reaches the termination point of the processes, if there are still issues, then those can be addressed. But at the present time, let the legal processes work.

Mayor Benton said all they ask is to be kept advised.

Commissioner Alexander said he wasn't going to say anything because he is just all ears. But he won't be told to shut up. Any questions he might have, he won't be told they don't have answers to. His concern is, he has to read things in the newspaper when they even speak about one of their own that the discussion had been going on and none of the Commissioners are abreast of it. They may think everybody in the public is coming to them and talking to them and letting them know everything that is going on. But he does not have time for that. He is very busy every day and he tries to take care of the citizens of

this community as well as his clients, and he does not have time for that little conversations over nonsense. But when he reads in the paper about things they have been discussing that the Commissioners know nothing about it, he is not saying all of them don't know about it, but he knows doggone well he doesn't, and he has said that a couple of times to the City Attorney and the City Manager, the fact that he is not abreast of any of that that is going on in the City and he has reporters call him. At one time they were doing that and he felt real comfortable with it, to say it was under control when they had a problem. It is not the fact that they have a problem, it is something that is going to be brought to their attention. If they know it, he should know it. If it is something that comes and troubles them, at least make the Commissioners aware. That is all he asks. If there is a fire downtown, he would expect a call because that is the public interest. He just can't say it any way different. It is not just the fact that someone comes up off the street and says something to them, because that is a daily thing.

City Attorney Schwerer said he has no knowledge of the allegations. He is only aware that an investigation has started. Trust him, he is in the dark. He was aware there were some incidents. He thinks one of the Commissioners brought it to his attention and one of the staff members. He told them there is a legal process, let the investigation occur. And when it reaches a certain level, then it comes across. But he does not have any more information that the Commissioner does, so he really can't provide him with anything from his office, even if he asked. He just wanted him to understand that. He is only aware that it is under investigation. He is simply cautioning the Commission that some of these things have to go through the process. When they are talking about investigating, his advice to the Commission is to let it take its course, get all the facts, then they will know what has happened.

Mayor Benton said when the facts are in, they will handle the situation. But it is not being swept under the carpet, by no means.

Mr. Reed said he has faith they won't allow it to be swept under the carpet, because he knows how the Mayor feels. He knows Commissioner Alexander and Commissioner Nelson won't allow it to be swept under the carpet.

Mayor Benton said nobody up here will.

Mr. Reed said it can't be. They can't have this happen. Enough of this has gone on, especially with Mr. Alcorn.

Mayor Benton said he gives his word, so does everyone up here, that they will address this and any problems will be dealt with.

Commissioner Coke said not as a criticism, because she does appreciate the fine work that Staff is doing with giving reports before the Public Hearings. Her request would be however that everyone keep in mind that everybody up here has spent a lot of hours reading the entire Agenda package. She understands that the goal is to educate and let people know that they have this

development and it is this density and that size. However, she would personally request that when they start quoting facts, figures, statutes, etc., that they condense it. The Commissioners have all read it. She wants to hear Staff's recommendation. She wants to hear if there is an obscure little detail. But to read a page or two of a staff report, which they all have already read, isn't really what she would like to hear.

Commissioner Nelson said some of that is for public consumption.

Commissioner Coke said she understands that and she agrees staff should give them enough for public consumption. But a couple of pages worth of information is not for public consumption. They have a five minute rule.

Commissioner Nelson asked what is the status of the **Pay Study**? When are they going to be able to accept it?

City Manager Beach said it will be on the June 19th Agenda.

Commissioner Becht asked what pay study?

City Manager Beach said the pay plan that the Commission authorized some time ago. The information staff gave to the Commission previously was all preliminary. What they have is the final report.

Commissioner Nelson said the priority of the **City Parking Garage**. Are they moving with deliberate speed? And to what extent are they moving.

City Manager Beach said that is a FPRA issue. But yes, they are moving.

Mayor Benton said he has asked Mr. Ward to make it a priority, that construction is underway in 18 months.

Commissioner Nelson said that is good. That was their direction.

