

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, JUNE 15, 2009.

Mayor Benton called the meeting to order.

Reverend John Lee, Mt. Olive Missionary Baptist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approval of the Minutes of the Budget Workshop on May 28, 2009, and the Minutes of the Regular Meeting on June 1, 2009.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve the Minutes of the Budget Workshop on May 28, 2009, and the Minutes of the Regular Meeting on June 1, 2009.

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

Mayor Benton proclaimed June 27, 2009 as NATIONAL HIV TESTING DAY and June 28, 2009 as HEALTHY TEENS WEEK.

Ms. Olive Wedderburn, Executive Director of Youth & Community Empowerment Services - Adult Role Model, said they would like to thank the Mayor and Commission for this proclamation. National HIV Testing Day is the day to make everyone aware that they need to go and get tested and make the community aware that they have a deep problem in St. Lucie County. They need everyone to get tested and know their status. With the Healthy Teens Week, they are going to do activities for the week about health issues for the kids, not just HIV but their health overall. They work with parents to educate them on how to talk to their kids about being healthy. They cover HIV AIDS as one of them. They also talk to parents about how to talk to their kids about sexuality. They all know that is a parent's responsibility and some parents are not comfortable with that, so as adult role models they actually train the parents and help them go through that process.

Mayor Benton said thanks to Norciss Plummer and Olive Wedderburn for what they do for the community; but specifically this, because this is an awareness issue. This is a big issue in this community and in St. Lucie County, so please go out and get tested. It is just one step, but they have a long way to go to educate the community and everyone on this threatening disease.

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

Letter from Rick Wilhelm and Amber Tindall, David Brooks Enterprises, recognizing Fort Pierce Building Department employees - Kim West, Tina Attey, Tim Little, Ivan Alspaugh, DL Edwards, and Jackie Bea - for their services and responsiveness.

Mr. Michael Hatalovsky, 911-B Savannahs Point Drive, said **Saints Cyril & Methodius Byzantine Catholic Church** is his spiritual home. They will be celebrating their 20th Anniversary next year. They plan to build a small 522 square foot kitchen and storage area to their church, which they need badly. But the Planning Department

has not recommended that the project be approved. The church has existed in its present location for 45 years, built in 1961. The members of their parish, whom he represents this evening, ask the Commission to kindly intervene so they may be allowed to build this small addition. They have the complete support of their neighbors, many of whom call their church "a jewel" in the Maravilla Estates area of town. Father Michael Sopoliga apologizes for not being able to be here because he works during the week in Orlando. He has to do that because they can't pay what he should be paid every month. He did stop at City Hall this past Friday to drop off packets for them which show their plans, as well as signatures of support from many who have visited their church as well as their information which they hope will assist in supporting them. They are the only Eastern Catholic Church on the Treasure Coast and draw many people from a 60-mile radius to Fort Pierce. Their families love their little church and work hard to be good stewards of their church and to continue to keep it the jewel of their neighborhood. They cannot afford the financial hardship which the Planning Department wishes to impose on them. They ask for the Commission's intercession. They want their church property to stay green; and they see no need after 45 years to change the bucolic setting this church has enjoyed. He is an 85 year old disabled veteran and a Byzantine Catholic. He would like to see the kitchen and the storage addition to their church. He doesn't have time left on this earth, but with God's help and the Commission's, he prays he can see it done before he leaves this earth.

Mayor Benton said he will be speaking to the City Manager. He spoke to many of the residents supporting this little expansion. He also lived down the street from his church on Fairway Drive for many years. So they will see what they can do. The Commissioners can't tell Staff to break the rules, but there might be a way they can work this out, so he is asking the City Manager to take a look at it. They will be in touch some time later this week or early next week. He has asked that they set up an appointment with him and see if they can work this out. That church has been a great neighbor in Maravilla Estates for his lifetime and it has been 50 years he has been around there, as long as the church has been there, and he has never heard a complaint at all about that church. It has been a great neighbor there. Paving that whole area would be ridiculous. Let's see if they can work this out.

Ms. Maria Barrow said she lives across the street from the church and she has enjoyed being a neighbor of the Saints Cyril & Methodius Church. They asked her to sign a petition; and she

was so impressed with the desire to keep the grounds green, this is why she is here. They do need the kitchen, they need to go ahead and enlarge that. She is here to respectfully request the City Commission to please consider their request and to help them out as much as they can. She loves to hear the bells, it is a joy to have that church. The triangle green is beautiful, please don't destroy it.

Mr. Nick Austgen said he lives at 2402 Oleander Avenue. He has been unable to get the Police Department to enforce the weight limit on the truck traffic on Oleander Avenue between Virginia Avenue and Edwards Road. It is posted very clearly - 6000 pounds. Anybody who drives there knows that every heavy duty truck in the world is using it, with no enforcement. Another thing, for some reason they took that pedestrian bridge out from Garden Street to the Publix shopping center. How are they supposed to get to the shopping center?

Mayor Benton said many people have asked him that question. As a kid, he used to use that bridge. Now there is not a sidewalk unless they are on the north side of Virginia Avenue.

Mr. Jack Andrews, City Engineer, said they are in the process right now of getting a grant from the FDOT through the TPO (Transportation Planning Organization) to replace that bridge. They have been tentatively awarded that. In July they will have funding for that, so they are planning on replacing that bridge.

Mayor Benton said hopefully they can resolve both of his issues. The Assistant Chief is here. They have been asking them to enforce those laws. He can see the semis parking in his neighborhood at Maravilla Estates when they come home for lunch. That is illegal. He thinks it is just enforcing their laws.

The next item on the Agenda was Resolution No. 09-30, Designating the Old Fort Park on South Indian River Drive as a Historic Property and a Locally Significant Site. (Postponed from May 4th and May 18th City Commission Meetings)

City Clerk Steele said Resolution No. 09-30, designating Old Fort Park on the South Indian River Drive as a Historic Property, she believes Staff is requesting that it be postponed.

Commissioner Becht asked 30 days?

Ms. Leslie Olson, Historic Preservation Officer, said yes.

Commissioner Coke said just so they don't lose track of it, she went back in her notes. At their May 4th meeting they decided they were going to add a signature line of the property owner to their code. Can she do some follow-up to be sure that is going to happen?

Ms. Olson said yes. They discussed the pros and cons of that at that meeting. The pros are that the City Commission would therefore know for sure. They will have the application each time to know if the person signed it. The only reason to not do that is, if they have an owner who has a very historic property who does not want to designate their property historic, the City

Commission does have the option at this time to designate it historic without the owner's consent. If the Commission desires to retain that option, then they could retain it as it is. If the Commission would not like to retain that option, she would be happy to bring that amendment to the Code.

Commissioner Sessions said he thinks it is something that this Commission needs to take into consideration, if the owner objects to this. Some classify it as a taking. But he still thinks it is important for the Commission to know what the owner's position is even before they override perhaps what their decision is.

Commissioner Coke said most of the problems they have had are not with owners not wanting their property declared historic, the problem occurs years down the road after it has been declared historic and it has been sold and then everybody wants to change their mind. She would assume that once they pass it as historic, it will stay historic.

Ms. Olson said yes, it goes with the land.

Mayor Benton said it should show up on any title insurance when they buy a piece of property that has been designated historic.

Ms. Olson said yes. And she actually plans on working with the Property Appraiser to get it added to the property record card as well.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to postpone action on Resolution No. 09-30 until the July 6th City Commission meeting.

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

The next item on the Agenda was Consider renewal of Contract with **Blue Cross Blue Shield** for the City's Group Medical & Prescription Coverage for July 1, 2009 to June 30, 2010, per recommendation by Siver Insurance Consultants. (Postponed from May 18th and June 1st City Commission meetings)

Mayor Benton said at the last meeting they discussed this, Commissioner Coke and the City Manager were going to take some time to take a look at it and come back with a recommendation.

Commissioner Coke said they spent lots of time.

City Manager Recor said they did have an opportunity to sit down and discuss the options and alternatives. He would ask Ms. Johnson to summarize where they are. They do have a recommendation for the Commission. And based on the discussions that have occurred over the last two weeks, they also have an additional follow-up recommendation for consideration. But they are at a point tonight where they actually need to make a decision on how they are going to move forward; but the supplemental recommendation will address moving forward with an

asterisk.

Ms. Gloria Johnson, Director of Finance, said the Commissioners have before them the proposal that their consultant (Siver) recommended. She gave some additional information on the premiums and the savings for the City and costs, if any additional, depending on which option the City takes in selecting the insurance option they wish to select. The first option was Option A where there was a premium increase with no plan changes and no buy-up. That was a straight 10.2% to the City as far as the increase in the premium, and they were also going to increase the employee's contribution by 10%, making it 40%. In doing so, the City would be paying \$183,652.04 more in premiums and the employee would be passed on \$218,576.80, and the retirees would be \$24,407.40. She thinks they have the Option A with the 10% with no plan changes and the buy-up where the City would actually... It would cost them a lot less - 2.66% or somewhere around there - \$92,000, and the employees \$309,000, and the retirees \$24,407.40 - theirs would remain the same. The Option B with the 2.8% premium increase is the one that the consultant and she submitted to the Commission for their approval. That would save the City around \$168,000, cost to the employees \$279,000, and the retirees it would cost them a little over \$8,000. She also gave them a proposed monthly premium comparison. It shows the difference between the proposed with the three options, what it would cost the City and what it would cost the employees. Their policy actually expires July 1st. On July 1st, Blue Cross Blue Shield will automatically increase their rates by 10%. There is no option on that, they will see a 10.2% increase, and it would be based on the current policy the City has. No plan changes, just the current policy.

City Manager Recor said in their discussions, what they collectively decided they would recommend to the Commission is that they maintain the status quo, accept the 10.2% rate increase with no plan changes; but immediately on July 2nd rebid the City's health insurance options to a number of brokers and allow multiple brokers the opportunity to rebid in an effort to save addition money. They felt the savings that would be generated by passing the cost of the high plan on to the employee would offset that 10% premium for that period of time until such time as they were able to make another decision.

Commissioner Coke said when they looked at the fact that they were not charging for the buy-up between the regular insurance plan and the premium grade insurance plan, if they were to charge that difference to the employee - which would be the employee's option, they could take the regular plan or could buy-up to the other plan - if they charge that difference to the employee, it would in essence save the City almost the full 10% of the policy upgrade. In their discussions when they were talking about charging employees more for dependent health care and then charging employees for the difference between the regular policy and the buy-up, she didn't feel it was fair then to take away so many benefits with the recommended policy changes that they had. But if they just merely start giving them the option to take the regular policy, those on the premium

policy could downgrade if they wanted, or if they choose to do the buy-up, it is only going to end up costing the City... How much was it?

City Manager Recor said it would end up costing the employee an additional \$73.47.

Commissioner Coke said she is talking about what it is going to cost the City on an annual basis.

Mayor Benton asked was that \$73.47 on an annual basis or monthly?

City Manager Recor said that is \$73.47 a month.

Commissioner Coke said but the employee would have the option to change and just go with the regular policy rather than the upgrade policy.

City Manager Recor said which the City would fund at 100%.

Commissioner Alexander said maybe he was listening too hard the first time this came before the Commission. He thought Option A and Option B, there wasn't a vast difference in cost to the City one way or the other.

Commissioner Coke said it was.

Commissioner Alexander asked were they giving it to the employees at no cost to the employee?

Commissioner Coke said the cost to the City was about \$335,000 a year.

Commissioner Alexander asked how long have they been doing this?

City Manager Recor said forever.

Commissioner Alexander asked why are they going to put this day and age that much burden on the employee? He can go along with it if they do it in increments. This contract here will be going to July 2010, right?

City Manager Recor said the recommendation is that they accept the annual increase, but they immediately go out for rebid. They can get out of that annual contract with a 90-day notice.

Commissioner Alexander asked this is budgeted already, right?

City Manager Recor said no. They will have to include whatever decision is made this evening.

Commissioner Alexander asked he is telling him they are getting ready to do insurance July 1st and it was not budgeted?

City Manager Recor said they have a placeholder in the budget; and based on what the decision is tonight, that figure will either go up or down.

Commissioner Alexander said he understands that. He doesn't know how the employees feel about it, but they are employees too. He knows if he is feeling it, if they are going to pay it, he doesn't mind paying it. But if they have been doing this forever... Are they telling him July 1st they put a hex on themselves that the employees are going to pay \$73.47 a month?

Commissioner Coke said she happened to be speaking with Gloria Grimyser, who was a Commissioner many years ago. She told her they were discussing the different options with insurance and the charge for the difference in policy. Ms. Grimyser said she assumed they always did charge for the difference between a regular policy and a premium policy. So if all of them were unaware that they were giving out a differential benefit without charging the difference, she will tell them that misunderstanding was going on 30 years ago when Ms. Grimyser sat in this seat.

Commissioner Alexander asked all these years, they just came up with this idea? They didn't question it? They were self-insured at one time.

City Manager Recor said their insurance consultant had actually made this recommendation to the City a few years ago, maybe even repeatedly; however, it was never acted on administratively.

Commissioner Becht said they have a written recommendation dated June 10th. Is Mr. Recor changing that tonight?

City Manager Recor said yes, they are changing the recommendation.

Commissioner Becht asked what is he changing the written recommendation to?

City Manager Recor said to Option A - a 10.2% premium increase, no plan changes, and with the buy-up.

Commissioner Becht said that results in a 2.66% net difference to the City per its contribution. That is roughly \$92,000 additional dollars to the City annualized. That is the option that Staff is recommending tonight.

Ms. Johnson said yes. It would cost the City only \$92,000.

City Manager Recor said again, the basis for that is that they immediately go back out to rebid the health insurance coverage altogether.

Commissioner Becht said that is the plan as he was looking through the material that made the most sense to him, but that was not the written recommendation they received. So that is good. What bothers him, which is what Commissioner Alexander was speaking of, is the net difference to the employees, the impact on the employees. When he looks at the Proposed Monthly Premium Comparisons, the one he is looking at is Option A - No Plan Changes, With Buy-up. Is that correct?

Ms. Johnson said that is correct.

Commissioner Becht asked so with the EPO, which is not the upgrade but the standard insurance, they are continuing to pay 100% of the employee's health insurance?

Ms. Johnson said that is correct.

Commissioner Becht asked if the employee has one dependent, he or she will see a monthly increase of roughly \$69.73 out of their paycheck for the first additional dependent and roughly another \$69.00 for the second dependent, correct?

Ms. Johnson said no, it would be \$112.59 for two or more dependents. An employee with one dependent will pay an additional \$69.73 a month. An employee with two or more dependents will pay an additional \$112.59.

Commissioner Becht asked is that \$69.73 plus the \$112.59?

Ms. Johnson said no. That is just the increase in policy.

Commissioner Becht said so that is the increase over and above what they are paying today.

Ms. Johnson said the amount the employee would be paying monthly is \$0 for an employee under the EPO. For an employee with one dependent the monthly amount would be \$218.39. For an employee with two or more dependents the monthly amount would be \$352.61.

Commissioner Becht said what he is trying to focus on for the public's benefit and also for the employee's benefit is, what they are doing is trying to preserve the same level of coverage that they have today - which is admirable on their part - but it is going to cost the City \$90,000 and it is going to cost each employee with one dependent an additional \$69.73 a month. He is just trying to get the facts out on the table before they have to vote on it. He thinks in light of where they are, this is the best program; and then to rebid it, to see if they can get good coverage, would be appropriate. He thanks Commissioner Coke for her efforts in bringing this to their attention.

Commissioner Sessions asked will the employee have an option to choose which one of the plans? If they want to pay the additional \$73.47 more for one dependent under the PPO plan, would they have an option of choosing?

Ms. Johnson said they have an option - the basic plan and then there is the buy-up plan. Under the PPO, the buy-up plan, 107 employees would have to pay for their premium if they select this one. If they don't want to pay the \$73.47, they can go to the EPO plan and pay nothing. So they have a choice. If they want to keep the buy-up plan, the more expensive plan, they can keep it. If they want to pay nothing, they go to the EPO plan.

Commissioner Sessions asked does she know what benefits one offers versus the other?

Ms. Johnson said they will have a session where the Blue Cross representatives will be in and they will explain to the employees and go over all the changes and what that means and how much they are going to pay. The employees would have that option to decide - the basic plan or the buy-up plan.

City Manager Recor asked is it fair to say generally speaking that the difference between the two plans has to do with co-pays and out-of-network doctors?

Ms. Johnson said that is exactly right.

City Manager Recor said they are going to pay more, they will have a higher co-pay or deductible, and their doctor may not be in that plan or listed in the physicians that are included.

Commissioner Alexander asked that is the way it is now, right?

City Manager Recor said yes, that is correct.

Mayor Benton said now they are going to be paying more if they want to choose their doctor.

Commissioner Alexander said that is the way it is now, they don't allow them to go to their choice of doctors.

City Manager Recor said that is correct. He was just trying to respond to Commissioner Sessions question about the differences between the two.

Mayor Benton said in his opinion, the County and some of the other groups in this County have better Blue Cross programs than the City of Fort Pierce does. He thinks this insurance they have stinks. He thinks they all agree. But because of the economy and everything else and in trying to cut back, this is the bare minimum they are giving their employees. None of them are proud of doing this, because this isn't much. They hope they have something better in the very near future to offer, like what Port St. Lucie is doing with the clinic, they are looking into that. There are several options. But right now for a short time, until they get something better, they have to have insurance for their employees.

City Manager Recor said they will have a follow-up report on the health clinic at their next budget workshop. The Director of Human Resources has been tasked with providing additional information and they will have that at their next budget workshop.

Mayor Benton said it is something that saved Port St. Lucie quite a bit of money. But they are looking at their options. Unfortunately today, to keep their employees insured, they have to keep this plan going for a short time.

Commissioner Alexander asked they are telling him an employee with one dependent is going to be paying roughly \$1,400 more a year?

Ms. Johnson asked which plan is he talking about?

Commissioner Alexander asked which plan are they recommending?

Ms. Johnson said they have two plans - the EPO and the PPO. The lower cost plan, Commissioner Alexander wants to know how much additional they will be paying?

Commissioner Alexander said yes.

Ms. Johnson said it would be roughly \$1,200 probably for the employee with two or more dependents. It would be about \$700 or something for an employee with one dependent under the EPO.

Commissioner Alexander asked are they talking about employees who got no raises, who have mandated furlough days. And they are going to just put it all in one lump sum, that is the request tonight?

City Manager Recor said yes.

Commissioner Coke said because they did spend some time last week reviewing the insurance consultant's proposed change. Although it would save the employee with one dependent... It wasn't a lot of money, it was \$10.00 a month. The benefits on the proposed change they had that would only increase the City's cost nominally were so bad that she thinks if somebody went to the doctor once it would make up for the difference in the premiums of what they would be charged. So she thinks if they can look at it as a short term fix, they are still going to give the same level of insurance, although it might not be the best level of insurance, it is not a lesser insurance policy. If they can consider going with Option A with the buy-up on the condition that they are going to put it out for proposals ASAP because it expires July 1st, but they can change it in 90 days, she thinks at least then they are shopping it and doing the best they can.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Option A - No Plan Changes, with Buy-up - and instruct Staff to go out for RFP's for the City's group insurance.

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

The next item on the Agenda was Decision on recommending two applicants for appointment to the TCERDA (Treasure Coast Education, Research & Development Authority) Board.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to nominate Thomas Perona and Stefan Matthes for appointment to the TCERDA Board.

Mayor Benton asked does Stef Matthes live in the City Limits?

City Manager Recor said he believes he does. He believes his Subdivision has been annexed.

Commissioner Sessions said he sees some other individuals that perhaps are not already on Boards who are very active. He is a firm believer that everybody should have an opportunity to participate. He sees that at least one of the individuals who has been nominated is probably attending just as many meetings as he does with the activeness he has on the boards. He is just concerned about that and think they should spread it out and spread it around and let everybody participate. That is Mr. Perona who is very active. He appreciate his activeness. But by the same token he thinks it is imperative that they allow other individuals to participate and be a part of what they are trying to do in terms of their movement to make this City a better place to live in.

Commissioner Coke said it is kind of tough, they are up here wondering who is going to open their mouth first. It was just so much nicer when they had their little sheets they filled out and that way they could get a consensus. Because she hates the theory that whoever opens their mouth is the one who gets somebody put on a Board. So if they can pass out those tally sheets in the future, she thinks it makes life a lot easier and everybody has an opportunity.

City Clerk Steele said she will do that next time. This is not a City Board, that is why this is a bit unusual. They are not actually appointing...

Mayor Benton said when they had the discussion before, he knows there was concern about several of the names that were given to them through the County who weren't residents of the City. These two folks are residents of the City. Camille Yates is the other one.

Commissioner Sessions asked none of these are residents with the exception of those three?

Mayor Benton said the other names that came from the County he believes live outside the incorporated City limits.

Commissioner Sessions asked Mr. Busby and Mr. Kennedy live outside the City?

Mayor Benton said he believes so. Mr. Busby is from Port St. Lucie. Let them appoint him.

Commissioner Becht asked can anybody tell him when Mr. Perona's second and final term on the FPUA Board ends? He doesn't know if it is this year or next year.

City Manager Recor said he can't.

Mayor Benton said he couldn't tell him for sure.

City Clerk Steele said she doesn't know.

Commissioner Alexander said Mr. Perona's application says he is from District #5.

Mayor Benton said he filled out the County's application.

Commissioner Alexander asked is it District #1 or is it District #2?

Mayor Benton said District #2. He filled out a City application also. It is in the package.

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

The next item on the Agenda was Commissioner Coke to give update on the Tourist Development Council's Summer Promotion.

Ms. Charlotte Lombard, St. Lucie County Tourist Development Manager, said she would like to thank them for the opportunity to update them on the activities of the Tourist Development Council. The TDC together with Comet Creative recently launched its summer promotion to attract families to vacation in St. Lucie County for the summer. She would like to take them through the elements of their campaign - their strategy, the creative elements, as well as their media plan. The timeline of their campaign is running June through August, so they have just recently launched, it has been going for a couple of weeks now. Their concept is called Hooplah Getaway, hooplah meaning fun. They are positioning this as one vacation in two locations. The campaign is a partnership with Grand Bahama Island. They recently signed a Memorandum of Understanding with Grand Bahama Island to do some joint tourism marketing projects. The campaign also includes Discovery Cruise Line as well as their area hotels. They are positioning the campaign as an affordable fun and action-packed vacation. They will be hosting a treasure hunt activity. It is also a packaged option where vacationers have the option to add a fun cruise to the Grand Bahama Island that includes their hotel stay. They have also included a kids day camp option. They are targeting Florida resident families with a focus on Central Florida. The reason they chose Florida as their target and Central Florida as their focus is, research shows there is a shift in demand for vacationers to travel closer to home in 2009. Obviously due to their economic situation, most people want to take a vacation and feel like they deserve a vacation, but they may not be able to afford to travel far. They are also supporting a Visit Florida campaign that recently launched encouraging Florida residents to travel within the State and they are now running a \$1.2 million in-state campaign. Last year Florida resident pleasure trips within Florida increased 23%. And 40% of Florida residents will take a vacation within the State. This term is called a staycation. They chose Central Florida due to the proximity of their area as well as the population density of the area. They are positioning this as a convenient and affordable family getaway, it is a vacation for active adventure seekers, it has a convenient international option to Grand Bahama Island, and it is a packaged no-hassle offer. If vacationers choose to just

stay in St. Lucie County, the package includes their hotel, a suggested itinerary that includes discounts to various businesses in St. Lucie County, a treasure hunt on Saturday with a kids party, and Camp Hooplah. The Manatee Center has agreed to offer daily rates in case a family comes to St. Lucie County and wants to have a day with just the adults, they want to play golf or whatever they like to do. So they have the option to drop off their kids at the Manatee Center for the day camp, which will honor a daily rate. Should they decide to add Grand Bahama Island to their vacation, the package would include transportation to Fort Lauderdale to the cruise terminal for Discovery Cruise Line. The cruise includes breakfast, lunch, and dinner. They stay on Grand Bahama Island at discounted rates, and kids under 17 will cruise and stay free in the hotels on Grand Bahama Island. Their media plan. They have four billboards in Central Florida currently posted. They are running radio in Central Florida that is targeting over 100,000 households. A newspaper insert recently dropped in 17 newspapers within the State of Florida hitting 1.8 million households. They are running online advertising which includes ads in online newspapers as well as blogs and posts and blogging in family chat rooms. They sent an email blast out to over 4,000 contacts on their TDC database. They have an editorial spread in the May and June issues of Florida Travel & Life about the promotion. And they took advantage of a last minute opportunity to run the promotion in a "Visit Florida" Atlanta insert that hits 300,000 households. The partnerships include their hotels, area business owners offering special Hooplah discounts, their transportation provider, the Parks & Recreation Department for the County, Cultural Affairs Department, the Manatee Center, and the list goes on. To solicit their discount partners, the TDC sent out a press release and also included information in the Chamber newsletter and posted information on the website asking businesses to participate. They sent information through the Fort Pierce Downtown Business Association. They have also partnered with Southern Eagle Distributing, which has come on board to distribute and post posters to area retailers where they distribute their products. She would like to take them through some of the creative elements for the campaign. This is the logo that Comet Creative created for the Tourist Development Council: Hooplah Getaway - One Vacation, Two Locations. This is a snapshot of the home page of the website. The promotion has its own website where potential vacationers can go to this special website and book their vacation on line (www.hooplahgetaway.com). This website was created specifically with its own URL so they could track the response and measure the effectiveness of their campaign. There is an example of one of their print ads. This is an example of one of their online ads that clicks through to the website. She would also like to play the radio spot for them that is currently running. This is also on the website online right now, so please visit the website and see all of the information they put together for vacationers who will hopefully book their summer vacation in St. Lucie County. The goal of this campaign is to grow it year after year. They hope to run it year after year. They have invested a lot of time in creating these elements. They hope the campaign attracts more and more partners every year as well as excitement. With the

Commissioner's permission, she would welcome the opportunity to keep them updated on the campaign results and keep them posted on their future activities.

Mayor Benton said please keep them updated. He thinks it is a great idea to move forward with this. Because for years, at least from the fishing aspect, he knows how many people come here from the Orlando area. And to tap into that market and offer more, especially in this economy. Because people do want to go, they just can't afford to go far. It makes a lot of sense. He thanked the TDC for all they are doing and keep up the good work.

The next item on the Agenda was Commissioner Coke request clarification of Code Enforcement Lien Reduction Policy.

Commissioner Coke said obviously some things have slipped past them, but she thought a while back they had developed a policy where they were not going to even consider reduction of liens or fines unless the property was in compliance currently. If that is not the case, then she would like to know if they have three Commissioners who have an interest in establishing that policy.

Commissioner Becht said he thought that was the policy.

Mayor Benton said he thought they discussed it at a workshop. He doesn't remember any official action, but he could be wrong.

Ms. Peggy Arraiz, Code Compliance Manager, said it is true, the policy requires that the violation that it was cited for be in compliance before they can request a reduction of lien. The most recent change that was made was they added a seventh criteria which is, if there are any other violations. So if they were cited for a non-operative vehicle, they could request a reduction if that non-operative vehicle was removed. The seventh criteria asks, is there any other violation? Does the house need to be painted or are windows or is there anything else? It is just a criteria, they can still make the request. But it is one of the seven criteria that is considered when making a request for reduction.

Commissioner Coke said her concern would be then, if they have a property that is not in compliance currently and they still have the right to request a lien reduction, that at bare minimum that should not be put on a consent agenda.

Ms. Arraiz said she is not aware of any properties that happened to.

Commissioner Becht said as far as he is concerned, he doesn't think Ms. Arraiz needs to waste staff time. If they are non-compliant with the code violation that generated the fine or the lien, staff doesn't need to process it.

Ms. Arraiz said they don't.

Commissioner Becht said as far as he is concerned, if the property is in a code violation process on another violation,

staff doesn't need to take the application.

Ms. Arraiz said that is not what the rules say. That would need a changing of the rules.

Commissioner Becht said it is not that he doesn't care what the rules are. But fortunately occasionally they get to make the rules. The rule he would make is, if they are wanting a concession from the City, the property needs to be compliant; and not just for the one violation, but in all regards. So don't waste her precious staff time processing a request for a code lien reduction if they are not compliant, because they obviously haven't gotten the message.

Commissioner Coke said that would be her inclination. She thinks they ought to change the rules accordingly.

City Attorney Schwerer said if that is the pleasure of at least three of them tonight that the lien forgiveness or reduction policy be strictly enforced so that violators who are not in compliance with the code cannot make application, then he will work with staff to make sure that happens. If they need to amend the policy language at all to make that absolutely clear, they will do that. So he hears what the Commission is saying, that they want that strictly enforced. If it takes a rule amendment, Ms. Arraiz will work with his office and they will bring it back.

Commissioner Sessions asked he hears what is being proposed, so is there anything she is aware of that would justify something of this nature not being imposed from this Commission? Are there any exceptions to the rule that she thinks are justifiable? She is out there every day and she sees people that he doesn't see, and it is sort of difficult from the dias to regulate what is in the best interest of the citizens. She sees it every day. Are there any cases out there that justify this not being put in place?

Ms. Arraiz said in all honesty, she can't think of one off the top of her head. She happens to agree that the property should be fully in compliance, not just in compliance with the original violation which is how it is currently written, that the original violation must be in compliance. Then as a criteria of consideration, which is just a weighing factor now, is there any other violations? She happens to agree, she thinks the property should fully be in compliance. Will there be an exception? The wording will say, no exceptions. She happens to agree, she thinks it should be fully in compliance. That is not the way it is currently written.

City Attorney Schwerer said there could be instances, and he is aware of at least one or two, where individuals had been in violation of many codes and had built up a lot of fines; and then an investor comes along, someone who is going to put the property back into shape and try to correct everything, but they are unable to work some kind of arrangement on the purchase because the fines have gone to an extremely high level, more than the property is worth. But there is a process that staff

could follow in that case. He just wanted the Commission to know they have worked with staff in the past to try to follow a process that doesn't allow the reduction, but it does allow for consideration in those cases for someone to come back in and seek the removal of those fines after they have committed to purchase. They may hear on the street that it stops people from buying properties and putting them back on the tax rolls and improving them and curing the violations. But in defense of staff and in enforcement of the policy, they have found a way to make that work so it doesn't violate their current policies.

Commissioner Alexander asked don't they have some of these properties become city-owned after someone abandoned these properties? Didn't they have some trade of lots they did with the County or something to that effect?

Commissioner Coke said the County owned the lots and they traded.

Commissioner Alexander said he remembers a builder coming in saying he had purchased some vacant properties and he found out later that there were liens on these properties. They can rectify that?

City Attorney Schwerer said right, he is aware of that situation. Those were liens that had been placed on the property, but the buildings had been leveled and taken away so there was no longer any active violation. It was an old violation for which a lien existed. It is a little different than one that is a current violation where the house is still there.

Commissioner Alexander said he is speaking of vacant lots. So they can't rectify that?

City Attorney Schwerer said yes, they can. On vacant lots, when the buildings are gone, they don't have that problem because there are no longer any ongoing code violations at least with respect to the building. So they do have an opportunity to consider that. Their policy does not prevent them from considering reduction or mitigation of the code fines on vacant land. They can't forgive the lot clearing, demolition, and things like that.

Commissioner Alexander said he is not trying to advocate that they buy vacant properties. But if they had a demolition on that property and this property is just sitting vacant, the City can't get any taxes off that property unless there is a structure put on that property, right? So if they are talking about \$2,000 of demolition fines or liens, then if someone builds a home there, that is 50 years versus \$2,000 worth of taxes that is going to be paid. Where do they try to balance out and bring their community out of the rut? He has a resolution for that, right?

City Attorney Schwerer said not that situation. They have a resolution where an investor or someone who is known to them as someone who will follow through with rehabilitating properties,

that person comes to staff and says he would like to take this problem property and put it into compliance, but he can't because it has \$50,000 worth of code liens on it right now and he can't go to the Commission to reduce it. In that situation, staff has found solutions under their code that encourage folks to do that. And it is a win/win situation for both the City and the prospective property owner.

The next item on the Agenda was Discussion on designation of a Voting Delegate to the Florida League of Cities Annual Conference on August 13-15 in Orlando.

Mayor Benton asked do they have any Commissioners considering going? He is considering it.

Commissioner Alexander said he put off all travel for this year. He was under the assumption that they were trying to curtail some expenses.

Commissioner Sessions said he thought about that too. But when he thinks about the information that is shared at these conferences and they look at a lot of the topics that are pertaining to how do they survive during these economic times of a global depression as far as he is concerned. So whoever goes, he is looking for them to come back with some ideas, whether it be him or anybody. But they need to have some representation there because it is imperative that they figure this out outside of the box. Going there, they can certainly gain a whole wealth of information to address some of these issues that they are dealing with.

Mayor Benton said he would agree. Last year he went to the Conference of Mayors for the first time, it was in Miami. He came home with a \$200,000 grant (Energy Efficiency & Conservation Block Grant - American Recovery & Reinvestment Act of 2009). Going to Orlando, this is close to home and it doesn't cost a lot. But the League of Cities has always done a lot for not only Fort Pierce but for all the cities in Florida. He knows Commissioner Alexander has played a role with several of their committees. He would think it would be in their best interest that they have representation there, especially in these times, and they find out how other cities are getting through it. The furloughs and other ideas, cities are getting creative. The only way to hear that discussion and conversation is to be part of it. He would ask everyone to consider it and at least have some representation. Maybe they can have this brought back if they do have somebody going. He was considering going, he got the paperwork for the Conference for Mayors that is held during the Florida League of Cities conference.

Commissioner Sessions said he doesn't want to commit to going, but he is going to see if he can work something out with his work schedule. He would hope that everybody could participate.

Mayor Benton said this is in August.

City Manager Recor said it is. They received a communication from the Florida League of Cities that asked for a voting

delegate.

City Clerk Steele said they have until July 27th to designate one. So their next two meetings in July, they would have time.

Mayor Benton said by then they will know if anyone is going.

The next item on the Agenda was Discussion on draft Request for Proposals (RFP) to solicit an operator/vendor for the **Seven Gables House** Visitor Information Center.

Ms. Anne Satterlee, Communications & Marketing Manager, said at the April 20th meeting the Commissioners had a discussion on the Seven Gables House and what they would like to do with it. At that time they directed staff to work up an RFP to see if they could possibly get some vendors or public/private interest. Currently the Chamber of Commerce is operating the facility, and the Memorandum of Understanding that the City has with the Chamber expires the end of September. So tonight what she brought back to the Commission is some suggestions in the draft RFP for consideration or any changes they would like to make. Also, when they were working through this, she and the City Manager had a discussion on the possibility of looking at yet another alternative that they may want to consider as a cost savings to the City; that is, the possibility of bringing the facility in-house, whereby Community Center staff would oversee the cadre of volunteers - who hopefully would consider staying on if the City does not renew their agreement with the Chamber - or they also have the capability of using volunteers from the Sunrise Theatre, which she does know from Mr. Wilkes that they have well over 100 volunteers at that facility who may be interested in doing something like this. Speaking with Mr. Martzolf, he is agreeable to something like this. She would be happy to answer any questions.

Commissioner Sessions asked does she think they could handle it in-house, what they need in terms of advertising and information?

Ms. Satterlee said yes, she does believe they can do that.

Mayor Benton said he likes the idea of going out for an RFP. Because the Chamber of Commerce is the Chamber of Commerce, every community has one, Fort Pierce should have one. As a business person, that is who he looks to. So he would like to hear from the Chamber, maybe they can change some things. He would prefer to keep them. The City Staff can do a great job. Greg Martzolf does a great job with everything; but he doesn't want to burden him with too much stuff to do, because he is doing such a great job with the Golf Course and the Community Center. He thinks it is just fine tuning the operation over there with the Chamber. Because he knows every time they talk about issues up here, he thinks Commissioner Becht is the first one to say they need to contact the Board of Realtors and the Chamber of Commerce. So he doesn't want to give the Chamber the boot.

Commissioner Coke asked if they put out the RFP, is Staff going

to complete an RFP the same as anyone else would, so they would get a better understanding of the benefits of having Staff run it?

Ms. Satterlee said yes, they can do that.

Commissioner Coke said she would like to proceed with the RFP then.

Commissioner Becht said ditto.

Commissioner Sessions said he will go with that.

Mayor Benton said go out with the RFP and see what the responses are.

The next item on the Agenda was City Engineer update on **A1A Construction Project**.

Mr. Jack Andrews, City Engineer, said as far as progress on construction, Phase III (Gulfstream Avenue to Blue Heron Boulevard) is rapidly wrapping up. They got put off a week or so with the rains, but they are back out there now. They are doing the side street tie-ins and will be doing the final paving this week. They started on their punch list items and are getting ready to wrap up Phase III. Phase IIB (South Causeway Bridge to Bayshore Drive) in the Harbour Isle area, they are progressing with the drainage. Everything is moving on schedule.

Commissioner Becht said he received some photos from a constituent over on South Beach. There was some flooding on the west side of Rio Vista Drive. Has he had a chance to look into that?

Mr. Andrews said yes, they have their inspector out there to get with their contractor and they are looking into that.

Commissioner Becht said the reason he asks is, in Mr. Andrews memo under Phase III it says drainage installation has been completed. He doesn't know what the drainage was before; but what they have now appears to be dumping the water down the street.

Mr. Andrews said they have an area where they need to regrade the swale. They will take care of that.

Commissioner Becht said they have a real bad problem at the Circle K. Is the Circle K still there?

Mayor Benton said no.

Commissioner Becht said Circle K lake is what it used to be called. Just a light rain and the sidewalks on the east side of the road are under water. What he was hoping through this series of projects is at the end of this the drainage problem would be eliminated. For \$24 million or whatever they are dropping over there, he would hope they could end up with a

better road. Obviously it is a better road, better sidewalks, better landscaping. But if the drainage isn't going to be any better, all the pretty trees and sidewalks are going to get lost if all the people see is drainage problems. So he would ask and encourage Mr. Andrews to stay on top of that; and whatever remedies they are coming up with, if he would email those remedies to him, he will get that out to the community.

Mr. Andrews said he would be happy to.

The next item on the Agenda was Marina Manager update on permitting for **City Marina Expansion Project**.

Mayor Benton said he has some names for Mr. Seissiger after the meeting, people with Congressman Rooney's office. And he has Senator Martinez tomorrow, they are going to be meeting with the Army Corps of Engineers. They will talk about that later, it has to do with their meeting on the Marina.

Mr. Edward Seissiger, Engineering Projects Coordinator, said they had a good meeting a week ago with Representative Mayfield and Secretary Sole of the FDEP (Florida Department of Environmental Protection). They went over a bunch of issues with the project. At the end of the meeting it pretty much came down to that FDEP is leaning toward a favorable decision on their project. Secretary Sole would like to treat their project as a pilot project for the State of Florida. They are working through those issues. Secretary Sole has instructed his staff to work with them directly on the phone and electronically now, instead of formally, in trying to meet their goal of being in front of the Board of Trustees on the 29th of July.

Commissioner Becht asked what is the probability they will be on that Cabinet Agenda?

Mr. Seissiger said he should have a better answer on that at the end of the week. They are working through some mitigation issues. That is the last thing they are working through right now.

Commissioner Becht said if he read the memo correctly, they met on June 5th and Secretary Sole said he wanted his folks to be back with City staff in two weeks. That would be June 19th, which would be the end of this week, right?

Mr. Seissiger said correct. Secretary Sole was holding final judgement depending their discussions with local staff and working through the final mitigation issues. Staff would hope to have a decision at the end of this week, so they can file for their Agenda request on next Tuesday.

Commissioner Becht said that might make things easier with the Army Corps of Engineers. He thinks the Mayor has something up his sleeve with the Corps.

Mayor Benton said he was at that meeting and it seemed like everybody was on board, except there has been a last minute flag thrown up from the Marine Fisheries Division (Florida Fish &

Wildlife Conservation Commission) with the Army Corps. There was a concern that they weren't getting a response from them. They needed all the information in front of the aides when they went the last time in front of the Board of Trustees a month in advance. They want to educate the aides of the Trustees. And if they have any concerns, his suggestion is to put it off to the next meeting, because they don't want... As Secretary Sole and all of them, when they first saw what they were doing, they all scratched their heads and said wow, are they going to allow that? That was Secretary Sole's opinion a year and a half ago, but now he is on board. But when everybody takes a look at it the first time - wow, is that going to fly? He thinks they just want to get a feeling of how the aides feel; because if the aides don't support it, they know the Board won't. And they don't want to wait another year to be in front of them. They need to get that information from the Army Corps, so he has been in touch with the offices of both their Senators. Reverend Lee was here tonight and hopefully he is going to get Congressman Hastings on board. And Congressman Rooney and they are going to be meeting with the Army Corps this week over in Okeechobee. Hopefully they can get at least some action out of them. This is not only stimulus for this community through jobs, but it is also stimulus for all the fishing tournaments and what the Marina draws. Secretary Sole's biggest concern was one certain environmentalists here, so they got a letter with her support. So things are really on track. They have come a long way.

Commissioner Sessions said he hears Mr. Seissiger saying they are getting a little more cooperation because it is a pilot program. But in this memo he is saying that he anticipated opposition as a result of it being a pilot program.

Mr. Seissiger said from the very beginning they knew they were going to have some opposition just because of the scale of the project. They have moved through all the issues one by one as FDEP has presented them to them. They are down to the final issues. For FDEP they have almost satisfied everything they have, other than what impacts they are creating, they have to mitigate for. They are working on the final mitigation. As far as the Army Corps, they have no timelines and they will not move forward at all until they see that FDEP has issued a water quality permit.

Commissioner Sessions asked the Army Corps won't issue a permit until after the State, right?

Mr. Seissiger said that is correct.

Commissioner Sessions asked so as far as the Army Corps is concerned, he doesn't have concerns they are not communicating?

Mr. Seissiger said yes, the City is communicating with them. The Corps is not necessarily communicating at the rate they would like them to communicate back with the City.

City Manager Recor said they are going to be requesting some intervention from their Federal Delegations in Washington.

Commissioner Sessions said he can't think of any project more important than this one, if all of them could be there for that Trustee meeting which is scheduled on July 29th. Are they going to make the July 29th date?

Mr. Seissiger said they are attempting to do that. He won't have a final answer for that until the end of the week. Once Secretary Sole makes his decision, they will know whether they will be able to proceed forward or not.

Commissioner Sessions asked does he recommend that this Commission participate in that? Will that help? This is serious. \$20 million, when they look at the budget crunch they are going through as far as this City and community is concerned, is a lot of money. The fiscal impact on the City is huge.

Mayor Benton said the request was from Secretary Sole. His intent was to go. He went the last time. The Secretary of FDEP requested at least himself and he is sure any more representative from the City showing how important this is to Fort Pierce in the future.

Commissioner Sessions said he certainly wants to be a part of that, even if he has to pay for it himself to get there and back. Keep him aware of it. He wants to be there.

Mr. Seissiger said they will absolutely do that. At this point in time they are moving very favorably forward with the DEP. As soon as they are done tackling all the DEP issues, they are going to go ahead on and request some support from the Commissioners to give pressure on the Army Corps.

Commissioner Sessions said he also noticed that if they could obtain more favorable scoring, that could cut some of their ongoing costs in terms of the long-term monitoring requirements that is going to be costly to the City. Where are they in terms of trying to get the necessary scoring to eliminate that problem?

Mr. Seissiger said overall scoring of the project really doesn't have anything to do with how long. That is going to be a requirement tied to their permitting by all the agencies. As far as the amount of mitigation, which is the costly part, that is what they are working on trying to get their scorings in lead and lag time straightened out to an even amount. They have requested the Army Corps scoring sheets to compare them to what FDEP has scored; and they will see where the differences are, because it is supposed to be a uniform method.

Commissioner Sessions asked there is nothing the Commission can do?

Mr. Seissiger said at this point in time, no. They are working with their consultants directly and they are working with the agencies directly.

Commissioner Sessions said the City needs to make some money and

this is their money maker. Let's do what they need to do.

City Clerk Steele asked would Mr. Seissiger please clarify the date? Because the Tetra Tech report says July 28th and Staff report is saying July 29th.

Mr. Seissiger said it is Wednesday, July 29th.

Mayor Benton said that can change, he knows from the past. A lot of times it is hard to verify until maybe a week before. It can always change. It depends on how much they have on their plate. He will give Mr. Seissiger a phone number, he can fax that information to Governor Martinez assistant.

The next item on the Agenda was Discussion by Comprehensive Planner on specific and local issues that affect the City's ability to achieve identified City goals, which will be used in creating the **Comprehensive Plan Evaluation & Appraisal Report**.

Ms. Erica Ehly, Comprehensive Planner, said the adoption of an Evaluation & Appraisal Report (EAR) is required every seven years by Florida Statute. The Evaluation & Appraisal Report is part of a continual assessment of the existing Comprehensive Plan. The objective is to ensure that any necessary amendments to the plan are completed as needed and in a timely manner. This process keeps the plan consistent with changes that occur periodically in the area of growth management. The plan must be updated, for example, to reflect changes in state, regional, and local policies and regulations regarding growth management, changes in population growth and in land area relating to annexations, and changes in the financial feasibility of the plan. The Evaluation & Appraisal Report is the initial phase in a process to update the existing Comprehensive Plan. During this initial phase the following determinations are made - What is important to the community, why is it important to the community, how does the existing plan address these issues, and which amendments are necessary as a result? In the final phase of the process, the EAR-based amendments to the Comprehensive Plan are derived from the recommendations in the Evaluation & Appraisal Report. These amendments will be completed within 12 months after the City Commission adoption hearing and the ruling of sufficiency by the Department of Community Affairs. The purpose of the report is to identify the major issues that affect the ability of the City to achieve the community vision. The community vision is identified in the goals, objectives, and policies of the Comprehensive Plan. These were established as the result of five public workshops during the rewrite of the Comprehensive Plan in 2006, in addition to the statutory requirements. The community vision that is contained within the Comprehensive Plan is implemented through the application of the Land Development Regulations. These regulations are required by law to further the community vision established in the Comprehensive Plan. The report will also provide a review of the actions that the City has taken to implement the plan since the last evaluation in 2006. It will assess the degree to which the plan objectives have been achieved and identify both the successes and the shortcomings of the Comprehensive Plan. The report will identify the necessary changes and updates or amendments to the plan and ensure effective intergovernmental

coordination. The first step in creating the report is the identification of the major issues by the City that affect the achievement of the community vision contained in the goals, objectives, and policies of the Comprehensive Plan. A major issue is defined as a narrow matter of concern to the existing and future growth and development of the local community. These are chosen by the local government and constitute the subject matter of the report. Identification of the major issues will be achieved through a series of scoping exercises to include internal planning staff meetings, discussion with the Planning Board, discussion with the City Commission, input from State and Regional reviewing agencies, and feedback from the public. The major issues will then be summarized by Staff and brought to the Planning Board for review and then to the City Commission for transmittal to the DCA (Department of Community Affairs) with a request for a Letter of Understanding. This letter will establish an agreement on the major issues to be evaluated in the report and help to avoid any misinterpretations when the Department reviews the adopted Evaluation & Appraisal Report for sufficiency. Planning Staff has identified possible major issues. The first issue is the requirements in House Bill 697. This Bill requires new planning policies relating to energy efficient land use patterns, transportation strategies, to address greenhouse gas reductions, energy conservation, and energy efficient housing. Senate Bill 360 that was just signed by the Governor about a week and a half ago defines certain municipalities as dense urban areas. They are expecting Fort Pierce to be included in that definition. These dense urban areas are exempt from State requirements for transportation concurrency. However, the Comprehensive Plan requirements as local law will still be in effect until they finish the EAR process and amend the Comprehensive Plan, if through the process they decide they want to remove the local transportation concurrency requirements. Another requirement of Senate Bill 360 is that within two years the City shall adopt land use and transportation strategies to support and fund mobility, which includes alternative transportation other than vehicular. And then reviews for Developments of Regional Impact are not required in dense urban areas, which would mean that DRI's that would come for review in the City of Fort Pierce would be exempt from that DRI review process. Also, Staff identified that a plan has not been put forth identifying the areas where roadway alleviators are needed and where segments would warrant further expansion, difficulty has surfaced in securing right-of-way to improve the transportation network on deficient links during the development approval process. Two recent examples of failed acquisition of right-of-way are the Federal Courthouse (Orange Avenue) and JJ Taylor (Crossroads Park of Commerce). Additionally the development of the Port area, the City and the County need to reassess the vision for this area given the strategic location of the Port in relation to inlet access and the potential for economic stimulus by expanded operations. The Comprehensive Plan supports implementing the 2002 Port Master Plan in coordination with St. Lucie County. The Port currently has two deepwater berths. But the Port Master Plan encourages the use of only one berth and emphasizes the gentrification in cargo areas, so that would be an area to explore and evaluate. Then the City shall create a safe and effective pedestrian

connectivity across U.S. #1 to connect downtown Fort Pierce to the Federal Courthouse and the historic residential neighborhoods to the west of downtown. And then incentives to encourage infill over greenfield development. Some other examples that Staff has identified is coordination with St. Lucie County regarding natural resources, the Heathcote Botanical Park, issues with relocating the Public Works Compound and Solid Waste Department, stormwater improvements to Virginia Avenue Outfall, enhancing the Savannah ecosystem located within the City limits south of Savannah Road, working with the FEC Railway to manage the scrub ecosystem in the proposed park, and things like that. There are no policies to address that in the Comprehensive Plan. Additionally, incorporating the community requests in the Taylor Creek Charrette that was held in 2007 and the Waterfront Charrette held in 2008. Examples of those are maintaining public access to the water, revitalizing, preserving, addressing redevelopment pressure in historic districts, places for work and shopping in proximity to houses, and these kinds of issues. They have no policies mandating gray water or even developing a plan for using gray water for irrigation, encouraging both public and private development of on-street parking, allowing developers to create on-street parking to meet the requirements rather than paving over large areas for parking, and then of course the consistency between the LDR's and the Comprehensive Plan. Although during this time period when the LDR's are inconsistent at times with the goals, objectives, and policies of the plan, Florida Statute supports that the Comprehensive Plan overrules any inconsistency in the LDR's. That has presented some difficulty in redevelopment review. So certainly the sooner they can get that gap bridged, the better. They are currently doing the LDR Rewrite. The purpose of the discussion this evening is to identify any major issues that the City Commission may want to be included as part of this report.

Commissioner Becht said one of the things this Commission would like to be able to do is snap their fingers or wave a magic wand and have retail appear in Fort Pierce. But as naive as some newspaper editors might be, it is not that simple. The retail will follow wallets and they need to get wallets in Fort Pierce. So when Ms. Ehly prepares her list of items for discussion, he would move up to the top - infill and redevelopment. He can't think of anything that is more important to all of the City - and he does mean all of the City - than infill and redevelopment. If she wants him to get in specifics with that, he had the opportunity to talk to Ms. Olson today and she was talking about some ideas that he thinks won't be possible this round of LDR Rewrites - Transect Zoning - which is something he had not heard about yet, but which is interesting to him. Ms. Ehly brought to their attention the consultant's advice on expanding non-conforming uses and non-conforming lots of record, and the ability for Staff and the City to deal with the fact that they have a lot of that. They do have a lot of that and it is just a fact of life. It is not that those are bad, it is just that they don't meet the Codes as, in their vision, they want to improve them. But he thinks they need to acknowledge that they do have a lot of that. Ms. Ehly has and she has brought that to the Commission's attention. He is wondering if

there is anything that she needs to do or recommend to the Commission in the Comp Plan to allow her the latitude, with either the LDR Rewrite or the LDR's that she brings to their attention later, that would... What he is trying to say and not artfully is, he needs her to give some thought to what do they need to put in the Comp Plan so she has the latitude with the LDR's later to create the proper zoning and the proper codes that allow for them to move forward acknowledging the neighborhoods they have, some of which are 100 years old, and not try to apply a 2009 set of codes to a neighborhood that was built 50 to 100 years ago. The neighborhood doesn't need to be demolished and rebuilt. They just need to acknowledge that was the way it was built and how do they make the best of it. He is looking to Ms. Ehly to come back to the Commission with some general language that allows her to do something through the LDR's. She has already started that process with the non-conforming use language. The other thing he would ask her to look at is variances. It seems to him that she can do a lot through variances that would maintain the aesthetic feel for a neighborhood without making it over into a 2009 subdivision. And variances could be allowed for some of the lots that are sitting there vacant in terms of lot coverage, lot setback, the height of any building that might be going on that. Through this easier infill, this changing of an attitude where they encourage the infill and make it easier to build on an infill lot, the lot becomes a taxpaying piece of property which has homeowners on it, it has people who shop, and - if the staff does their job correctly - it will have people who will walk to the shopping areas. He didn't see anything - and he doesn't know if this is appropriate for the Comp Plan or not - on transfer of development rights in a historic area. He doesn't know that they need that in the Comp Plan or not. But it seems like that might have eased some of the issues they have had with a couple of their historic structures. If the property owners had the ability to transfer or sell TDR's, that might have helped. Again, he doesn't know if that is necessary through the EAR process. Mass transit, he thinks that is in their Comp Plan. He doesn't want to get too futuristic, but what is concerning him is that mass transit is going to be necessary as the City of Fort Pierce grows up. They have already identified maybe where the potential rail station might go, but he doesn't know that they have done everything else that is necessary for public transportation in terms of bus stops in downtown Fort Pierce or bus stops wherever else they need to be. They are starting to give thought to that. Again, he doesn't know if that is appropriate in the Comp Plan or if that needs to be done through the LDR's. He is asking for whatever Ms. Ehly needs to put in the Comp Plan that would give her the authority to create an LDR to come back to them later, where they could educate a developer that Fort Pierce needs this bus stop station or they need whatever for a mass transit system later, that they have the guns to go get it. It starts with her thinking about it. They put it in the Comp Plan and later on they beef it up with the LDR's. She has already dealt with the greenway trail system, which he thinks is in the Comp Plan, and public access to waterfront. To him, what distinguishes Fort Pierce from Port St. Lucie and almost anything else is their waterfront. If they can start now with preserving public access to waterfront, make

sure that is in the Comp Plan as much as they can, so they can beef it up later with the LDR's.

Mayor Benton said he thinks Commissioner Becht covered most everything except one item. When it comes to compatibility, at all those public hearings a couple of years ago there was a big concern at the time, because a lot of development that was approved on their western borders would become the City after development and the water is turned on. A lot of that now is vacant land sitting there with piles of dirt. But those developments weren't compatible to the properties around them. They have had developers in front of the Commissioners from that area where they might have people with several acres and then they have a condo development next door. So he thinks there was a big concern from the public out there on how they grow and being compatible to the existing folks who are here, existing development throughout. Another item - he doesn't know if this would be through the Comp Plan - but it was his understanding that FEMA was in town readdressing flood elevations that failed. That should have been done a long time ago after the two hurricanes. But they need to find out if they are going to change those elevations. He thinks it is important that they do, because what failed is being built back the way it was, unless people are getting creative. A lot of people have built back what failed. They build new and it is going to fail. The first floor is going to be four or five feet under water, unless they change some of those elevations.

Commissioner Sessions said from talking to contractors who come into this area, with regards to the lot sizes and being able to rehab and build homes, he guesses Commissioner Becht touched on it, the non-conforming lot sizes. There has to be something they can do to make it a little more conducive to individuals that perhaps don't have the wherewithal to build these large extravagant homes. They need to actually address that in light of the economic state that their citizens are perhaps more so in than perhaps other surrounding cities where there are a lot of people who want to go in and build. These are much smaller homes, they used to call them shotgun homes back in the day. There are a lot of individuals who want to go in and build these types of homes; but because of the codes in place, it is impossible for them to do so. That is something he hopes they could address too.

Mr. David Carlin, Assistant Director of Planning, said they are looking at those types of non-conformities right now with the revised LDR's. That first draft they had really softened up the non-conforming elements. So they are aware of that, they are aware of the problems. They heard earlier tonight from one gentleman under Public Comments who had an expansion issue (the Byzantine Catholic Church). He believes - if he is thinking of the building permit that was related to a non-conforming structure, an enlargement - the Code in its current form prevents those types of things without going through a very lengthy bureaucratic process that can discourage builders who are ready to build and homeowners who are ready to go through that process. So they are addressing the non-conformities and they are looking at the variances and what type of options that

can be contemplated by the Board of Adjustment for things like that to make it easier all around.

Mayor Benton asked as this progresses, maybe in the near future could staff make an appointment with each one of the Commissioners to sit down for maybe half an hour to go over some issues and items?

Ms. Ehly said absolutely. A lot of the issues with promoting infill and redevelopment, the historic issues, the non-conformities with lot sizes, parking requirements, and things like that, they all kind of fit together. By putting objectives and policies in the Comprehensive Plan promoting infill and providing examples of how they would do that and what types of variances and things like that, the Comprehensive Plan would provide the structure and the vision for the LDR's. The LDR's are required to implement the goals, objectives, and policies of the Comprehensive Plan. So the more they put in the plan that they want to see in the City, the better. So certainly it is for the Commissioners to say what they want in the Comprehensive Plan.

Mayor Benton said the more details, the better.

Ms. Ehly said sure, even though it is supposed to be general. The Florida Statutes also requires that they do an analysis of their coastal high hazard area, which will touch on the FEMA flood zone issues. They are required to do that in the EAR. And the compatibility and the whole annexation issue, they will get into that. She thought they kind of talked about annexations so much over the last three months that she didn't even want to touch on it, but obviously that is a big issue they will be talking about. These were just examples of what kinds of things that staff is looking at, but certainly it is not an inclusive list. It is a list that they expect to develop and grow over the next six weeks or so, before they start evaluating and analyzing each one of those issues.

Commissioner Becht said he would like for Ms. Ehly to come back with ten specific goals, proposals, or plans for accelerating infill development. She is going to have to think outside the box. So if they can make this friendly and if they can make it easier in Fort Pierce, then they are going to be ahead of everybody else. He would like to be ahead of everybody else. That is what he is looking for from her, ten ideas in the box or out of the box or wherever, for enhancing the City of Fort Pierce's ability to entice and motivate people to build on vacant lots and rehab structures that are non-conforming.

Ms. Ehly said she can suggest one thing they were talking about. They were expecting the City to be a transportation concurrency exemption area. But in order to move on that and to amend the Comprehensive Plan and remove that, of course they would evaluate it and make sure they weigh the pros and the cons. But that is certainly one way they can promote infill in the City. They are expecting the City of Fort Pierce to be the only city north of West Palm Beach - she thinks, she doesn't know specifically - that is going to have this exemption. They are

not expecting the County or Port St. Lucie to have the exemption.

Commissioner Becht said even if they have the exemption, they need to go down a parallel path with mass transit. Because without the mass transit, it doesn't matter.

Ms. Ehly said right. To get mass transit, they have to increase density, and that is another issue they are having. They need to have at least an increase in density in the downtown urban core to allow density bonuses and a significant bump in density that is allowed there. Those are the kinds of things also they will be looking at in the EAR, how they can do that.

Commissioner Sessions said on the flip side of that, it is his understanding from talking to Staff that Fort Pierce has one of the highest density areas of any surrounding city, especially in the northwest section. Those are the types of things that they can market the City in terms of businesses and corporations and stores coming forth in this area.

Ms. Ehly said yes, that is true. There are a lot of things that they can incorporate into this, the promotion of the City and all the things. And certainly by putting that into goals, objectives, and policies, and then LDR's to bring that out, is something they can do through this process. But as far as density and public transit, they need significantly more density in the City. When they are considering transportation grants and money that is allocated to cities, they consider the density of the city. Whether they are going to consider having a train stop in the City of Fort Pierce, they are going to look at the density. The lower the density and the lower the population, the lower the demand for public transit. So all these things kind of feed into each other.

Mr. Carlin said part of the issue they have is their code itself, the way it is crafted. It is a document that encourages sprawl; and under today's environmentally sensitive world they live in, that doesn't facilitate the types of things such as sustainability, reduced greenhouse gas emissions, reduced vehicle miles traveled in vehicles. Having a new code that contemplates mixed-use developments and things like that will facilitate some of the infill. But they will have to be looking at some of the density elements when they go through that process. Again, there are many issues. They are just starting the process and bringing this to the Commission's attention so they can start thinking about this. But they will certainly start a list of ten.

Mayor Benton said he looks forward to hearing from Staff in the near future.

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

Commissioner Sessions said just for informational purposes, not that he objects, but he would like Item 19a (Energy Efficiency & Conservation Block Grant Application) and Item 19d (Contract for

City Park Restroom Cleaning) removed for discussion.

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

b. Approve purchase of **Traffic Control Equipment** from Econolite Control Products, Inc. in the amount of \$34,886, for upgrading and maintaining spares for emergency replacement for the Closed Loop Traffic Control System. (Funds to be reimbursed by FDOT)

c. Approve proposal by Lucas Marine Construction LLC in the amount of \$131,105.04 for **Emergency Drainage Replacement** between Hayes Road and Pinewood Drive east of U.S. #1. (SMU Bond No. 2 - Reimbursement by FEMA)

e. Authorize increase of Purchase Order #080479 to Ardaman & Associates by \$50,000 (providing total amount not to exceed \$120,000) for **Construction Materials Testing & Geotechnical Services**. RFQ No. 5729

f. Approve Addendum to Master Lease between the City and Yamaha Motor Corporation USA for 60 month extension of **Golf Car Lease** (75 Yamaha Golf Cars at \$45.08 per golf car per month).

g. Reduce Code Enforcement Lien in the amount of \$52,000 against **807 North 21st Street**, owned by Peter Turner Estate (Ruth Jones), to \$250, contingent upon payment within 60 days.

h. Reduce Code Enforcement Lien in the amount of \$24,000 against **118 Maple Avenue**, owned by Yolanda Emory, to \$800, contingent upon payment within 60 days.

i. Reduce Code Enforcement Lien in the amount of \$6,000 against **1901 Cypress Avenue**, owned by Edgardo Soberal, to \$600, contingent upon payment within 60 days.

j. Deny request to rescind Code Enforcement Lien in the amount of \$2,500 against **426 North 23rd Street**, owned by Charles Walcott & Jeff Montgomery.

The next item considered was Item 19a, which had previously been removed from the Consent Agenda: Authorize submittal of **Energy Efficiency & Conservation Block Grant** application for Recovery Act Stimulus Funding for the following projects: Lighting Replacement at City Hall, Lighting Replacement at Sunrise Theatre, Replacement of A/C units, and Parking Garage Lighting Management System.

Commissioner Sessions said he knows what the will of the Commission was at their last meeting; but with regards to becoming more energy efficient with what was done in their parking garage, are they telling him they don't have the most modern up-to-date equipment in a brand new parking garage, that it warrants going in and changing the lighting system? It seems like that should have been something put in place considering the time frame that parking garage has been in existence. They should be able to use that money over at the Sunrise Theatre or in City Hall. He would think they would have what they need in

the parking garage already.

City Manager Recor said he can't tell him the type of lighting system that was included in the parking garage, whether or not it was energy efficient. He thinks the intent of the agenda item was to identify potential projects. But of course they are going to fall back on the discussion that they had about where those limited monies could be maximized.

Mr. Bob Hood, Director of Public Works, said when the parking garage was being designed, that was several years ago actually. More importantly, when Staff was meeting on this grant and how they could put it to best use for the City, there are some improvements that have come about in the last couple of years that they are going to try to incorporate into the parking garage, whether it is changing some ballasts out or that sort of thing. They are going to do the same thing at the Sunrise Theatre. They have about \$14,000 a month electric utility bill for the City Hall building. Every little bit helps. They are going to try to spread this first grant amount - because they think they are going to get it in succeeding years - to several different projects. So right now they are trying to make some improvements to the air conditioning units, the parking garage, and different things.

Commissioner Alexander asked what air conditioning units is he speaking of?

Mr. Hood said they have some air conditioning units in this building, some old pneumatic style controls which are outdated, that they are going to be changing. They are going to be changing the thermostats and changing the balances on some of the air conditioning loads right now in this building. He mentioned that at Staff meeting this morning. A couple of Department Heads have said it was very cold, 66 degrees in their offices. So they are going to be making some of these improvements to the energy efficiency of this City Hall building, the City Parking Garage, and Sunrise Theatre, among other things.

Commissioner Alexander asked they are not talking about changing the air conditioning units at the Sunrise Theatre, are they?

Mr. Hood said no.

Commissioner Alexander asked just this building?

Mr. Hood said they are speaking of this building. They are also speaking of various changes at different locations. They feel like they will get another grant next year and they are going to have additional improvements they can make. They might be coming back in subsequent years and making even more improvements to the lighting in the parking garage, for instance.

Mayor Benton said just for the public's sake, what they are looking at doing with this grant they got from Washington is to replace lighting in City Hall to the tune of \$50,000 worth of

lighting, but the first year the savings is \$22,000 estimated and that is an annual savings also. Lighting replacement of traffic signals is something they are doing also. There is a \$13,000 savings annually there. Replacement of these air conditioner units the first year is \$85,000 and they expect a savings of \$10,000 annually. In the parking garage there would be \$9,000 savings the first year. They are looking at saving money and doing it with common sense, going green.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to authorize submittal of Energy Efficiency & Conservation Block Grant application for Recovery Act Stimulus Funding for the following projects: Lighting Replacement at City Hall, Lighting Replacement at Sunrise Theatre, Replacement of A/C units, and Parking Garage Lighting Management System.

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

The next item considered was Item 19d, which had previously been removed from the Consent Agenda: Award contract for **City Park Restroom Cleaning** (Jetty Park, Surfside Park, Jaycee Park, South Beach Park, and South Causeway Park) to Mary Mack Cleaning Service in an amount not to exceed \$43,800. RFP No. 5918

Commissioner Sessions said he saw a price tag of \$43,800 on privatizing some work he felt Public Works could do and has been doing. Are they taking a job from somebody or what?

Mr. Bob Hood, Director of Public Works, said no, it is just the opposite. They had contracted it out previously, but the contractor did not work out. They were concerned at the time that the contract amount was too low for that individual to do a good job. They cancelled that contract. They spent some time developing the specifications for a new RFP and put that out. They would like to allow staff to concentrate on the mainland restrooms, but they have been pressed into duty to keep up with the restrooms out in the beach parks. They have so many restrooms now and so many new ones coming on line which are so much larger than what they had, it is more than City Staff can keep up with and they need some help. No, it is not taking away anybody's job.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to award contract for City Park Restroom Cleaning (Jetty Park, Surfside Park, Jaycee Park, South Beach Park, and South Causeway Park) to Mary Mack Cleaning Service in an amount not to exceed \$43,800.

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

City Manager Recor said he wanted to update the Commission and let them know that for general employees they have begun implementation of the **Furlough**. He would like to get

clarification and a consensus as far as the furlough and its applicability to the City Commission. He believes there was a consensus of the Commission to implement it for Commissioners as well. He just doesn't want there to be any surprises.

Commissioner Coke said yes.

Commissioner Alexander asked did he say they are going to implement it for the Commissioners too?

City Manager Recor said yes. They are going to reduce their annual salary, annual earnings, by 40 hours.

Commissioner Alexander asked how is he going to do that? Is he going to cut out some of these Commission meetings?

City Manager Recor said no, they are going to reduce his pay.

Ms. Gloria Johnson, Director of Finance, said it is for 30 hours, not 40.

Commissioner Alexander asked that is 30 hours annually?

City Manager Recor said for this fiscal year, for FY 2009. He did put out an overview of the **Voluntary Separation Incentive Plan**. He wanted to make sure the employees could expect it and know that is coming. They expect to publish the literature on Friday in which the enrollment period will open. It will run for approximately 30 days. The literature will outline the eligibility requirements as well as the various incentives that are offered under the three options - two are for voluntary separation and one for early retirement. The employees must make a decision by July 15th. There is a revocation clause that gives them seven days to change their mind. The details include that the separation must occur by July 31, 2009. So there will be some opportunity to generate some savings in this fiscal year. They are all moving forward in that regard as well.

Mayor Benton said the implementation of the furloughs has been done with the non-bargaining. What about the bargaining people?

City Manager Recor said they do not have an agreement with the PBA (Police Benevolent Association). And a negotiating session with the Teamsters has been scheduled. He is going to impose a written deadline. Although his direction to their negotiating team has been consistent that he wants it wrapped up by their next budget workshop, he is going to impose a written deadline for the end of this month to have negotiations wrapped up with both bargaining units. The alternative will be, if they don't reach an agreement on implementation... They have proposed in writing an implementation strategy. If they can't reach an agreement, he is going to identify the percentage of employees or the dollar amount that would need to be generated through a reduction in the workforce for each one of those bargaining units. There is some concern from the general employees that if they were to take furlough days and the unions don't agree, the unions would somehow be exempt from the furlough. That is not the case. The alternative for the unions is a reduction in

workforce, but it will be a percentage of the overall savings. He is going to articulate that in writing, so hopefully that will get the attention of the unions.

Mayor Benton said he just wanted to make sure that it is across the board and starting at the top. This is for everyone.

Commissioner Sessions said right.

Commissioner Coke said everybody.

City Manager Recor said speaking of starting at the top, he has attempted to lead by example and he has taken two days already himself.

Commissioner Sessions said if he wants to start a riot around here, trust him, that is the quickest way to do it, union versus non-union. If they start talking about furloughs on one versus the other, there is going to be a lot of chaos.

Commissioner Coke said she thinks they all agreed unanimously that it was going to be across the board. She hopes that everybody will just understand the economic times they are in and get on board.

Commissioner Alexander said he thought the unions were on board with that.

Commissioner Coke said that was her understanding.

Mayor Benton said there was a representative at the meeting that was sort of implying he was willing to talk about it; but it appears they haven't been too willing to go along with it yet, from what he has been told.

Commissioner Becht said his conversation with both the police representative and the police union representative, they were wanting to regale him with the history of how this had happened and that had happened. He said he was less worried about the history than if they don't like what the City is proposing. At that time he was able to say the City was proposing it, because it was the Commissioners, not Mr. Recor. He told them to come up with their own adaptation of the furlough program. That was at the workshop and they said they would. Now he is led to believe that there was no adaptation of the furlough program by the union at the last meeting, which surprises him because they told him they would come up with their own plan for the furlough program. So it is disappointing that they have not. He hopes their membership understands that the furlough program is going to happen, has happened, and all the non-bargaining members are on the team. They would ask them to get on the team.

Commissioner Alexander asked he doesn't know which one of these options it applied to, but for instance if an employee is going to depart the City, whether it be separation voluntary or retirement, if an employee has a set amount of hours of vacation and sick leave, are they going to get paid for each one of these hours?

City Manager Recor said they are going to get paid for those hours that they are eligible for under the Personnel Rules & Regulations.

Commissioner Alexander said he wants an understanding with what he means.

City Manager Recor said there are two types of leave. There is vacation leave and sick leave. Employees are eligible to carry forward 240 hours of vacation. So an employee can be reimbursed up to 240 hours of vacation upon separation.

Commissioner Alexander asked when they had some former employees depart from the City of Fort Pierce, did that apply to them also?

City Manager Recor said yes, it did.

Commissioner Alexander asked if they had 1,000 hours, he is going to tell him they can get only 240 hours?

City Manager Recor said an employee could never carry 1,000 hours of vacation leave. They have a use it or lose it policy. So the maximum amount that an employee could be paid for vacation leave is 240 hours upon separation.

Commissioner Alexander asked all the employees know this?

City Manager Recor said yes.

Commissioner Alexander asked so they have no employees with more than 240 hours?

City Manager Recor said they do at times during the fiscal year, but then the employees have to use that leave to keep that balance under 240 hours.

Commissioner Alexander said the reason he is asking is because he is putting a deadline on this separation from this week to July, and by the end of July they must be gone. So where is that putting the City of Fort Pierce as far as the amount of dollars that would have to be paid between July 31st versus September 30th? Where is that fair to the citizens?

City Manager Recor said that is difficult to project. Obviously it depends on the amount of interest and the number of employees who take the City up on the incentive. They have a grand total if everyone were to take advantage of it. It is a staggering number. They expect there will probably be between 10 and 20 employees who will take advantage of the incentive.

Commissioner Alexander said again, he is just trying to get some information for himself. This next fiscal year begins October 1st. So up to September 30th, if an individual had not depleted the hours he had available, he wouldn't get the chance from July 31st versus September 30th. They are asking for their employees to say they want early retirement or voluntary separation, but

they are asking that person to give up quite a few dollars if they don't do it within his time period.

City Manager Recor said he would be inclined to support paying the employees for whatever vacation hours they had on the books, because the difference is pretty nominal.

Commissioner Alexander said he just wants to make sure the employees know that they are going to get every dollar that...

City Manager Recor said the idea is that they are offering incentive for the employees to separate, not penalize them for separating. So he believes if an employee elects to separate, they should incentivify them by paying them whatever hours they have.

Commissioner Alexander said he just doesn't want there to be a misunderstanding. When he starts reading whatever applies to the Personnel Rules, he remembers that book being thick. That was eight years ago and he still hasn't read it all. He just wants to be fair to the ones who may take them up on this. That means all their vacation, all their sick leave, and whatever else is coming to them, right? No one is being penalized?

City Manager Recor said they haven't talked about sick leave. The Personnel Rules & Regulations provide that an employee with ten years or more of service is eligible to be paid for 720 hours of sick leave.

Commissioner Alexander asked so if they have an employee who has had perfect attendance, they are going to penalize them?

City Manager Recor said they have employees who have 1,500 plus hours of sick leave. They are entitled to cash out 720 of that according to the Personnel Rules & Regulations. This would be a good time, although they have talked about it at their budget workshops, if it is the desire of the Commission to pay out 1,500 hours or x-number of hours above the 720 hours, he needs to know that.

Commissioner Alexander said if a person has 1,500 hours and if they had told that person this six months ago, they may have taken off those sick days.

Commissioner Coke said they are supposed to use those sick days when they are sick. It is not a gift. It is something that they do to help people if they are actually sick.

Commissioner Alexander asked if they knew six months they were going to do this, he doesn't think they would have had a lot of sick people in this building?

Commissioner Coke said then shame on them. There ought to be a requirement to have a doctor's note. If they allow people to accumulate 720 hours of paid sick time, that is a lot of time.

Commissioner Alexander said he knows. But they have employees in this building where City business is going on as usual and

not hiring a replacement or fill-in. That is costing the City more, plus they would be paying the individual who is sick. He thinks an employee who has 1,500 hours of sick time accumulated, then...

Mayor Benton asked when it comes to the 40 hours, that is not going to be taken out of one check?

Ms. Johnson said it would be spread over seven more payrolls.

Mayor Benton said he just didn't want to have employees having a heart attack when they have bills to pay and all of a sudden there would be a chunk taken out of one check.

City Manager Recor said to track this they have developed a furlough payroll code, so they will be able to monitor the implementation and determine that the employees have taken the appropriate amount of hours.

Mayor Benton said they don't have to come to work, they have that time off.

City Manager Recor said that is correct. They are not asking them to work and not get paid for it. They are not going to be physically here.

Commissioner Alexander said his main question he had, Mr. Recor elaborated on it, but he still has some concerns about that.

City Manager Recor said he can meet with him separately and he will be glad to go over the details of it with him this week if he would like to.

Commissioner Alexander said if Mr. Recor is going to implement something, he doesn't want him to deter an individual from taking early retirement, because he could still stay on. If it is mandatory that he takes that those hours, then they have to pay him for it.

Commissioner Becht said they are in the process of an **LDR Rewrite**. They have all talked for many years about raising the bar here in Fort Pierce and trying to make it a better community and making sure when somebody builds here they do appreciate that this is a special place. Each of them he thinks has received a phone call along the way where a particular part of their zoning code has caused an unintentional problem for somebody who wants to build in Fort Pierce. If they will try to capture those two or three instances and get with David Carlin or Erica Ehly, then those unintended negative consequences might be ironed out with this LDR Rewrite. It is incumbent upon the Commissioners to remind Staff that in this particular instance the code says something that just doesn't work in the real world. But they have to bring it to staff's attention and remind them that as they fix the code, let's fix it so this problem doesn't happen again.

Commissioner Coke said she has an issue. It is an issue of fairness and everybody being treated the same. The first issue

is, she heard last week about one event that goes on regularly that hasn't been permitted in a few weeks. Six months ago she heard it hadn't been permitted in three or four months. But it was still happening. Public Works was still showing up, the Police Department still was. Then she started hearing some more rumblings about an event with Staff complaining about they are not charging enough. All those may be very valid points. But her point, when it comes to looking at that type of thing, she thinks that needs to be an executive decision some place to sit down and look and say these are the 43 events they have, this is what it costs for the Police Department, for Public Works, for clean up afterwards, for whatever it is, and then evaluate what they want to charge. Her concern is, they have some instances of selective enforcement, which is exactly her concern with the other side. She has had some calls. They have a great new Italian restaurant over on the beach. They have tried to put up some banners and some signs. And every time they do, **Code Enforcement** is over there saying take the sign down. In the meantime she drives down Delaware Avenue. Everyone is entitled to freedom of speech. If they want to stand outside and picket a woman's clinic, that is their prerogative. However, she doesn't believe it is their prerogative to take a sign with some nasty comments regarding the clinic and stick it in the City right-of-way and be gone. It has happened two or three times. She has called and has been told they can't do anything, it is freedom of expression. No, freedom of expression is holding a picket sign. She has big concerns because it is not just that sign. Drive all over this City, downtown, over at different businesses on the beach, there are little sandwich signs out. People just paint things on the side of the building, they don't even use a ruler, they just get out and paint. Nobody says anything to those people. But here they have a new business starting up that has had professional signs made up, professional banners. She thinks they need to as a group and as an entire City, their number one priority especially in this economic time is to be business friendly. They can't scare away people who are having events that are a big boom to this City. They can't scare away businesses that are trying desperately to get somebody through the door to buy lunch and nobody knows where they are. She saw Port St. Lucie relax their sign ordinances considering the economic times. She thinks they need to find a way to insure that they are treating everybody fairly. It shouldn't be a sign ordinance that is in effect on this street, but not that street. There shouldn't be an event that gets questioned about whether or not they are profitable or they make a mess, unless they want to take every single event throughout the City of Fort Pierce and evaluate the same things with it. She just wants to express to everybody that she has some big concerns that they have some selective enforcement, whether it is intentional or unintentional. She thinks they need to be very aware of not doing that type of thing selectively. And also to insure, whatever it takes, that they need to be business friendly and encourage businesses here.

Mayor Benton said he thought they had been doing a lot better at that.

City Manager Recor said he thinks they have. But the one

inquiry that he thinks a number of them received, he wants them to know they are going to do some damage control there. They don't want that event to go anywhere. They are going to do everything they can to make sure that it doesn't. The operators of that event, they do have a meeting scheduled. He knows Commissioner Becht is participating in the discussion. But they will hear it from his mouth that they don't want them to go anywhere. But there have been some suggestions, some alternatives, that have come from Staff that he thinks are actually good ideas to address some of the concerns. But her point is well taken. He just wanted them to know they have a meeting to address one of the issues he knows she was speaking of.

Commissioner Sessions said it was somewhat ironic that Commissioner Coke brought that up, because that was going to be something he wanted to bring to staff's attention this evening. He has been getting numerous phone calls, especially within the last five or six months, and he has spoken with the City Manager about it. The businesses within this City are in dire straits in terms of business and generating revenue. One common denominator to a lot of these people who are calling is that the City is coming down on them and not allowing them to have the signage in place in order to promote their businesses. A lot of these businesses are somewhat hidden in a corner somewhere or in a shopping center in the back of the building. These businesses are barely making it. So they need to be more conducive toward promoting these businesses. He doesn't want to say to relax their ordinances, but that is why they have the City Manager here. Let's come up with something. The City Manager and Staff have to come up with something to help these businesses. People are complaining, they are saying they are barely making it. To have the City on top of them about something as simple as a sign, is just not conducive to what the City should be about.

City Manager Recor said the Code Compliance Manager and he have had a philosophical discussion about where to spend their time and resources, what battles are worth fighting. They will continue to have that dialog, because they understand businesses are struggling and folding every day, and they don't want that to happen here in Fort Pierce.

Mayor Benton said there was a cheap shot in the paper the other day in the Editorial about Fort Pierce trying to do a better job bringing retail into this community. He thinks everybody up here, and he knows himself for the last 14 years, have done everything they can do other than pay people to come here. He has called representatives from many different retail outlets. He knows their intent and that was the reason why this Commission lowered the millage rate and the tax rate in this community some 40% in four and a half years. They have lowered the crime rate drastically, so they can go out and promote this community. And they have done it. But when they hear the actualities to get a Whole Foods Market, which is now going to Vero Beach, it is how many masters degrees are in that zip code area. It is really frustrating what they are up against. But they have been busting their tails and they will continue to do that to bring retail back to this community. The economy has

not been on their side. Even when they waive the few requirements, the County threw a flag up and challenged them in Court over some road improvements. They are doing everything they can do, but he thinks the newspaper ought to jump on board and help too and start promoting the good things that are going on in this community, instead of trying to find every little detail. He won't say any more.

Friday, July 3, 2009 is July 4th Holiday in the City of Fort Pierce. All City Administrative Offices - with the exception of the Police Department Public Safety Services, the City Marina, and the Indian Hills Golf Course - will be closed. There will be no regularly scheduled garbage and/or trash collection on that day.

There being no further business, Mayor Benton declared the meeting adjourned at 8:55 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