Commissioner Becht said he would like to thank Mr. Recor and his staff for jumping on top of a lot of complex issues - the Hutchinson Island overlay and everything else. They have given a lot of work to the Commission very quickly. Several things came up last night. They had the benefit of Mr. Ferguson's review of their Code, albeit from an adversarial standpoint, and he is not sure he agrees with all his comments. But Mr. Ferguson did review the code in regard to the aquatic zone, there was not a requirement for a survey. There was one other one he can't remember tonight. But he would ask that staff review those comments. If there is any merit to his criticisms, that they clean the code up as they go along, as they do have the benefit of his observations. Again, he is not agreeing with his observations, he just wants staff to look at it.

City Attorney Schwerer asked was that verbal or in writing.

Commissioner Becht said it was in writing.

Mr. David Recor, Deputy City Manager, said let's not forget, they are moving forward with the LDR (**Land Development Regulations**) re-write concurrent with the Comprehensive Plan. So it is just a matter of an opportunity to focus on finalizing the scope of services.

Commissioner Becht said what he is asking is for someone to take any of these legitimate comments that they stumble over as they go along and put them in a box that they can then take to whoever is going to do the LDR's.

Mr. Recor said every idea they discuss, every comment that one of the Commissioners make, he has it. He will make sure that it is addressed.

Commissioner Becht asked the **Landscape Ordinance** that Mr. Williams had proposed a while back. Are they going to bring that forward?

Mr. David Recor, Deputy City Manager, said he has that note from last night. They can certainly bring that forward. It does not need to wait until the Comp Plan rewrite.

Commissioner Becht said he didn't think so. They have all heard almost every developer that comes in say that they have exceeded the City's landscaping code.

Mr. Recor said it is not hard to do.

Mayor Benton said because they basically have no requirements for residential landscape, they need to get something in front of the Planning Board as soon as possible. They have million dollar homes going in which are not required to put in landscaping.

Mr. Recor said in the South Beach Overlay District, they did require a visual buffer for both residential and non-residential uses. And there is a minimum landscaped area required in that buffer. And if it is vacant, denuded of any vegetation, they will be required to supplement it with x-number of caliper inches, called diameter at breast height. They are laying the foundation for the rest of the City, using the beach as an example.

Mayor Benton said he, City Staff, Mr. Boudreaux, and the FPUA attorney, Mr. Koblegard, sat down upstairs and had a lengthy discussion on **underground utilities** and the cost. It looks like they are going to be looking to put a workshop together with the Utilities Authority Board so they can have this discussion and come to some conclusion.

Commissioner Coke said she thinks this Commission already voted, that if their citizens are paying for it, then they expect the FPUA to do it too.

Mayor Benton said but there are issues that have to be discussed. They can't just tack this on to someone's electric

bill.

Commissioner Coke said she purposely came to the FPUA Board meeting where this was going to come up, because this Commission voted that the FPUA was to do it. They were not going to discuss, they were not going to compromise, the FPUA was supposed to do it.

Mayor Benton said there are two sides to every story. It is very important that everybody sit down and hear this. Because they are not going to look like Port St. Lucie, they are not going to be fighting each other. It is very important. The FPUA has a legal side to look at. The City has a legal side too.

Commissioner Nelson said with all due respect, it was a four to one vote, with him against that. The Mayor and the City Manager sit on the FPUA Board over there and their orders were to tell the FPUA to do it. Now in the event they got some feedback that it was not practical to do it, then of course any prevailing member in due time can come back and ask for a reconsideration.

City Manager Beach said he has a memo coming to the Commissioners which will outline some of these issues, requesting that they sit down jointly with the FPUA Board. Because these are policy issues, these are not staff issues.

Commissioner Coke said however, both she and Commissioner Alexander were at the FPUA Board meeting. Prior to anyone from the Utilities Authority raising a question or objecting to it, the City pulled it from the Agenda. Without instructing them to do it, without getting any feedback from them, or without getting any objections from them, they pulled it. Which was diametrically opposed to what she believes this Commission had stated they wanted done.

Mayor Benton said he knew where the Board was going, he had the Agenda packet. He did not want that discussion to take place and he still does not want that discussion. There are two sides to every story. It is very important that this Commission listen to the FPUA Board and the FPUA attorney.

Commissioner Coke said she would respectfully submit that she does not know how the Mayor would know where the Board was going previous to having a public discussion. If there were the case, she thinks the obligation was - since he can't sit down to speak with the Commissioners one-on-one - to have the City Manager or City Attorney sit down with them and see if they had a consensus to change their minds. Because she for one sits here the same as everybody else and if she loses on an issue because she does not get two other votes, she understands that; but to have someone - whether it be the City Manager, the Mayor, or anyone else here - unilaterally decide to change what was a majority vote of this Commission, just offends her.

City Manager Beach said that has not happened. Don't interpret what is being said here as an attempt to get her to change her mind. That is not the issue at all. What they are trying to do

is to sit down and discuss it. His preference is that they stay with their position and he thinks that is the Mayor's preference as well. But as a policy issue that they are getting resistance from the FPUA Board on, they need further discussion. They need all of them in the same room with their attorneys having that discussion.

Commissioner Coke said her point is, it never became apparent. It did not come from the FPUA Board that they said they do not want to do this and that they need to meet with the City Commission.

Mayor Benton said that was not their intent, that was his doing. Because the language he read in his agenda packet did not say that. It was pretty rough language. He did not want to go there. That would be very embarrassing for this Commission and that Board.

Commissioner Becht said the Commission has tasked him with trying to negotiate something with the County. And he has with great pride gone before all five County Commissioners and said the City has a much better system with their Utilities Authority than the County has. They do. If that is still a goal of this Commission, they are at a very sensitive time when the detractors of creating a consolidated utility company would jump all over any public discord between the Utilities Authority and this Commission. So he would thank Mayor Benton for making sure there isn't a public dispute of unnecessary magnitude between this Commission and the Utilities Authority. He does not think their will have been subordinated by anything the Mayor has done. They have not changed their position. He thinks what the Mayor did was prevent the Utilities Authority from taking a position that was going to create an adversarial relationship, which he assures them would cause a problem for him with what they have tasked him to do. Not that what they tasked him to do overrides everything else they are doing here. But if they can take a step back and work through this, and he thinks they can, he would rather do it outside the newspapers.

Commissioner Coke said she wouldn't argue with that, except for the fact that now it is two or three weeks later, and this is the wrong place to discuss it, under Comments from the Commission. Somebody here had an obligation to inform this Commission of what was going on in the last two or three weeks.

Commissioner Nelson said he agrees with that 100%.

Commissioner Coke said she certainly does not want to be the one sitting here questioning what the Mayor has done publicly, but she does not like being slapped upside the face with it either.

Commissioner Alexander said what is troubling to him, he is getting the whole picture, because it will not be a black and white issue with him. But he promises, if they bring it up like they are bringing it up now, it is really ticking him off. Because every time they start talking about doing something in District I or the northwest portion of this community, when they do all the rest of the roads everything is underground. But all

of a sudden when they get to the northwest section, they have this dilemma each and every time. He is not going to tolerate it. Believe him when he says this, because the appointments to that Board are done by this Commission, and he will remember each and every person. He is saying this and he won't repeat this again. This community as a whole, if they neglect one portion of the City of Fort Pierce, then who is going to pay for it? The whole City of Fort Pierce. That 25th Street is a very dangerous situation. He brought that issue up. Those poles, he does not care if they have them floating in the air; but the thing is, when they obstruct the vision of individuals coming out onto a five lane speedway, death is going to occur and death has occurred. God knows, it has been from children to adults. If they don't take the seriousness of the safety of this community on a street like 25th Street to spend \$1 million...

Mayor Benton said they told them what was going on. What they do in one end of Fort Pierce, they do in the other. But the point is, why all of a sudden are they running into a roadblock?

Commissioner Alexander said because it is in the north side. Mayor Benton said no, because in the past the City paid for the ductwork, it was a partnership. What he is saying is, they are going to come up with a solution - the Commission and the FPUA Board. It has been done in the past, but it has been done as a partnership. Now all of a sudden the City Commission decided the FPUA is going to pay for it. So instead of having an embarrassment in the newspaper and both entities fighting, they are going to sit down at the table and come up with a solution, period.

Commissioner Nelson said he suggested that, he was the losing vote on that, and he thinks it is the best thing to do.

Mayor Benton said they will have a workshop to discuss it. Tonight is not the night.

There being no further business, Mayor Benton declared the meeting adjourned at 9:00 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER