

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, JULY 2, 2007.

Mayor Benton called the meeting to order.

Mayor Benton gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Edward Becht, Christine Coke, and R. Duke Nelson; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: Commissioner Rufus Alexander.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, and unanimously carried, to excuse Commissioner Alexander from this meeting.

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The next item on the Agenda was Approve Minutes of the Regular City Commission Meeting on June 4, 2007 and the Regular City Commission Meeting on June 18, 2007.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve the Minutes of the Regular Meeting on June 4, 2007 and the Regular Meeting on June 18, 2007.

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

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

Letter from Pastor Toby Philpart, Sunrise City Community Housing Development Organization, thanking Deputy Director of Public Works Nick Mimms for his invaluable assistance and generosity.

Letter from Pastor Toby Philpart, Sunrise City Community Housing Development Organization, thanking Permit Specialist Kim West for her invaluable assistance and generosity.

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The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Coral Square Shoppes FLA LLC for construction of a retail shopping center at 3006 South U.S. #1; said property zoned C-3, General Commercial Zone.

Mr. David Carlin, Development Review Planner, said tonight the applicant is requesting site plan approval to construct a retail shopping center located on the east side of U.S. Highway #1, north of Edwards Road. (Mr. Carlin displayed slides during his presentation.) The 15.69 acre parcel, previously known as the Coral Square Plaza, sustained significant damage from the hurricanes of 2004. The buildings were recently demolished within this past year.

The property is zoned C-3, General Commercial, with a Future Land Use of CG, Commercial General. The properties to the north are occupied by existing retail establishments including the ABC Liquor retail store and a shopping center known as Jefferson Plaza, which are both zoned C-3, General Commercial. The property to the east is zoned R-4, Medium Density Residential, and is currently occupied by a multifamily housing development. The property directly to the south of the subject parcel is zoned I-1, Light Industrial, and is occupied by the Florida East Coast Railway. The parcel to the west on the west side of U.S. Highway #1 is also occupied by retail establishments, zoned C-3, General Commercial. Six new buildings will be constructed totaling 165,577 square feet of floor space. Four of the new buildings will be situated the a general location

of the former shopping plaza, while two of the new buildings will be constructed towards the front of the parcel along U.S. #1. Access to the development will consist of two existing entrances on the east side of U.S. Highway #1. What they are looking at here is the southern project entrance. This will serve as a one-way entrance for vehicles heading into the development. The northern entrance will serve as the primary access point with full turning movements and signalization and a dedicated deceleration lane for vehicles heading north along U.S. Highway #1. It should also be noted that an existing driveway entrance just south of the ABC Liquor will be closed to improve traffic flow along U.S. Highway #1. Two buildings will be situated at the front of the property which will be occupied by a bank and an unspecified retail establishment. The bank will contain 3,600 square feet of floor space and will have three drive-thru lanes and a dedicated break-out lane for unwarranted traffic stacking. This building will extend to a height of 20 feet.

The proposed retail store will also be located along U.S. Highway #1 consisting of 5,600 square feet and will extend to a height of 21 feet. The remaining buildings located toward the rear of the property will consist of 156,377 square feet and the height of the buildings will range anywhere from 29 feet to 38 feet. What they are looking at here is a picture of the fountain plaza. This will be provided between the two buildings located along the front of U.S. Highway #1. It will have brick pavers and a sidewalk network that will be incorporated into the development to allow for pedestrian connectivity. The traffic study impact statement that was conducted by Kimley-Horn & Associates indicated that 9,429 daily trips would be generated by the proposed development - 212 AM peak hour trips and 874 PM peak hour trips would be associated with the traffic for this project. The general traffic distribution will consist of 50% to the north and 50% to the south on U.S. #1. It should also be noted that because the proposed development is similar in size to the existing shopping center, that the net result in trips is actually zero, which meets the concurrency requirements. No other mitigation effects are anticipated for the redevelopment project. At their May 8, 2007 meeting, the Planning Board voted unanimously to recommend approval of the Site Plan with a recommendation that the applicant redesign some of the portions of the building to reflect more Mission Style and Spanish Eclectic design. Since that meeting, the applicant's architect met with Ms. Olson of the Planning Board and with Planning Staff, and revised the architectural design by incorporating several different things. At the top portion of the screen is the old style. The new design shows some of the tile inserts, some of the arcades, which are the arches underneath the roof line, and some of the medallions that will be incorporated. The roof line is also somewhat different. All affected departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting requirement of the City Code. As the proposed Site Plan meets the requirements of the City Code, Staff recommends approval.

Commissioner Nelson asked does Mr. Carlin know whether or not the property has been sold or turned over in the last three years?

Mr. Carlin said he is not aware of that detail Commissioner Nelson is referencing.

Commissioner Becht asked the right-of-way for U.S. #1, have they contemplated all that FDOT might need for what can reasonably be foreseen for whatever projects they may have in there in the near future?

Mr. Carlin said the right-of-way that is indicated for this particular segment of U.S. Highway #1 is adequate and no additional right-of-way is needed.

Commissioner Becht asked that is for the six-laning they came in and talked to the Commission about a couple of meetings ago?

Mr. Carlin said that is correct.

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

Mr. Michael Wood, 18516 Ocean Mist Drive in Boca Raton, said he is the owner's representative.

Commissioner Nelson said the plans indicate they have a couple of major tenants. Does he mind or choose at this time to reveal who those major tenants are that they are contemplating? What he is looking for - he doesn't want to pre-empt them in any way - but some of his people are asking him for Dillard's or J.C. Penney or Macy's or Fifth Avenue. He is hoping they might surprise them one day.

Mr. Wood said they certainly want to surprise them, that is for sure. That is probably the most asked question that he has dealt with throughout this process. To answer it candidly, they are working with four or five different retailers who would take the larger space. They don't have an inked deal as they speak, but it is not their intention to let that hold up the process. Their team is prepared to break ground in December, assuming they can get through the building review process and go forward. They are not driven by the need to have the space leased before they start construction. But the people they would be talking to would be people like Ross Dress for Less, Steinmart, Penneys - if they could entice them. There is a litany of retailers they are working with to try to put in this market.

Commissioner Nelson said he asked the question earlier about whether or not the property had been sold over the last three years or so for a specific purpose. He recalls when that property was purchased a few years ago, they went through an ordeal of trying to renovate it and the storm came along. And he has to commend Mr. Wood for the stick-to-it they have shown thus far. He wants to wish them the best in this project. Of course, they would just tickle him to death if they would just put one of those big stores in there.

Mr. Wood said their largest space works out to be somewhere around 111,000 square feet. It is the building to the north of the site labeled Building A. They certainly would like to put a substantial retailer in that space who is not currently in Fort Pierce. They just think that would be good for them and good for Fort Pierce.

Commissioner Nelson said he is going to keep his fingers crossed.

Mr. Wood said they are working at it, he promises.

Commissioner Coke said she is glad to hear the names he is throwing out, because she went during their Brownfield designation and she threw out some names and she is hearing them repeated back to her, so it is always good to hear that. Can Mr. Wood give them a status update on how that cleanup went? Is it complete?

Mr. Wood said he can, he would be delighted. Madeline Fell is their

Environmental Consultant (with SGF Environmental, Inc.) who is working with them on that particular cleanup. Their SAR Report (Site Assessment Report), which defines the extent of the contamination, has been approved. So they now have identified at least the area in which the Brownfield resides. They also have before the Department of Environmental Protection a Remediation Plan. It is their intention to clean the area up in a residential standard, not a commercial standard, which is a higher standard than they would be put to by the City. It is their thought right now that the Remediation Plan could be approved within the next three months. So they are moving forward and fully expect to be remediating before the end of the year.

Commissioner Coke said she appreciates them bringing that avenue to the City because she is sure there are other areas where that nomenclature will be applicable. She wants to thank staff. She knows Brian O'Connor worked with them on that and she wants to commend him on a fine job that he did with that.

Mr. Wood said City Staff has been wonderful throughout this process across the board from David Carlin and the support people in Planning Department. It has just been a pleasure.

Commissioner Becht asked can Mr. Wood walk him through what connections there might be on the eastern side of their property and the multifamily complex that is to their east?

Mr. Wood asked in terms of connections? Could he be a little more specific?

Commissioner Becht said he is looking at this diagram here and it looks to him like there is a road that connects on the southern edge of their eastern boundary. Is he reading the plans correctly?

Mr. Wood said he is. Let him get Jason Gunther with Craven Thompson to elaborate on that.

Commissioner Becht said before he elaborates, what he is looking for is trying to eliminate a design that appears to encourage motor vehicles, instead of their shoppers to the east there using either their bikes or their feet to get them out of their homes and into the shopping center. He noticed that the road is down on the southern edge. He doesn't know if these plans contemplated pedestrian crossing perhaps on the northern edge.

Mr. Jason Gunther, Engineer with Craven Thompson & Associates, Inc., said they are not proposing a pedestrian crossing. That roadway connection currently exists and they are maintaining it only because it did exist for a reason they are not fully aware of. But it will have a gate across it and be locked with the ability for the Fire Department in case of an emergency to open the gate. It is not anticipated that is going to be open to the residential community 24/7, if ever.

Commissioner Becht said if he lived back there, they would force him to get in his car and out on U.S. #1 to get to this facility.

Mr. Gunther asked he can't presently get into that complex from their facility nor will they be able to later, unless they open the gate.

Commissioner Becht said he is not looking for drive-thru traffic. What he is looking for is pedestrian access. So if he is back there

and he happens to get on his bike or he wants to walk to this facility, he doesn't have to get in the car in order to get to the facility.

He is wondering if they could somehow design something that provides them with the security they need and deserve, but also might encourage some pedestrian traffic from residents that are in the area.

Mr. Gunther said he doesn't see any problems with adding something, other than security reasons.

Commissioner Becht said if they added it so they could close it down at 10:00 p.m. or something like that then they could... He means, there are customers back there.

Mr. Gunther said they could build a gate and a sidewalk within their property going on the multifamily property and extending the sidewalk to wherever it may lead. It would be up to the other property owner.

Commissioner Becht said the other thing is there are some residents that are south of here who occasionally will ride their bicycles.

What accommodations have they made for bicycle traffic inside the shopping center, if any?

Mr. Gunther said nothing other than the sidewalk that is shown from the fountain out to U.S. #1, a pedestrian walkway.

Commissioner Becht said he is talking about bike traffic now.

Mr. Gunther said also just the roadway systems. But nothing that is solely used for bicycles at this time.

Commissioner Becht said later on he is going to ask this Commission if they would consider asking, at least their southern entrance...

There are a couple of senior citizen developments to the south of this property. He has seen them out there on the sidewalk and in the bike lane riding their bikes. They may ride their bikes up there instead of their cars. The goal here is to create the bike traffic and the pedestrian traffic, not the car traffic. The last thing is, he would like to ask if there is any possibility of creating a dedicated - as they exit their facility - creating both a dedicated northbound turn lane and a dedicated left turn lane. The way they have it set up, it looks like the straight across lane and the left turn lane are combined. He is concerned that during Christmas and the shoppers they are going to have in here, because they are going to be loaded with shoppers during Christmas time, that is going to happen.

Mr. Gunther said they had at one point proposed that and found out it would be a waiver to do that due to maximum pavement width at an entrance. They would prefer to do just as he suggested, have three outbound lanes.

Commissioner Becht asked who do they have to get the waiver from?

Mr. Gunther said he believes the City.

Mr. Carlin said he would like to clarify one thing. This is a rendering that was provided early on in the review process. Commissioner Becht is right, that lane that is shown in the plan here is a combination center/through and a left turn. Since then the City Engineering Department has asked that the right turn lane and center pass through lane to Emil Drive be combined into one. There really is a dedicated lefthand turn movement lane that is not shown correctly.

Commissioner Becht said he saw something on the earlier sketches. Do they need a waiver for them to have three outgoing lanes?

Mr. Jack Andrews, City Engineer, said yes. They have a maximum width of a driveway entering a project at 36 feet. This would surpass that. They feel that the traffic that will be generated here, the two lanes will be able to sufficiently take care of it.

Mr. Gunther said the traffic study that they have shows that this can work with two lanes.

Commissioner Becht said it also shows they have he thinks anywhere from 10% to 8% exiting to the north through the shopping center to the north.

Mr. Gunther said he didn't do the traffic study, but yes.

Commissioner Becht said he just wanted to make sure. They have an assumption in there that 10% is going to leave to the north and clutter up the shopping center to the north of them. What is the rationale behind limiting that to 36 feet? What policy is achieved by that?

Mr. Andrews said that is the City's policy. It tends to, if they get wider driveways than that, lose control of the movement of the lanes. When they get multiple lanes, more than three, they tend to get people picking in the middle instead of being in the dedicated lane. Also, they tend to overturn when they come in. So they try to keep it to that 36-foot width.

Commissioner Nelson said he had the same problem when he built his shopping center.

Mr. Gunther said adding the third out lane would also give them a little bit of an alignment problem with Emil Avenue across the street for people who want to come straight from the west or go straight west out of the complex.

Commissioner Becht said he is just going to go north through the other center. He just thought it might be easier to have it straight out.

Mayor Benton said they wish Mr. Wood the best and any more help. He knows the City has been working with him, but any help either his office or they as Commissioners can be with recruiting, please feel free to call.

Mr. Wood said they appreciate that. They may take him up on that.

Mayor Benton said please do. It is very important to all of them to get that retail back in Fort Pierce and get people spending money here.

Mr. Wood said they are committed.

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

Commissioner Nelson said he is not sure he understood exactly what Commissioner Becht was talking about the entryway from the residential area through that shopping center. He is very much concerned with the security aspects of a complex like that and the

need for control of people going in and out of there.

Commissioner Becht said the diagram they have on their screen, if Commissioner Nelson will look at the northeast corner of the property, that is where he thinks they could accommodate by putting in a pedestrian crossing. He is just throwing it out for an idea. The goal here is to try to create pedestrian-friendly environments. And what they have done is, they have forced any buyers in the back there to get in their cars to come across. If they can create a security checkpoint with appropriate landscaping and a gate and a post in the middle of it to prevent cars from coming across, then they can get the pedestrians coming across.

Commissioner Nelson said he was looking at the other end (to the south). In consideration of the fact this is the opposite end (to the north), he can appreciate where Commissioner Becht is coming from. But he also would like to point out from personal experience that security into shopping center complexes like that is very important and a control factor has to be very much considered. So if they were to make access there, they certainly should have something that would allow for control or closure of it by the owner.

Commissioner Becht said yes, absolutely.

Mayor Benton said right now there is to the north a gate similar to the one to the south for cars that is kept closed and locked most of the time. Because when it is open, he gets phone calls, he is sure they all do too. A certain restaurant here. So maybe something could be put alongside that gate; but they need to make sure that gate is kept closed for cars unless for emergency reasons.

Commissioner Nelson asked is staff understanding what they are saying here? They are not showing this on the screen, are they? They are not talking just to hear themselves talk. They hope this is implemented. Do they have this on their screen?

Mr. Peter Buchwald, Zoning Administrator, said in the upper righthand northeast corner, Commissioner Becht is indicating he would prefer a pedestrian access there. And from what he understands, it would be locked at night by the manager of the shopping complex.

Mayor Benton said open during business hours.

Mr. Buchwald said they have proposed that in several cases. That is the biggest concern that the developers have is for security, not only for people who might be traversing there, but also to the tenants of the shopping center as well. That is what developers have expressed to them is why they prefer not to have that. But he does agree that it makes sense by providing some type of access where somebody doesn't have to get in their car. The only option they have is to get in the car and go out on U.S. #1 to access it.

Mayor Benton said he would think they would need to be a little further north than that little yellow strip, because they want to be able to see it - the visibility from U.S. #1. They wouldn't want that corner of the building hiding it. Anything hidden by the building is just ripe for problems.

Mr. Buchwald said the Mayor does bring up another good point, so it makes it even more complex in terms of having an effective access that still provides the security that can also provide the control that Commissioner Nelson is looking for. But they will certainly

make an attempt. There is an access right there now at the northwest corner in the north end of the shopping center. But should that ever be redeveloped, they can keep in mind and keep that in place so that doesn't go away.

Commissioner Becht said following up on that, then all they really need to do is not create the access but maybe create a sidewalk on the northern property line to that northern access point. That way they have accomplished all that.

Commissioner Nelson said he doesn't think they want to be architects or engineers on this, but it is a good point.

Mayor Benton said staff and the applicant knows their concerns. Hopefully they can incorporate something.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to approve Site Plan submitted by Coral Square Shoppes FLA LLC for construction of a retail shopping center at 3006 South U.S. #1, with the condition that staff to work with the applicant on a pedestrian access (northeast corner) and a safe bike access (from the south).

Mr. Buchwald asked is that access from the property to the east? Because earlier in the discussion there was also access from the south?

Commissioner Becht said the pedestrian access, he is happy if they just design it such that pedestrians can come in from the northern vehicular entrance on the north line. The bike traffic is going to come in he thinks primarily from the south. All he is looking for is a safe way for somebody to ride their bike into the facility, nothing spectacular.

Mayor Benton said and keep that entrance that is coming out of that development closed like it is now or they are going to create a lot of problems.

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

Mayor Benton said good luck and they are looking forward to shopping there again.

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Ordinance No. K-496 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CREATING ARTICLE XV.5 EMERGENCIES - DISASTER; CREATING SECTIONS 2-282 THROUGH 2-290; PROVIDING FOR INTENT; PROVIDING AUTHORITY OF MAYOR TO DECLARE A STATE OF EMERGENCY AND FOR GENERAL AND EMERGENCY POWERS OF THE CITY MANAGER; PROVIDING EXPENDITURES MADE DURING EMERGENCY ACTIVITIES BE DEEMED TO BE FOR DIRECT PROTECTION AND BENEFIT OF THE INHABITANTS AND PROPERTY OF THE CITY; PROVIDING FOR A HOLD HARMLESS AGREEMENT IN ORDER TO ENTER AND REMOVE STORM GENERATED DEBRIS FROM PRIVATE AND GATED COMMUNITIES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only. (Postponed from June 18th and Amended)

City Manager Dennis Beach said as indicated on their Agenda, this was presented to the Commission June 18th. At that time there was some concern expressed by Commissioner Nelson in regards to the designation of the person declaring emergencies under these circumstances. That amendment has been made to this ordinance and

it is being returned to them with that amendment for their consideration for first reading this evening.

Mayor Benton said it is very important that they move with this in a timely fashion, because basically this is giving them the ability to pick up debris in gated communities.

City Manager Beach said that is correct.

Mayor Benton asked is there anything Mr. Thomas would like to add?

Mr. Le Thomas, Risk Manager, said he thinks it speaks for itself.

Mayor Benton said he thinks they have all met with staff on this. It is very important that they pass this as soon as possible because they are in hurricane season.

Commissioner Nelson said he met with staff on this. He noted the changes as indicated by the City Manager. He is pleased with it.

Mayor Benton declared a Public Hearing on Ordinance No. K-496 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, that Ordinance No. K-496 be passed on first reading.

Commissioner Nelson asked what does it mean when it says emergency personnel policies and procedures? What does Mr. Thomas envision in that?

Mr. Thomas said what he envisions, he can only express to them the fact that their City Manager must have the powers to be able to enact whatever measures he needs whatever situation arises. They can't confine this just to hurricanes or tornadoes. For example, they may have a Cl2 (chlorine) crash out on the railroad and he has to take whatever measures he sees necessary to address that particular issue. They could have a civil disobedience. He has to have the flexibility to do whatever and call upon whatever resources he deems necessary to correct the situation.

City Manager Beach said those powers are defined by ordinance and there is a whole host of them.

Commissioner Nelson said he was trying to get an example, whether it was a case of overtime or hiring a specialist or whatever the case may be.

City Manager Beach said it is any number of issues that are actually defined by ordinance and defined by charter. He doesn't think he could quote any of them off the top of his head, but those are numerous.

Commissioner Nelson said there might be an emergency.

City Manager Beach said he will look at that ordinance in an emergency.

Mayor Benton said if they have an emergency, the City Manager knows how to get everybody on his cell phone at almost any time of day.

Those voting in favor of the passage of Ordinance No. K-496 on first

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

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Ordinance No. K-497 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING CHAPTER 22, ZONING, SECTION 22-59, DESIGN REVIEW; AMENDING SECTION 22-59(a), PROVIDING THAT DESIGN REVIEW RELATED TO ANY CHANGES TO HISTORIC STRUCTURES OR ANY NEW CONSTRUCTION ON A HISTORIC SITE OR IN AN HISTORIC DISTRICT SHALL BE REVIEWED BY THE HISTORIC PRESERVATION BOARD; AMENDING SECTION 22-59(d)(2)(ii), PROVIDING STANDARD OF APPROVAL BY THE DESIGN REVIEW BOARD IF PROPERTY IS LOCATED WITHIN A HISTORIC NEIGHBORHOOD NOT ALREADY DESIGNATED AS A HISTORIC DISTRICT; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mr. Matthew Margotta, Director of Planning, said they have a slight change to the newly approved Design Review Guidelines that gives a little more specificity to the situations that the Historic Preservation Board deals with. It was somewhat of an oversight when they first approved it. But hopefully this will help clarify any issues and alleviate any confusion in the future. Christina Croxell is their Design Review Guidelines person. She will be dealing with these when they come in.

Commissioner Becht said Mr. Margotta is trying to clarify something and he has confused him. Is there a definition within their Code for Historic Neighborhood? He knows what an Historic District is; but he is not sure he knows what a Historic Neighborhood is.

Ms. Christina Croxell, Historic Preservation Planner, said she doesn't believe they actually have a definition. She brought the historic ordinance with her. Maybe it is in there.

Mr. Margotta said that would be in Chapter 23 as opposed to Chapter 22.

Commissioner Becht asked what is driving this, their Historic Board is requesting it?

Mr. Margotta said no. Actually when they first adopted this ordinance, Staff kind of had a disagreement on how to present the notion of the Historic Preservation Board doing those things they should be looking at. It turns out they kind of missed the mark and caused a little confusion. What they are trying to do is firmly put those issues that the Historic Preservation Board would normally look at in their hands as opposed to splitting them off to the Planning Board.

Commissioner Becht said he can appreciate that. But if they start talking about Historic Neighborhoods and they talk to the Historic Preservation Board, then he thinks they are going to be talking about all of Fort Pierce. Because he would have a different definition of what is an historic neighborhood. So he is a bit concerned about using a term as nebulous as historic neighborhood unless there is a real clear definition. Historic District is defined. They would adopt a resolution, designate it historic, and then any design review would go to the Historic Preservation Board very clearly within an Historic District. He is uncomfortable in saying it is a Historic Neighborhood. Even if there is a definition, who is going to decide that it is an Historic Neighborhood? Then it has to go to the Historic Preservation Board. He thinks they have without justification

expanded the power of the Historic Preservation Board by using the term Historic Neighborhood.

Ms. Croxell said she thinks the Commissioner is a little confused on what these changes are specifying. It is specifying that any construction - meaning alterations or new construction in a designated Historic District - will go before the Historic Preservation Board. If it is in a historic neighborhood and if they want to go with a broadly accepted definition of historic neighborhood, a neighborhood consisting of a majority of its buildings 50 years or older, it would still go before the Planning Board. They would just have to consider the surrounding historic structures when they consider the new construction.

Commissioner Becht asked aren't they required to do that by the Design Review Guidelines anyway?

Ms. Croxell said yes, they are.

Commissioner Becht asked so what have they gained?

Ms. Croxell said just a more specific wording of that section.

Mr. Margotta said it is for alterations and additions. What they had before was existing buildings within districts. And now they are talking about new construction too.

Commissioner Becht asked so this Section (ii) does not send it to the Historic Preservation Board?

Ms. Croxell said in a district, it goes before the Historic Preservation Board. In a neighborhood, it goes before the Planning Board.

Commissioner Coke said she guesses she is going to echo Commissioner Becht's concerns here because she lives her life by the KISS system. And it seems to her they are definitely creating two more layers of bureaucracy here. When they talk about any new construction in a historic neighborhood, she will tell them they would not have the beautiful Harbor Federal building downtown, they would not have a lot of things downtown because all those buildings are 50 years and older. So she thinks what they are doing is limiting people's ability without jumping through several extra hoops to develop property that they have purchased in a fashion that is going to improve the area. She thinks they are just developing more levels of bureaucracy for the general public or for the developers to try to get through.

Mr. Margotta said actually when they created this, it was with the intention of not burdening or adding too many layers of bureaucracy, but still adding some design review. The original draft of the Design Review Guidelines had everything going to the Planning Board. They noticed while looking at that, there are Historic Districts where the Historic Preservation Board has jurisdiction. They don't want them going to the Planning Board and the Historic Preservation Board where they might have different opinions. They want the right things to go to the right people. They are still doing that no matter what happens. The National City or some of these others, if it is in a district, it still has to go to the Historic Preservation Board. All they are trying to do is clarify that they kind of messed up when they first drafted it between existing and new construction.

Commissioner Coke said if Mr. Margotta thinks he clarified anything,

he just muddied the waters for her more.

Mayor Benton said if they have comments he thinks they should wait until after the Public Hearing.

Mr. Margotta asked could they go ahead and do the presentation just so they get the language out on the floor?

Mayor Benton said make it brief. He has his concerns.

Commissioner Nelson said him too.

Ms. Croxell said these are the proposed amendments to Section 22-59, Design Review Guidelines and Procedures. These were brought up because staff had noticed some conflicts between the newly enacted Design Review ordinance and procedures specified in Chapter 23, Preservation of Historic and Archeological Sites, Structures, and Districts. The proposed amendments to the applicability section would place the review of all construction, alterations, and new construction located within historic districts and on designated historic sites under the review of the Historic Preservation Board.

The proposed change under the procedures for approval has been changed to, if the property is located within a historic neighborhood not already designated as a historic preservation district, the design features should reasonably be consistent with the historic character or the predominant architectural style of that neighborhood.

Mayor Benton declared a Public Hearing on Ordinance No. K-497 in session and asked if anyone in the audience wished to be heard.

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

Commissioner Nelson said he has comments similar to both Commissioner Coke and Commissioner Becht. He is not sure what they are doing here. Are they trying to limit the property owner's ability to improve the property or bring it up to a higher standard; or keep it in the same status it was 15, 20, or 50 years ago? They have emerged to the point that there are better ways of doing things. For example, on wooden buildings they are putting the stucco and this kind of stuff these days, and they have different window types and all they are putting in. They have a situation wherein the building might be considered historic and the owner wants to fix it, but he sits there and is denied the ability to fix it because he doesn't want to bring it back to the standards that the Historic Preservation Board says it should be. And they won't let him tear it down. How do they handle these types of things? This is quite a concern for him.

Mr. Margotta said now it starts to sound like this conversation has nothing to do with this ordinance. Now they are talking about whether they want to get into historic preservation or not. They have historic districts that are already existing that were created in the City. They have a Board that is charged with reviewing things that happen within that district. In the district there are some buildings that are contributing to the district and some that aren't.

But everything within that district, no matter what happens - they change the roof type, they change the windows - it all goes to the Historic Preservation Board already. The only difference is they are applying these standards which are basically already being looked at, they just codified them in their zoning code.

Commissioner Nelson asked why can't they handle the whole thing as opposed to handling this particular thing? As Commissioner Coke mentioned, they are adding another layer of bureaucracy. Why don't they have one person handle the whole thing?

Mr. Margotta said they do. It is the exact same layer of bureaucracy.

City Attorney Schwerer said let him try to give them the legal synopsis and then perhaps they can go from there, because it seems they are not understanding perhaps what is being accomplished. The first amendment to Section 22-59(a) Applicability, what that is doing from a technical legal wording situation is, it is picking up on new construction within historic districts. Previously the design review standards did not pick up on new construction within historic districts, it only required review by the Historic Preservation Board for changes in existing construction on sites within a historic district. This is contrary to their Historic Preservation Code. When they did their Design Review Guidelines, this is directly contrary to their Historic Preservation Code which says the Historic Preservation Board should look at new construction within Historic Districts. So they already have historic districts designated. It is not changing the code. It is saying when they are doing new construction within that district, not just remodeling or changes to existing construction, they are going to send that to Historic Preservation Board, so that the new construction is harmonious with the construction in the district.

Commissioner Nelson asked which Board handles that?

City Attorney Schwerer said the Historic Preservation Board should handle that according to the Code. The Code clearly says that it should go to the Board. But they adopted an ordinance. Previously, their Design Review Standards were across the board all across their Land Development Regulations, if he is not mistaken.

Mr. Margotta said that is correct.

City Attorney Schwerer said so this picks up on that conflict. There is a direct conflict. So the amendment in Section 22-59(a) is needed as a matter of law because there is a conflict. He does however understand Commissioner Becht's comment on Section 22-59(d)(2)(ii), where it says, "If the property is located within a historic neighborhood not already designated as a historic district..." When they don't have an adequate definition of a historic neighborhood, that could be confusing. He just checked the Code, and he is not an expert in the Historic Preservation Code, but it doesn't appear that Historic Neighborhood is defined, so perhaps that needs to be defined. But that deals with property located within the Historic Neighborhood as opposed to the way it was worded before which was Historic District. So they may want to send it back to get a definition of that. He is just making that suggestion.

City Manager said he concurs with what the City Attorney has indicated. If there is a suggestion for the modified language for this evening, they can discuss that language. If there is not, then they will send it back to staff and have staff define that portion of it and bring it back to the Commission at a future date. Does that create any issues or any difficulty for Mr. Margotta?

Mr. Margotta said he was just hoping he could kind of explain that intent. It doesn't cause a hardship at all to try to better define

that.

Commissioner Coke said before they move forward with saying let's go back with that, what would be the harm...? The obvious problem with the ordinance is in Section 22-59(a), that there was a conflict of which Board it should go to and she thinks all of them are looking to resolve that conflict. The concern that she is thinking is that now by changing Section 22-59(d)(2)(ii), they are adding something that is not clearly defined, do they even want to define it, or do they want to leave that section as is? Can they this evening perhaps consider moving forward with the changes in Section 22-59(a) and just leave Section 22-59(d)(2)(ii) as is?

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-497 be amended to delete Section 2, which amends Section 22-59(d)(2)(ii); and that Ordinance No. K-497, as amended, be passed on first reading.

Mayor Benton said he sat in on the Historic Preservation Board meeting the other night from 6:00 p.m. until 10:30 p.m. and it still was going on when he left. They have a very passionate Board and they do their homework, they spent 10 or 15 minutes on changes to the minutes, they are good people. But he believes there is one architect on that Board. On the Planning Board they have at least one architect. First when a developer or any proposed development comes in front of them, it goes to technical review. So their experienced staff sees it first, makes recommendations. And then it goes to the Planning Board, who they deemed the group to look at these architectural guidelines. But to add another bureaucracy and red tape to this, it could take somebody literally months longer to build a new home or to put in a new business. He is not willing to put that red tape out there. He thinks they have qualified people on the first two Boards that will see this. He thinks they have one architect on the Historic Preservation Board. If it was in front of them for comments and only comments... But to see them table something. It could be months. They have seen it done, right? Just yes or no.

Mr. Margotta said he has definitely seen them table issues.

Mayor Benton said a lot of times they need to move on. He saw something new that was brought in front of them the other night that went by very quickly. His concern is, this is just putting a lot of red tape out there and it is going to hurt. Fort Pierce is a historic city. Probably 80% of this City is 50 years old.

Commissioner Coke said her only concern, when they talk about bringing it in front of that Board for comments only, they are adding probably a minimum of four to six weeks to the process. So she would be very happy to accept the changes staff is recommending for Section 1 (Section 22-59(a)) and leave Section 2 (Section 22-59(d)(2)(ii)) as is.

Commissioner Nelson asked that was her motion, wasn't it?

Commissioner Becht said what he needs clarification on is, as the Mayor was explaining, a project would go through staff to the Planning Board to the Commission. If the Architectural Review Guidelines are involved, there is not an extra step as he understands it. But this is what he wants clarification on, there is not an extra step.

When they go to the Planning Board, the Planning Board does its job in reviewing the plans for all the reasons in the Code and the architectural review guidelines. Let's bifurcate it. The project

is in a historic district and it goes to staff; and now instead of coming down the pike to the Planning Board, it takes a detour over to the Historic Preservation Board. Correct?

Mr. Margotta said it already does that. Yes, correct.

Commissioner Becht asked does it also have to go through the Planning Board?

Mr. Margotta said if it is new construction that requires a Site Plan, yes.

Commissioner Becht said so that is the extra layer they are talking about. That is what they were hoping to avoid. But because they have a stated policy of trying to preserve historic structures in historic districts, they have an extra layer when a project is in a historic district. Is that correct?

Mr. Margotta said that is correct. But that is their current process.

The only difference is they are applying these Design Review Guidelines to what already goes to each one of these Boards. If the project is a Site Plan and it normally comes through in an area that is not a designated district, it will go just as they explained, to the Planning Board and to the City Commission. If there is a new project or even an existing project that is being changed to the extent that it needs a Site Plan, it still has to go through all those Boards, regardless of whether they have the Design Review Guidelines or not, it is already part of the process. The only layer they are adding is another consideration.

Mr. David Recor, Deputy City Manager, asked would Mr. Margotta explain the concept of concurrent review?

Mr. Margotta said it might help a little bit. First let's use an example of a Site Plan going through the Planning Board and the City Commission. Right now the entire staff looks at it - for public works, for traffic, for zoning considerations, the police look at it, and so on. They have all these agencies that concurrently look at it, provide staff input, make sure it meets their codes. And then it goes to the Planning Board and City Commission. That is just the normal plain review. But they have added design review to that list of things that they check out. The same thing now applies to something that is also in a historic district. That site plan that is in the Historic District goes to the Planning Board, it also goes to the Historic Preservation Board to get its approvals or recommendations, prior to coming to the Commission.

Mr. Recor said in a nutshell, don't think of the requirement for the Historic Preservation Board's review as an additional layer, but rather an additional checkbox. Leave it to the Planning Department to schedule that meeting in the same month as the Planning Board would meet. In other words, these are concurrent process as opposed to back-to-back processes. They don't go to the Planning Board in July and then have to go to the Historic Preservation Board in August. That checkbox will be met by the Planning Department during the same month.

Commissioner Becht said it will be unless the Historic Preservation Board decides to table it.

Mr. Margotta asked how do they build that into an ordinance?

Commissioner Becht said he doesn't know.

Commissioner Nelson said when they say new construction, what do they mean?

Mr. Margotta said here is a really good example. They have an RFP or an RFQ out on the J.C. Penney site. That is right downtown in the middle of their Historic District. That site, whenever it comes forward for consideration by the Planning Board and then to the Commission, it also goes to the Historic Preservation Board. The parking garage did the same thing. It went through the Historic Preservation Board for appropriateness within the district.

Commissioner Nelson asked they do not include renovations wherein they put in a new soffit or they fix the back porch or stuff like that?

Mr. Margotta said maintenance might be a different issue altogether. But if there is a substantive change to the structure, it already goes through the Historic Preservation Board if it is within a district or a designated structure. It is already part of the plan.

City Manager Beach said there is a motion and a second on the floor.

Mr. Margotta needs to describe to them what the impact would be of leaving the language in Section 2 as it currently is. Can he do that briefly?

Mr. Margotta said the impact of the language that was added is trying to differentiate or at least make clear the fact that things happen that are kind of in a historical area, so that when it goes before the Planning Board they don't just forget the fact that it is surrounded by a bunch of architecturally significant events and things, that they kind of apply its neighborhood to the new building that is coming in. This way they don't end up with some very futuristic looking building in the middle of the 19th Century.

City Manager Beach said he understands what Mr. Margotta is doing. What he would suggest is that they go ahead and pass this ordinance with the exclusion of that clause as their motion indicates. And let staff refine that. If they need to deal with that further, they will bring it back to the Commission in a different format. But he thinks the motion and second that is on the floor will solve the problem they currently have. And they will come back to the Commission with some suggestions on this other issue.

Mayor Benton asked on the second reading?

City Manager Beach said yes.

Commissioner Coke said they really have had the discussion many times before that if there is a change that is necessary, such as there is a conflict as in Section 1, then by all means they think it is appropriate for staff to find that change, redefine it, and bring it back to them. But they as a Commission have said repeatedly that if there is going to be a significant change to the ordinance - to her, the changes suggested in Section 2 are significant changes - that they should get a consensus of this Commission to make the change prior to. For all the reasons she stated before, she does not like the verbiage in Section 2. And she is not even sure that she is supportive of the general idea of a vague notion of a neighborhood.

Because her definition of a neighborhood is the houses she can see from her front porch. Someone else's definition might be a four

block by three block area. What if it is three blocks and one house over, is that still a neighborhood? So she thinks if it is working the way it is, they don't necessarily need to go and try to redefine things to stifle development any further.

City Manager Beach said his understanding of the motion is that Section 2 is excluded from Ordinance No. K-497.

Commissioner Coke said that was her understanding also. But now she is hearing they are going to bring back a change.

City Manager Beach said if they do, it will come at the Commission in a totally different way and they can deal with it at that time.

Those voting in favor of the passage of Ordinance No. K-497, as amended, on first reading were: Commissioners Becht, Coke, and Nelson. Those opposed: Mayor Benton.

Mayor Benton said if Mr. Margotta wants to sell him on this, they are going to have to sit down. He is going to have to do a better job explaining it to him, because he sees it being another bit of red tape. They don't need any more red tape, they have enough now.

Commissioner Nelson said when he does that, come to see him too.

Mr. Margotta said he will make the rounds, because he didn't like seeing that much confusion.

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The next item on the Agenda was Public Hearing on 2007-08 Community Development Block Grant (CDBG) Annual Action Plan.

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

Ms. Dorina Jenkins, Assistant Director of Community Services, said it is mandated that all entitlement grantees that receive CDBG Funding to submit an Annual Action Plan to the Department of Housing & Urban Development to remain in compliance with the federal regulations. The proposed Statement of Objectives summarizes the projected use of funds for the City to undertake during Fiscal Year 2007-08. This is the second Public Hearing to solicit public comments. Staff is recommending Commission approval to submit the Annual Action Plan by Resolution No. 07-33 to HUD for review and approval.

Mayor Benton asked is all the money expended or is there room for a modification? He has a reason for asking.

Ms. Jenkins asked what type of modification?

Mayor Benton said he thinks he mentioned to her, back in January they met with Hospice of the Treasure Coast, there was concerns about electric bills for folks. The County had committed some funding, about \$5,000. He was hoping the City could. Mr. O'Connor was at that meeting. They were hoping that maybe CDBG money could be used for this. It had been expended. He thinks he did mention it when he spoke to the Communitywide Council. He was just wondering if it is something that could be done. He knows they can't do it out of the General Fund.

Ms. Jenkins said they can submit a request. However, the mandatory orientation is held the second Wednesday in November of every year.

So therefore they have to put in an application at that particular mandatory meeting in order to be considered for the upcoming funds.

This particular projected use is for the 2007-08 funding. The next meeting, mandatory orientation, will be held the second Wednesday in November 2007 for the 2008-09 money.

Mayor Benton asked so they missed the window on this year?

Ms. Jenkins said yes.

Commissioner Nelson said their funding entitlement is decreasing and has been decreasing steadily for the last four or five years. Any particular reason for that?

Ms. Jenkins said it is just the formula that federal guidelines use, and it is based on the population and the needs of the community.

The City receives funding under special circumstances, because they don't meet the threshold of the 50,000 population. So their funding is really given to them under special circumstances because of the blight and slum.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-33

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY'S 2007-2008 COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE SAID GRANT, ANY AND ALL APPLICATIONS AND OTHER DOCUMENTS INCIDENT TO OBTAINING SAID GRANT ON BEHALF OF THE CITY."

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 07-33 be adopted.

Those voting in favor of the adoption of Resolution No. 07-33 were: Commissioners Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Nomination of City Staff for Florida League of Cities Awards.

City Manager Beach said this came up at a Commission meeting within the last month wherein the Commission asked Staff to pursue these awards. It became apparent after reviewing the guidelines that the nomination for these awards must be made by the City Commission. The reason this is in front of them this evening is so they can select one of these categories and make that nomination. This gives them a number of awards that can be applied for. Two years ago the City won the top award in this category. They applied for the Spirit of the City Award last year and received some honorable mention. This process is coming through again this year. He believes the suggestion previously was that the City Clerk be nominated as the City Clerk of the Year Award for consideration. This is in front of them for that purpose. Please tell them what direction they would like to go and they will see that the paperwork is handled.

Commissioner Nelson asked the City Clerk was submitted last year for Clerk of the Year?

City Clerk Steele said yes, last year.

Commissioner Nelson asked they are talking about picking one of these several categories - City Clerk, City Manager, or Mayor?

City Manager Beach said his recommendation would be that they select one and let them focus on that one. There are a number of categories there. In fact, they had an employee in the finals of the City Employee of the Year last year; he is not sure where he wound up, but it was second or third. His suggestion would be that they pick one and focus on that and get that in front of that Review Board.

Commissioner Nelson said he is very much in favor of the Employee of the Year. They have several people who have 30, 35, 40 years of service. He has seen this awards ceremony at the Florida League of Cities. He was there when one of their employees was considered. He was there when they got the City of Excellence Award. So he is a proponent for the Employee of the Year. He would want to have that staff-driven as opposed to having the Commission say that Joe Blow is the Employee of the Year. They could set up a program to select the Employee of the Year and consider some criteria.

City Manager Beach asked if the Commissioners would like for them to make recommendations to that, they do have time to do that. They can have that back to them at their second meeting in July for recommendations.

Commissioner Coke said she would love to see all their employees nominated. She thinks perhaps they ought to expand their vision there and look more toward the City Spirit Award, because they have had many people in this community involved in so many different aspects of pulling the City back together after the hurricanes, rebuilding. They have that great light display downtown at patriotic as well as holiday time. They have the Farmers Market, they are renovating things, And she thinks personally the City of Fort Pierce is well deserving of the City Spirit Award.

Mayor Benton said he thinks they have a Citizen of the Year that they should nominate. He knows a couple of citizens that directly turned this City around. He can name at least three or four who are still involved with the City that the Commission looks to and have been here longer that the Commissioners have. He thinks they ought to put them on paper for consideration.

City Manager Beach said they now have three opinions. Can Commissioner Becht add a fourth to that?

Commissioner Becht said just pick one of the three. He won't complicate things any more than that.

City Manager Beach said staff will bring them categories for all three of those they mentioned.

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The next item on the Agenda was Mayor Benton discussion on proposed Animal Licensing Ordinance.

Mayor Benton said they talked about this about a month ago. They asked for information from the Police Chief. They received that information. He is hoping they can move forward with advertising this ordinance.

Commissioner Coke said in the Chief's memo, she notes with interest

in the second paragraph that a majority of the veterinarians in the area disagree with the lifetime licensing because it may discourage continuing care. There was also a concern raised about the difference between the \$10 fee for spayed animals and the \$75 fee for non-spayed animals. She is going to say very clearly, she is absolutely in favor of all animals in the City of Fort Pierce being licensed. On a personal note, she has made sure every animal she has ever owned in her life regardless of breed was spayed or neutered.

She doesn't know that she feels it is her place to take that option away from people. Her big concern the last time was, they are talking about resolving a problem without resolving the first problem. They have a total of 50 dogs and cats in the City of Fort Pierce that are licensed. So for them to address an issue that is going to take care of 50 dogs... And she probably knows all of them, because most people she knows have licenses. She has gotten stacks of e-mails.

She got one in favor of the ordinance. Every other one she got made some valid points that the people who are going to pay attention to this are the responsible people and the irresponsible pet owners are not going to pay any attention to this. She thinks before they start charging a \$75 licensing fee for non-sterilized pets, they need to find a way to get their pets licensed. If they do that through the Humane Society, through the existing veterinarians that are working in the area, and find a followup system on an annual basis where people are sent reminders. She thinks once they start getting the hundreds of dogs and cats that live within the City licensed, part of this problem is going to resolve itself. But she is not going to support putting in a licensing system that they don't have any way to enforce at this juncture and the vast majority of animals are not licensed. And they are going to look to create a situation where people either are not going to have continued care for their pets because their license is lifetime, so they can slough off going to the vet and getting that annual rabies shot. Or some poor mother with three kids who say they want a puppy and who wants to live within the rules is going to say, she can't afford the \$100 or something to neuter it, and she sure can't afford the \$75 annual fee to license it.

Mayor Benton said there is funding out there to have those animals neutered. He believes they can get it done for nothing if they go to Martin County. But a lot of the vets might not want this, because if it does work in reducing the population it cuts them out of a little bit of work. In his opinion, instead of having a license that people have to renew annually... That is one reason probably why they are not doing it, because they have to come in to the City Clerk's office. If they look at the comments that the Chief adds to it, to allow local vets to issue the license on the City's behalf, it would be a one time fee for spayed or neutered animals at \$10.

He thinks everybody can afford that. If they are in the business of breeding animals, they pay more. It is a business. These people are selling these animals for \$400, \$500, \$600, or more, so they are part of the problem. They eliminate that and they are asking people to be responsible mainly because it is costing the City over \$250,000 for these animals today. And as County taxpayers, it is costing them even more. So it is probably close to \$1 million throughout St. Lucie County for these unwanted animals that end up at the Humane Society. So they are looking for a solution. He hopes this is part of that solution. He thinks they should give it a chance.

The County has given it a chance. It makes sense that the same rules on side of the road as they do on the other. Half of Fort Pierce - one side of the road is Fort Pierce, the other side is St. Lucie County. Why would they change the rules? To him, they should all be going by these same rules. Let's try this for a few years

and see if it works.

Commissioner Coke said maybe the County should have asked the City for their input.

Mayor Benton said he was there. The County had the input from the experts - the Humane Society and all the animal rights groups and animal organizations that bring in these animals - and they all supported it. In fact they had people from Palm Beach County that have been doing this for a long time supporting it. To him, it makes sense. All he is asking for is let's have the Public Hearings, let's hear what the public has to say like the County did. Somehow they have to look for a solution to these problems. There are too many unwanted animals out there and irresponsible owners. He thinks this is the first step.

Commissioner Coke said if they found a way to license them, then she could go with it.

Mayor Benton said they have to have a buy-in from the vets and the Humane Society. They just can't keep upping the ante. He thinks years ago they were paying around \$50 or \$60 an animal to the Humane Society. Now he thinks it is \$118 per animal. Tallahassee just said tighten your belt, they have no choice but tighten their belt, and this is one of the mechanisms of doing it. Let's see if it works, let's give it a try. All he is asking is that they have the Public Hearing on it, because it wouldn't start until October like the County's.

Commissioner Becht said he thinks they should have a Public Hearing on it. As he is sure all of them have, he has gotten a great deal of information on it. He doesn't think it is going to take that much staff time to put something together that mirrors what the County has done. They will see whether the public wants it or does not want it. But he has gotten starkly contrasting information from folks - some saying that it doesn't do anything, others saying it will accomplish it. So he would like to have a Public Hearing on it and flesh out whether it is a good idea or a bad idea.

Commissioner Nelson said he has gotten a considerable emails and letters on this subject as well. He is not a proponent for having the vets issue the licenses, he thinks that is something that the City as a governmental lawmaking body should do, they don't need to have somebody else do what they are supposed to do. They have other animals out there that create problems for them. For example, chickens are rampant throughout their community and they are not enforcing that. Anybody coming through this City will think they are not the Sunshine City but the Chicken City. He would venture to say they see more chickens than they do dogs.

Commissioner Coke asked what do they charge for chicken licenses?

Commissioner Nelson said they have other problems. He has a dog. He thinks the people who are responsible are going to take care of their animals. Those who are not being taken care of should be incarcerated or up for adoption.

Mayor Benton said that is what they are paying \$250,000 just out of the City's budget to do each year. They need to cut those numbers down.

Commissioner Nelson said it might be a worthwhile thing to do. If

they are running out there wild and everything, let's pick them up.

Mayor Benton said they are trying to cut that number down. In most communities where they have done this, at least the information he has been shown, it works. The Humane Society supports this, all the animal rights groups have been pushing it for some time, so it must work. They need to deal with the irresponsible pet owners because the responsible ones and the taxpayers are footing the bill. It is over \$1 million in St. Lucie County.

Commissioner Nelson said for the moment he is sort of against it, to be honest.

Mayor Benton said he is just asking that they move forward with the Public Hearings.

Commissioner Nelson said he concurs that they have the Public Hearings.

Mayor Benton asked are three people here supporting a Public Hearing on this?

Commissioner Coke said she doesn't have a problem having a Public Hearing.

Mayor Benton said let's move forward and advertise it for a Public Hearing.

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The next item on the Agenda was Mayor Benton Discussion on City Code Section 21-54, Use of Vessel as Place of Business.

Mayor Benton said he thinks they are all familiar with this. It was something that was in front of them some years ago (March 3, 2003) and he is just looking to see if there are three people on this Commission that they can change some language in their existing ordinance to make it legal to do business on these boats who want to sell food within the City Limits. He is not saying at the City Marina. He is just saying they have a couple of folks who operate out at the cove right now at Dynamite Point and they would like to do this legally in the City Limits. If they meet all the criteria that a restaurant would on a boat and if they have the licenses and insurance, they would just like to be legal in the City of Fort Pierce.

City Manager Beach said he can summarize his understanding of this issue. There is currently a floating restaurant (Buckshot Bay's Rockin' Cafe owned by Barbara Goad & James Farineau) that is operating out of the Fisherman's Wharf Marina that was recently acquired by the Fort Pierce Redevelopment Agency. This issue came before the Commission informally three or four years ago, he can't recall specifically when. The FPRA recently acquired the Fisherman's Wharf Marina and they are in the process of trying to bring that marina into compliance with City Codes and so on. The floating restaurant that exists there had actually moved onto the land and there are tables on the land. There are any number of problems related to how the City's Code addresses waterborne businesses. He will let the City Attorney talk about those if it is appropriate or if it needs to be talked about. There are any number of codes, both from their Planning Department and the Building Codes and so on, that prohibit this type of activity. But the most significant obstacle they have run into with this subject and with this issue has to do with the Submerged Land Lease that exists at the marina. They may recall that the City of Fort Pierce has a Submerged Land Lease from

DEP (Florida Department of Environmental Protection) for a portion east of the existing City Marina, east of the Tiki Bar & Restaurant.

At one time there were some built-out structures over the waterway. When they first assumed responsibility for the Tiki Restaurant, they moved dining equipment out on those overhangs over the water.

The Department of Environmental Protection came in and discontinued that practice because there is a very specific law - and Mr. Schwerer is prepared to address that - which prohibits the serving of food over submerged land leases. When the FPRA acquired the Fisherman's Wharf Marina, they also acquired a Submerged Land Lease that deals with the water side of that property. On the water side of that property, there is a very specific prohibition of serving food on the water. What he is trying to say is that it isn't just a matter of the City of Fort Pierce modifying its own ordinances to permit this activity, there are other laws that they have to comply with that the Commissioners don't have authority to change.

Mayor Benton said right. He is not looking for allowing them to do business like they were inside a marina with tables with a submerged land lease. What he is looking for is, when they leave that dock and they go over to Dynamite Point, that whether they happen to anchor this Saturday or Sunday in City waters versus County waters, them doing business out in the open waters, that is between them and the State of Florida. He just wants to make it legal for them in the City limits.

City Manager Beach said he agrees with what Mayor Benton is saying.

He has been unable to find anybody at the staff level that has indicated to this operator that they cannot do that. He believes they can do that. They haven't found a prohibition of that.

Mayor Benton said but what they want to do is be able to walk into the City Clerk's office and be legal. He thinks they can change language in the City ordinance just so they can do business in City waters. He is not saying at a City marina, they know the liabilities and the concerns of DEP. But he is just saying, if they wanted to move their vessel somewhere else, he just wants them to be able to do business in the City limits like they have been doing for years, if they have the licenses and insurance to do it.

City Attorney Schwerer said he cannot speak to the nature of the business they have been doing because he is not aware of what it is. Let him try and just give them a brief synopsis of the law. Also, what the City Manager said is absolutely correct. Every sovereign submerged land lease that is given by the State in his understanding, theirs is no different, it comes from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The State of Florida assumes jurisdiction over all sovereignty submerged lands, it is the same as if they own the uplands, but they claim ownership of the submerged lands. So the City or the FPRA is leasing their property. When they lease their property, it comes with certain stipulations and conditions. Every sovereign submerged land lease he has seen contains the following restriction.

It clearly says that the use of the property is to be used exclusively for the mooring of commercial and recreational vessels.

That is what the purpose of the lease is for, for the docks. It also contains, as in the City's lease, in Section 26 it says: No restaurant or dining activities are to occur within the leased area.

So it is an absolute prohibition. The Commissioners can't change it. They are automatically in violation of the Code if they allow it. What he thinks Mayor Benton is talking about is the fact that the City Code currently in Section 21-54 contains this language:

No vessel of any kind whatsoever moored or docked in any waterway in the City shall be used as a place from which business or professional services are conducted, except for the sale of a vessel. He is not an expert in this area of the law and he doesn't profess to render any opinions to the public, he only render opinions to this Commission. But this section only prohibits conducting business while moored or docked. It does not regulate a mobile food dispensing entity or unit from traversing the waterways and dispensing food while on the waterways. Several of those exist throughout the State of Florida. When they are on the waterways and doing that, that is subject to Florida Administrative Code regulations. There is a very specific section dealing with Administrative Code Regulations that the State of Florida administers and it is called Mobile Food Dispensing Vehicles. It also regulates theme park food carts and food carts on golf courses. Any time they have a mobile restaurant type of facility or mobile dispensing, it comes under those provisions. He is not aware of a regulation that prohibits within the City of Fort Pierce them going out onto the waterways to do whatever the State of Florida, under those Administrative Code Regulations, would allow them to do. Again, they are on the waters of the State while they are conducting business and they will have to deal with the State. So he is not recommending any changes to the City Code, because what their Code says is, they can't do business while moored or docked. There is a very specific reason for that. They can't do business in their City Marina anyway and they can't do business while moored or docked. They would have to have a land-based operation. But that doesn't stop them from having a food dispensing unit out on the waterways if they should so get State licensed. He is sure they could find a category to fit them into their licensure - which is currently now not called an Occupational License, but is called a Business Tax - and therefore it is a different type of animal than they have been dealing with before.

Mayor Benton said he thinks they just want to be able to operate within the City limits legally. They would feel comfortable if they had an occupational license.

City Attorney Schwerer said he thinks what they need to do - and he is not trying to short circuit the discussion - but first of all, they cannot be in the Fisherman's Wharf Marina. That is pretty clear.

Secondly, they need to put together a plan and file with the Planning Department for some type of approvals. If they are going to try to use the uplands, that is a no-no. But if they are going to be located in a marina but operating on the waterways, they really don't need any approvals from the City, at least from the standpoint of operating solely on the waterways. They have to return to a commissary; but again, that is State regulations that govern that.

Mayor Benton asked are they comfortable with them going over to the Cove and doing business in Dynamite Point?

City Attorney Schwerer said as far as the City is concerned, they don't regulate it, unless it becomes a Public Nuisance or a Navigational Hazard for which they have concurrent jurisdiction. They have concurrent jurisdiction with the Coast Guard and other law enforcement for navigational hazards. Unless it falls within one of those categories, the City is not authorized to license mobile food dispensing entities on the waterways of the City of Fort Pierce; except he thinks once after they get State approval they may have to come to the City, depending upon where they are going to locate out there on the waterways and where they are going to serve and

during what hours. For instance, they would not want them serving in the midnight hours off of residentially zoned properties. They may have some jurisdiction there.

Mayor Benton said he hopes everyone is comfortable with that. He knows there are a lot of people here tonight. They want to make sure that what they are doing now they can continue to do.

City Manager Beach said he would like to say again, staff has been unable to find and they are unaware of any City ordinance or law that would prohibit them from doing what they are currently doing on the waterway, what they are doing at Dynamite Point, and that sort of thing.

Mayor Benton said it is just the land-based operation that has been taking place.

City Manager Beach said or at the Marina. If they are docked at the Marina, that has all kinds of prohibitions.

Mayor Benton said DEP issues. But as far as going over to Dynamite Point and doing business, that is okay. City Manager Beach said staff is unaware of any problems with that with the City.

City Attorney Schwerer said but again, that is not to be construed as a license to do it. They have to get the State's approval in those jurisdictions.

Mayor Benton said he believes they have taken care of that and got the insurance needed and everything else.

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The next item on the Agenda was Commissioner Coke discussion regarding requests for Advertising Funds from the General Fund.

Commissioner Coke said she thinks she needed to get some clarification from this Commission. It seems to her in the 2006-07 budget they approved \$15,000 for advertising which they have historically given out in \$1,000 increments. She is very aware also that they had established a policy where they were not going to allow groups to come before this Commission and apply for grants other than at budget time. It was her understanding when she supported that, that it was not relating to this advertising budget, that they had already budgeted this money in the 2006-07 budget. They may or may not choose to budget this money in the 2007-08 budget. But it was budgeted.

And according to the Finance Director, it is still sitting there. She has had some concerns because for instance the DBA (Downtown Business Association) wanted to apply for \$1,000 in advertising funds and they were told that the City was not accepting applications for grants. It was her understanding that these advertising funds were not in fact grants, but a special fund they had put together. She could be wrong, but it was her understanding that this Commission did not want to entertain people coming in front of them in mid-year and asking for \$15,000 or \$5,000 or any number of other things which they have by the way done recently. But this is money they have already budgeted in this fiscal year. And whether they choose to dispense it or budget it next year is one thing. But she thinks they have already put forth to the public that they had budgeted it last year and she has people complaining that they are not following through with what they put in their budget.

Mayor Benton said he knows there was some discussion, going back

to the Minutes of the November 20, 2006 meeting where they talked about that these requests would come through at budget time. He thinks it was also added to the request from all the other organizations like the Downtown Farmer's Market, Hibiscus Park, the DBA, Learn to Read, all these organizations that have received money in the past from the City, he thinks now was understood. It is June now and it has worked so far. But at a time when they are trying to tighten the belt he is wondering, if that \$15,000 is still there, whether they should try to keep some employees working for the City right now. He hasn't heard too many complaints from the public himself.

Commissioner Coke said she thinks that probably the reason they haven't heard anything from the public is because they have just been told no. Her concern is - and she sees that it was nice that the Mayor was provided the Minutes of that meeting - but her understanding was that they were talking specifically about people who came in front of the Commission with grant applications for large sums of money. She doesn't recall during the course of that meeting their ever specifying that they were going to do away with the money they had already budgeted for advertising grants for this year. She knows they had put limits on those, \$1,000 each. And it was her understanding that those were still there and open and available for application. And if it wasn't, then she guesses she never received clear direction on that. Because she knows recently the FPRA Board has approved several grants much larger than \$1,000 at a pop for different summer programs. And she would put to them that their businesses downtown - whether it is the DBA, the Lincoln Park Business Association, and all these people who have been receiving assistance with these advertising funds - are definitely going to be hurt next year when they probably can't afford to budget that \$15,000. But for the Commission to turn their back on them and say they don't have this \$1,000 to give to them to advertise fifteen different organizations and fifteen different events that are going to promote business, but at the same time give away a lot more than that in one fell swoop for summer programs, she thinks is doing a disservice to the business community.

Mayor Benton said he asked for these Minutes because he was wondering how they got there, whether there might have been some mis-communication. He knows they had lengthy discussion on a policy when it came to applying for funds because they had groups coming in front of this Commission almost every meeting. He thinks what happened was the advertising funds got grouped in with those just coming in and asking.

Commissioner Coke said she does not think so. She thinks if they check with Mr. Bergalis, last year he kept a good running count of how much they had in the Advertising Fund and how much they had given away.

Commissioner Becht said regardless of what they did or why they did it then, if they have \$15,000 in the budget for advertising funds, they are only going to get hit fifteen times by organizations needing \$1,000 for advertising. The other requests for money were limitless. At this juncture he for one has not been contacted. And he hesitates to say that because the last time he said that somebody gave his email, phone number, cell number, address, and everything else out, and he was bombarded with requests. He doesn't have a problem with changing the policy back to allowing requests for advertising. It is going to be fifteen requests between now and the end of the budget year. He doesn't have a problem with that.

Mayor Benton said his concern is, because of what has been done in Tallahassee, they are going to have to tighten their budget. As much as he wants to support what is going on, he also knows that most of these organizations - like Bike Night to the Friday Fest - are making money. Right now the City is tightening its belt and they are going to be laying people off. So he thinks they need to decide, that \$15,000 could keep somebody working for the City. He thinks they are all looking where they can save throughout all of their budgets. So it is up to the Commissioners. He is not saying he disagrees with it, he is just saying they really need to look at this.

City Manager Beach said whatever direction this Commission establishes, they will comply with.

Commissioner Coke said this is something they budgeted in 2006-07. The money is there and available. They are talking about budget cuts that are going to affect the 2007-08 budget. And she would venture to say that if they don't follow through on this, it will be absorbed somewhere else.

Commissioner Becht said what they could do, they have requested each Department to lop off 20% for this year. They can take 20% off of that, round it down to \$12,000, and take twelve requests then. If he read the memo correctly, the City Manager was asking everybody to cut their budgets by 20%.

Mayor Benton said he would also ask if everyone would take a few minutes and sit down with Mr. Bergalis within the next couple of weeks and find out what they are dealing with in this year's budget.

Because before they expend this, he really thinks they need to take a look at it.

City Manager Beach said in response to Commissioner Becht's statement about the Departments cutting their budgets 20%, what he asked all of their Departments to do was to eliminate all expenditures that were not completely necessary for the continued operation of their Departments, whatever those may be. That was typically identified as expenditures such as building an inventory or buying a parts supply that would carry them into the next year and all of their capital equipment. They will hear him say every meeting that they have serious financial issues that they need to look at. He can also tell them that \$15,000 is not going to change their financial circumstances one way or the other. So again, set some direction and Staff will comply with that direction.

Commissioner Becht asked which department does this advertising fund come out of?

City Manager Beach said it is out of the Administrative Budget in the General Fund. It is a General Fund expenditure.

Commissioner Becht said if they want to come in and ask for it between now and the end of the budget year, or if somebody wants to lop off \$3,000 of it. For \$12,000 or \$15,000, he thinks they get more bang for the buck by spending that money advertising events than anything else. He doesn't think they are going to gain an employee or save an employee with that money. He does appreciate Mr. Beach setting the tone and he hopes they all keep that tone through setting the budget. But this \$12,000 or \$15,000, he has to listen to Commissioner Coke. Someone has complained that it was in the budget. He knows

last year they were dispensing these things. He would like to dispense them through the end of this year anyway. Then if they want to change the policy in October for whatever reason, then let's change the policy next year.

Mayor Benton asked they are how many months into the budget year?

City Manager Beach said the end of June was nine months, three-quarters of the way through.

Mayor Benton said he would ask if the Commission consider just expending maybe \$5,000 out of that regardless. They have workers in Public Works, that \$10,000 will keep them employed until the end of the year. \$10,000 for some people who are not on the top of the totem pole that are doing the work in the parks.

Commissioner Coke said she certainly doesn't want to lose any employees. She certainly wishes they would all have been kept better informed as to what is going on and how cuts are being made and how things are being affected. Unfortunately, they are not all as kept up to date on things as they should be. They as a Commission make decisions and they should all be equally informed on every aspect of what is going on in this City. She commiserates with the Mayor on the state of their financial affairs. But she thinks they have made a commitment to the public. If they want to cut back from \$15,000 to \$10,000, she certainly would support that. Her big concern here is because she does not see any place where they made the commitment to cut or stop grant applications from coming in front of the Commission. They did not say advertising funds. It was not a grant application. It is advertising funds that they have historically done. And she feels very concerned when she heard this because she was getting feedback that the money should be there. She called Mr. Bergalis to verify that the money was there. And people were being turned away. It was her understanding what they all agreed to that it was not advertising fund, it was grant applications. And if it was grant applications and some place unilaterally someone decided to carry it over to advertising funds, at bare minimum this Commission should have been informed and they weren't. There are too many things she feels that she is left out of the loop on.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to lower the \$15,000 in Advertising Funds to \$10,000 for the remainder of the fiscal year; and approve the Application for Public Funds in the amount of \$1,000 for the DBA (Downtown Business Association) to advertise the Classic Car Cruise In on July 27, 2007.

City Clerk Steele asked are they to fill out an Application for Public Funds?

Commissioner Coke said they had it all filled out. She will get it to her. She doesn't think she brought it with her.

Mayor Benton said he will support the motion. But he just wants to let them all know he is not privileged to any more information than all the memos that go out. But when he gets memos saying they are going to be \$3 million short in this year's budget or they have concerns that they are going to be, he goes to visit Mr. Bergalis and Mr. Beach and sits down with them and tries to get details, which they all can do. It is just the information that has come out in memo form to all of the Commissioners shows them they have some problems. He has been working with City Hall now for 12 years and has met a lot of people here, a lot of people doing good jobs for

this community, that is why they got that award for the City of Excellence. So it does hurt him when he sees people who are going to be leaving because the belt has been tightened up and it is going to get worse.

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

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The next item was the Consent Agenda.

City Manager Dennis Beach said there is a request for travel from Mayor Benton, Commissioner Alexander, and Commissioner Nelson for the Florida League of Cities Annual Conference. He has received a request both from Mayor Benton and from Commissioner Alexander withdrawing that request for travel. Obviously they will honor that.

Apparently the media picked up on a budget issue and reported that the travel fund within the Commission's budget was depleted. That is accurate. But he would ask all of them to recall what they were dealing with as it related to the emergency trips to Tallahassee that some of them had to attend that were not programed as part of their budget planning for the Commission travel for this year. That act in itself had a great deal to do with depleting that budget. The purpose of that memo coming to him was simply for him to take steps to deal with the shortfall. It is an uncomplicated matter to transfer resources to other accounts to deal with specific line item shortfalls. That was his intent and is what he intends to do.

Again, they will honor whatever the Commission decides to do in terms of their travel. But it would not be his recommendation that they restrict their attendance at what he considers to be very important conferences both for the City and for their own development as elected officials, simply because of that. They have mechanisms in place to adjust those fund balances when it becomes necessary.

Commissioner Becht said he has done the least amount of traveling and that is his fault and it is his loss. But he is going to echo what the City Manager just said. Their presence at various seminars, the knowledge and experience that they bring back from the seminars, the contacts they establish at these trips is invaluable to the success of Fort Pierce. The media has made a big deal out of it unfortunately and he doesn't think they have properly weighed the benefit to the City of their attendance at some of these functions.

So if a Commissioner feels the necessity or the benefit or the obligation to go to this specific conference, he would support the City Manager moving some money around so they can have representation there.

Mayor Benton asked do they want to pull this item for discussion and deal with the rest of the Consent Agenda? Because he has a comment he would like to make on it.

Commissioner Nelson said he has some comments he wants to make on this item.

Mayor Benton asked does any Commissioner wish to remove an item?

Commissioner Nelson said he would like Item 15b (City Marina Bulkhead Replacement), and Item 15c (Travel to the Florida League of Cities Annual Conference) removed for discussion.

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

a. Approve expenditure by Police Department of \$9,293.59 from the Law Enforcement Trust Fund to L.E.D., Inc. for Leadership Training.

d. Approve Vacation Leave for City Manager Beach from July 17 - 31, 2007.

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The next item considered was Item 15b, which had previously been removed from the Consent Agenda: Award contract for City Marina Bulkhead Replacement to B.K. Marine Construction, Inc. in the amount of \$1,654,462.00. Bid No. 5721

Commissioner Nelson said he feels he needs a little more information to award this contract for \$1.65 million. He can imagine that it is something they have approved in the past, it relates to money they have received from some source, they have looked at the plans. Basically, what are they getting for this \$1.65 million?

City Manager Beach said this is a bulkhead that was severely undermined during the hurricanes. They have received resources for the repair of this through the Federal Emergency Management Agency, through FEMA. So that is the source of funding and that is the reason for the project, is the destruction of it and the undermining of it during the hurricanes.

Commissioner Nelson asked they have those monies available as indicated?

City Manager Beach said that is correct.

Commissioner Nelson said he just wanted that for the record, because sometimes they have a tendency to look back at the records and find skimpy data and the verbiage doesn't cover that. He knew it, but he wanted to make sure.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to award the contract for City Marina Bulkhead Replacement to B.K. Marine Construction, Inc. in the amount of \$1,654,462.00.

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

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The next item considered was Item 15c, which had previously been removed from the Consent Agenda: Approve travel and attendance by Mayor Benton, Commissioner Alexander, and Commissioner Nelson to the Florida League of Cities Annual Conference in Orlando on August 15-19, 2007.

Commissioner Nelson said he pulled this item because he wanted to continue the discussion they were having just prior to this. There is considerable value in the Commissioners traveling to various venues to represent the City and take care of the City's business.

That particular situation wherein they got the monies necessary to repair the Marina, he recalls specifically that he talked to FEMA people on two different occasions about those monies - one of them was on the 22nd floor of the Capital Building there in Tallahassee, and he also talked with them in the hotel complex there at the airport in Orlando. What they get out of these conferences and various meetings interfacing with the various people who run these organizations is invaluable. Sometimes it is amazing what personal contact does with respect to getting things done. That Federal Courthouse over there which represents \$53.8 million, talking to people like Senator Nelson in Orlando and talking to Representative

Mark Foley in Boca Raton, solidifying their need for those types of facilities. In St. Antonio, Texas, they were able to get major renovations to federal regulations pertaining to their Housing Authority, i.e. the air conditioning of houses, the expansion of the walls. The entire federal regulation throughout the nation was changed because they stood up and said air conditioning in Florida is analogous to heating in Boston. And the people who had to make the decision relative to having them be able to put air conditioning in their homes and to expand their walls had a uniquely hot summer in Washington. He had the Secretary of that organization come right here to Fort Pierce and they changed the national regulations. He got an award for that by the way from the Housing Authority. In the Washington, D.C. trip the year before last they talked about the tri-rail, about Amtrak, in the Hilton Hotel in Washington where they stayed at that time, trying to get Federal monies to in fact run a railroad from West Palm Beach to Jacksonville. They have monies spent right now already designed on a railroad station out here. He can't emphasize the fact that it is very important to have those personal contacts. They can ask a Senator or a Representative or a Secretary, what about their doing this? They will tell them in a minute that they are in fact following through on that. Secretary Thaddeus Cohen, the DCA guy (Department of Community Affairs) was very instrumental in trying to get monies to do this Human Development & Resources Centre. When they interface with these people on a one to one personal basis, the effect is quite profound. He serves right now on the Urban Administration Group for the Florida League of Cities. He noticed from Commissioner Alexander's memo he says he is in fact resigning from one of those councils he is on. When they have people in those positions being involved with the selection of the various policies that they have to deal with on a state or national level or the selection of leaders for those organizations, they need to be at the table. Just this last meeting he was in Naples. And guess what? They selected a lady from Vero Beach to serve on the Board of Directors for the entire Retirement Board, which they have a vested stake in. They have \$129 million Retirement Fund out there they are dealing with. The person making the policies relative to defined benefit plans and defined contribution plans is right down the street here. They can talk to her on the phone, they can go down and see her. Any time they make those type of state or national policies, the Commissioners should be at the table. The Mayor should be at the table when the Conference of Mayors meet, because they have an entree into the Governor's office and into the President's office. It is very important that they be there. Taxpayers are getting their money's worth. This entire Commission, for example, spends only \$315,000 for their entire year's budget for the services of these people who sit at this dias. He thinks they are getting their money's worth in his opinion.

Commissioner Becht said the point that Commissioner Nelson is trying to make is that there is a travel budget and that is an expense. And that obviously has been well publicized, if not dramatically publicized. What has not been publicized is the benefit that comes back to the City. They took a trip he thinks it was last year, an unprecedented trip to his knowledge, where all five of the City Commissioners followed all five of the County Commissioners to Washington, D.C. and made a request of their Congressional Delegation that they fund the Federal Courthouse. Now he can't tie a line from that event to the funding they have achieved, but to ignore that there is a connection is ridiculous. The connections that have been established with Congressman Mahoney and the request to have the UDT SEAL Museum designated as a National Museum. These are a result of personal relationships from this City Commission, the County

Commission, the Port St. Lucie Council, and citizens in the community. He just felt it was important for the public to hear the other side of the story that has not been well publicized, that there is a benefit to that travel budget. He is not sure what Commissioner Nelson or the rest of the Commission wants to do about the League of Cities Conference in August. The other thing is, the trip to Tallahassee on the Submerged Land Lease at the Port, the Governor actually commented while they were up there that he had never seen such community support from the County to the two Cities in his eight years he had been up there. So it made a significant statement with them being there regardless of the cost to their businesses of their not being here for that. There is a benefit. And he is glad they got a chance via the TV to let the public know about it.

Mayor Benton said the public is getting a good deal with the travel that they have done. They went where they had to go and they brought it home - like the Federal Courthouse, the submerged land lease. And that was something they had to do. After a City Commission meeting that ended at 12:30 a.m., they had to leave the next morning at 5:00 a.m. to be in Tallahassee in front of the Governor at 9:00 a.m. a few days before Christmas. It was the first time he was late in his life and he will never hear the end of it. But ask somebody who has gone to the Florida League of Cities Conference. In his 12 years he has been there he thinks eight or nine times. He didn't go last year because they have formed the Florida League of Mayors.

Last year he did want to go and he was a little offended that they wanted him to pay the \$295 conference fee just to attend that. They haven't answered him on this, because a lot of this information they have been through before, and he doesn't feel he wants to go to the whole conference. He is going to find a way, if he has to pay for it himself, to go to the League of Mayors which is on Thursday - a trip to Orlando and a couple of meals. But the point is, it is very important with what was done in Tallahassee, they would like to know how other cities are going to deal with this. So he thinks it is a very important time that they find out what is going to be done across the board. He has withdrawn his request for the funding tonight and Commissioner Alexander has. It is up to Commissioner Nelson.

Commissioner Nelson said he was made a Voting Delegate for the City at the last Commission meeting. He would beg that Mayor Benton not withdraw. He can understand Commissioner Alexander, because of his recent knee operations. But there are some key things going on in the State right now that bears their attention.

Commissioner Becht asked why don't they bring this back in two weeks when Commissioner Alexander is with them? Because he withdrew based on the budget and he doesn't have the benefit of the City Manager's comments tonight. Unless they need to know tonight...

Commissioner Nelson said what they run into, if they don't stay in the host hotel they end up being a mile or so away.

City Clerk Steele said why don't they just approve it; and if Mayor Benton or Commissioner Alexander don't want to go, they just simply don't go. They can go ahead and approve the travel tonight.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve travel and attendance by Mayor Benton, Commissioner Alexander, and Commissioner Nelson to the Florida League of Cities Annual Conference in Orlando on August 15-19, 2007.

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

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Ms. Barbara Goad, 271 S.E. Wallace Terrace, Port St. Lucie, said she has Buckshot Bay's Rockin' Café. She has already thanked just about everybody here except for a handful of people that came to support them tonight. She came before the Commission five years ago (March 3, 2003) about her licensing. She wants to thank Commissioner Coke because she stood up for her and asked that they let her be in operation until they could all figure out what the ordinance was about and if it could be changed. And Commissioner Nelson helped also a lot and really stood up for them too. So she wants to thank them all. She appreciates Mayor Benton bringing it up like he did earlier because he knows how important it is to all of them. As far as the point about the submerged land and all that, that has to do with the DEP. Capt. Larry would like to address that, so she is putting that aside. She was before them five years ago and days went to weeks and then weeks turned into months and then months turned into years and nothing ever got done. When she did call, she would get asked is anybody bothering her? Well, no. She thinks she told Mayor Benton how somebody told her, don't worry about it then. Now the City (Fort Pierce Redevelopment Agency) has bought the Marina and now they are bothering her, they want her City license again. She was told by this office up here that she didn't need a City license, that she was in the unincorporated area of Fort Pierce and that she needed her County license. She went and got her County License. She has her State license. She has her DPBR Division of Hotels & Restaurant license. She has the Health Department and FPUA.

She is covered. The only thing she is missing is the City license because she was told they didn't need it because they were in the unincorporated area. She took a mortgage on her house. They have been in business now with the information they got from them all.

This was brought up five years ago and she would hope they would have all of this figured out by now. Mr. Beach was concerned about the tables. If that is a stink, they will take them down. Nobody sits at them anyway, most everybody gets their food to go. That is not a big thing. They will take them down if that makes them happy. That is no biggy to them. Those are not used very much. But her husband and she didn't open the business so they could work just two days at the Cove. They are quite aware that they are fully licensed for out there, she is not worried about that, she knows she is covered there. But they didn't take a second mortgage on their house so they could just work two days at the Cove every week.

One of them brought up, they thought she just wanted to work at the Cove. She never said that. All along she told everybody that she has to be open during the week or she is not going to make it.

And now that they have her closed down for three weeks now, the money she would have made there paying for... What it does, it pays for all her bills and it pays for the food for the weekend. And then what they make on the weekends, provided the weather is nice, is profit for them after they pay their employees. Now that they closed her down three weeks ago, she is starting on Saturday paying the bills, paying for the food, and then she has to pay the employees.

And guess what she has been making - nothing. She is not getting by. She would appreciate it, if they are going to tell her they have to get back with her again, that it not be five years. Another thing is that she would appreciate it also if they would let her go back and operate until they all figure out what they want to do.

Because she has been trying to get this ordinance passed. The ordinance says that they cannot conduct business whatsoever on a boat in the City of Fort Pierce moored or docked except for the sole

purpose of selling the vessel. She asked them how was she different from a charter fishing boat? Her answer six years ago was, they charge when they get out of the sight of land. They know that is not true. David King got on TV and said if that is the law then he has been breaking it for years. Everybody charges right there at the dock, they don't charge when they are out in the water. The part about their main business is fishing. Well, guess what, business is when they exchange hands and that is done at the docks. So their main business may be fishing, but they are still conducting business at the docks. And it says no business whatsoever. How is she different from a sightseeing boat that stays in the river the whole time or these charter boats that offer dinner and romantic cruises and they cook for people and they don't have a restaurant license. How is she different from all them?

Mayor Benton said that is not what they were talking about earlier tonight. The issue at hand is doing business in the City Marina. He thinks the City Attorney made it clear that DEP has said there are submerged land lease issues there. It is out of their hands.

City Attorney Schwerer said the lease the City/FPRA has with DEP when they purchased the property and it was assigned to them is very clear. It is absolutely crystal clear, Paragraph #26 says: No restaurant or dining activities are to occur within the leased area. The leased area is the water. So they can have an uplands restaurant like the Toucan's restaurant that was there. Again, they inherited this lease. This lease says this. The State has confirmed it. They have talked to the State. The State says they cannot have a restaurant activity within the leased area, to read Paragraph #26 of the lease. They did and they confirmed it. It is not a question of what they can and can't do on the waters of the City with a proper license. They just can't have a restaurant activity within the leased area, because it is the City/FPRA that is in violation of the lease.

Ms. Goad said okay, never mind then, she won't be in business there. She is not so happy being in bed with the City anyway. So she would like to move if they are not happy with her there.

Mayor Benton said it is a legal issue. It has nothing to do whether they are happy or not. The State owns that and they have certain reservations on that land underneath the water. It is just the same as with liveboards.

Ms. Goad said there are a couple of other places that have asked them to think about moving there. The thing is that she can't go anywhere without the City license.

Mayor Benton said that is what he is trying to do tonight is to try to pursue the ability for them to get a City Occupational License. He is not over with that. Let's work with the City and see what they can do about getting them an occupational license so they can go to another marina, a private one. He knows there are several out there who would like to have them.

Ms. Goad said she thanks him and all the Commissioners for years ago and for today. She appreciates it.

Mr. Larry Blanchett, 1182 Binney Drive, said he represents TowBOAT/U.S. in Fort Pierce, the Fort Pierce tow boat. What he wants to bring up is the DEP conversation which the City Attorney made them aware of, that this is leased submerged land from the DEP, is

that correct? The City is leasing this land?

City Attorney Schwerer said it is a lease agreement.

Mr. Blanchett asked of the submerged property of the City Marina?

City Attorney Schwerer said no, it is not the City Marina. The property belongs to the Fort Pierce Redevelopment Agency.

Mr. Blanchett said he just wanted that clarified.

City Attorney Schwerer said the City Marina is #1 Avenue A. This property down here (Fisherman's Wharf Marina - 125 Fisherman's Wharf), that is the Fort Pierce Redevelopment Agency's property that was recently purchased.

Mr. Blanchett said he wasn't too sure when Dean Kubitschek (Marina Manager) had brought it up. It is the Fort Pierce Redevelopment Agency that owns the marina presently where Buckshot Bay resides, is that correct?

City Attorney Schwerer said no. The FPRA owns the upland lands and they lease the submerged lands which is deemed by the State to be all of the water on the other side of the high water line which is the bulkhead.

Mr. Blanchett said he just wanted to clarify that.

Ms. Vonnie Bailey, 120 East Midway Road, said she understood back in the day when Fort Pierce Yachting Center was leased by Audie Morris, some of them might remember that the interior of the basin of the City Marina was owned by the City and the State Submerged Land Lease began seawall east. Is she understanding that is still true? So Buckshot Bay could get a slip within what the City owns that is not over the Submerged Land Lease? Could they conduct their business within City owned bottoms?

City Attorney Schwerer said they generally have a total business prohibition on anything in the City Marina; but also they have lease agreements with the upland restaurants that are at issue there. He can't rule on that tonight, but he is just pointing that out.

Mayor Benton said if it was legal, the City would have to go out for a bidding process; so anybody who wanted to do that business could bid on it.

Ms. Bailey said it is an option.

Mayor Benton said right, it would be an option; but they would have to open it up to anyone else who would want to do it also and get the best deal.

Ms. Bailey said if they are not allowing businesses within, such as going back to the charter businesses that have special product licenses that bags fish that is raw and gives it to their clients, what would be the difference in raw food passing at the City grounds and not?

Mayor Benton said he couldn't answer that because charter boats, a lot of them tell him that money changes hands out in the ocean. He has heard stories from everyone.

Mr. Bailey said they advertise upland for their business.

Mayor Benton said he doesn't think that is the issue tonight. He thinks the issue is finding a way to make the business Ms. Goad is doing legal in the City.

Ms. Bailey said so basically what he is saying is, if they apply or bid to have their business within the City limits...

Mayor Benton said no. If for some reason the City Marina Manager decided he wanted to operate a restaurant on a vessel, they would have to go out for bids in the bidding process.

Ms. Bailey said much like the charter businesses.

Mayor Benton said no, not like a charter boat. Just like the two restaurants that are over there (the Tiki Bar & Restaurant and Cobb's Landing). The City went out for bids. And the people who are there now were the ones who came through with probably the best deal for the City.

Ms. Bailey asked there is not a submerged land lease within the City docks west of the main bulkhead that is owned by the City, it is not a submerged land lease?

Mayor Benton said he thinks Mr. Schwerer answered that. That is the existing City Marina, not the new Marina the FPRA just purchased.

Mr. Barry Hopkins, 5202 Myrtle Drive, said he has been in the marine industry. He was wondering how it was allowed this same lease had to be why they were there with the other marina?

Mayor Benton said his understanding is, it was illegal with the other guy.

Mr. Hopkins asked how were they allowed to be in business for five years and all of a sudden it is illegal?

Mayor Benton said that was the State and DEP that made that determination.

Mr. Hopkins asked has anybody approached the DEP or the State for a variance, if they could get a variance for it?

Mayor Benton said that is something the City Attorney has spoken about when it comes to liveaboards. The marina over there that the FPRA purchased, there are certain guidelines and paperwork. They are going to have to apply to make that legal as far as liveaboards.

But running the Marina is up to the City Manager. He himself doesn't get involved in the every day business.

Mr. Hopkins asked would it be possible to apply for a variance for it?

Mayor Benton said first they would have to talk to the Marina Manager, Mr. Kubitschek; and then if Mr. Kubitschek felt he wanted an operation like that, he could bring it to the Commission or the FPRA Board, and they could get a legal opinion.

City Manager Beach said what seems to be the focus of this discussion is this one issue of the prohibition of this activity on the Submerged Land Lease. If there was a mechanism to overcome that, which he has no idea whether there is or isn't, there is still a host of issues

that prohibit this type of business activity on the water; and each one of those would have to be overcome by some modification in the law or something else. So he thinks it is a very high hurdle that anyone would have to go through to achieve this. And he is not optimistic that it can happen simply because of what he has seen of the laws that prohibit it. The laws are very precise and are very specific and are very far-reaching. If they start to apply the concept of being able to do business on the water on a barge or on a float, then they open up a whole host of issues about people using barges and things of that nature for business activity. So he thinks it is very difficult, he thinks it is very problematic, and he would encourage the business owner to look for other solutions.

Mr. Hopkins said it is his understanding the way the law is written in the City that any business that is done on a boat is illegal other than to sell the boat.

City Manager Beach said it is defined very clearly. And he would encourage anyone who wants to debate it or talk about it to get a copy of how that ordinance reads and go from that perspective. It is not something they are really in a position here to debate.

Mr. Hopkins said tonight he read a little copy of it that said the vessel could only be for sale, that no business could be conducted at the dock whether it be moored or tied to the dock. He believes that was the words.

City Attorney Schwerer said that is not what it says. It is a whole other issue. They can sit here for hours and debate the laws...

Mayor Benton said they have read this into the record tonight. If Mr. Hopkins would like to get a copy of this, he can come by City Hall tomorrow and get a copy of this. He thinks they know what everybody is here for. Everybody here who would like to see Buckshot Bay in business put their hand up. (Approximately 20 people raised their hands.) They would like them to continue business; but he doesn't think they can do it in the City marina. They had the discussion. Bringing more people up here saying the same thing isn't going to get them anywhere. They have been trying to work through this for some time. That is why he put it on the Agenda tonight.

Ms. Goad asked are they going to put it up to Public Hearing next time? She has been in the comments section for five years.

Mayor Benton said this wouldn't be appropriate. They have heard tonight that what she is doing, at least going to the Cove and doing business over there is legal. He is going to push to see somehow if it can be done through an ordinance to make it so she can get an occupational license. If that can be done, there will be a Public Hearing on it. But he would ask that she be in touch with the City Manager's office and his office to see where the progress is on that.

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Commissioner Coke said she notes that they have a joint meeting with the FPUA on July 12th. If Mr. Beach will recall, when they scheduled that meeting she believes she requested to get an Agenda and backup materials two weeks prior to the meeting to have sufficient time to review that and get a list of questions she might have answered prior to the meeting. She would just like to go on record that they are now ten days away from the meeting and she has no agenda or backup material.

City Manager Beach said he will address that with the Utilities

Authority Director and go from there. If there is something specific that the Commission wants as part of that Agenda... Please keep in mind that this is a FPUA generated meeting. This is one the FPUA had asked for to discuss their own budgeting processes and that sort of thing.

Commissioner Coke said that is why she remembers specifically at the time requesting two weeks prior, so that they can all make some intelligent decisions.

City Manager Beach said he will put that request in tomorrow.

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Commissioner Nelson said he saw in the paper where Martin County has gotten a Grant to remove Melaleuca trees. Fort Pierce has a lot of those Melaleuca trees, as well as these Brazilian Pepper trees, these exotic trees that they need to remove from this community as well. If they could explore the possibility of getting that type of grant, he thinks might be to their benefit.

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Commissioner Nelson said they didn't get a report back regarding the 13th Street and Avenue D Plaza. They were supposed to get a report as to how they are going to make that work. How is it coming along?

Commissioner Becht said it was Elise Rollins who requested that.

City Clerk Steele said Elise Rollins has never come to fill out any applications or turn any materials in.

Commissioner Becht asked she was supposed to present a business plan for how she wanted to use it?

City Clerk Steele said she was supposed to present a business plan and she gave that to the Commissioners at a previous meeting. And then she was told by the Commission to come in to fill out the Special Events Permit Application. She has not seen her yet.

Commissioner Nelson asked could they have a follow up communication to her indicating that she has not done this, so they can get that consummated?

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Commissioner Nelson said in the area of the minority contractors, he talked at great length about that. He hasn't seen any feedback on that either. What are they doing about trying to get some minorities hired in these various places?

City Manager Beach said he thought the Purchasing Director had passed out some information to the Commission regarding what his intentions were and how he intended to proceed with that. He is not sure what Commissioner Nelson is looking for beyond that. Commissioner Nelson is asking about where they are in terms of some of these proposals that Mr. Barnes was looking at for improving the minority contracting participation process in City bids, if he could address that.

Mr. Tony Barnes, Director of Purchasing, said they are still moving forward with it, they cannot do it overnight. It takes time because they are going to have to educate the public. They are doing some things that have not been consummated yet, but they are working toward that end and they hope to be there in the not too distant future.

It will not happen very soon or very quickly. Some of the things are going to be long term because it is about education. They have worked with the Lincoln Park Business Association to try to set up

some workshops, which is where they think they need to go first. They are working with the Martin Luther King Committee. They are going to bring some recommendations to this Commission about how they are going to do some of their bidding in the future. He is not prepared at this moment to present all of those details.

Commissioner Nelson said he can understand that; but can he give some prognosis as to when he will have something before them so they can say this is what they want to do.

Mr. Barnes said October 1 is when they are looking at trying to implement some things. They are doing some things currently that they are going to need some information for on the City parking lot and also on the Human Resources & Development Centre.

City Manager Beach said he will ask the Purchasing Director to submit a written summary on a monthly basis in regards to their progress on this subject.

Mr. Barnes said they are using those two projects as benchmarks for them so it will really tell them where they need to go and how they need to get there.

Commissioner Nelson said those two projects might be finished by the time he gets...

Mr. Barnes said he is ready to go.

Mayor Benton said he has already been working on it.

Mr. Barnes said October 1st he is going to have a plan in action, he is going to have everything in front of them. Don't worry about that.

Mayor Benton said they met with a group of pastors, unfortunately there were only five or six there, but hopefully the word got out through the Pastor's Association, and they can put people to work on these two projects.

Mr. Barnes said they will be ready to go and have a full fledged program by October 1st.

Commissioner Becht asked that is 2007, right?

Mr. Barnes said he has never not met a deadline in his lifetime; so he is absolutely right, October 1, 2007, he will have them a full fledged program in place.

Mayor Benton said Mr. Barnes is doing a good job on that.

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Commissioner Nelson said in the area of chickens, he mentioned this earlier tonight, he is serious about that. They have an epidemic of chickens running through their community. They need to do something about it. They have this bird flu going on. Ride through there, those chickens are...

Mayor Benton said he has seen that problem. A long time ago in fact he made a phone call to the City Manager; and he thinks the memo went out to Animal Control, if they see these chickens to pick them up. He got calls from all over the country. Maybe if they can find the money to exterminate them, that is what it is going to take. Because they have a segment of their population who want eggs for

breakfast and they have chickens in their back yard. It is going to take a thorough operation to eliminate these chickens. Commissioner Nelson knows that as well as he does.

Commissioner Nelson said he doesn't know whether they are in fact eating the eggs or the chickens.

Mayor Benton said the chickens are everywhere. He has seen them on Indian River Drive. He has seen them all over the City. He will say that in certain areas they are more prominent than others.

Commissioner Nelson asked can they ask the City Manager or the Police Chief to take a look at it? He is serious.

Mayor Benton said there is a problem. He is sure they can look into what it would take. Maybe the City Manager can bring in a private contractor.

Chief of Police Sean Baldwin said he believes Elise Rollins from Lincoln Park Main Street mentioned this about two or three meetings ago. As a result of that, he has already asked their Animal Control Officers to begin conducting research on how they might rid the City of chickens. As was pointed out, it is going to be a difficult process. But they are already working on it. He should have a report within a couple of weeks and he will make that information available to them.

Commissioner Nelson said he would appreciate that.

Commissioner Becht asked if Chief Baldwin would ask his Animal Control Officer to call the City of Key West. They have a chicken problem down there too. It is in the newspapers down in Key West. They have tried various programs to eradicate them; so it might be interesting to know what they have tried and what they have not tried to deal with the problem.

Chief Baldwin said he thinks their goal is exactly the opposite. They are trying to protect the chickens.

Mayor Benton said for the record, they looked into it down there and there was so much of an uprising that he guesses it is a historical thing that they want their chickens, so they left it alone.

Commissioner Becht said they tried programs and he doesn't think any of their programs worked either.

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Commissioner Becht said the Coral Square Project, he wants to thank staff for getting that to the Commission, having it properly reviewed.

It was a lot easier as a Commission to review a project that had been well thought through. He wants to take a moment to thank the Planning Board because in the Minutes that he read from the Planning Board, he saw that they are doing their job and had made some recommendations that they have followed up on with architectural detail. And fortunately, between staff and the applicant being willing to work on those, those issues got addressed before they got here. At least on that project the Planning Board, Staff, and the Applicant were working in sync.

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Commissioner Becht said he had a meeting with several of their staff members on Annexation. What he thinks has been revealed is that they have somewhere between 300 and maybe 360 annexation agreements that they could execute on immediately, if he understood the report

back from staff. Is that correct?

City Manager Beach said it is his understanding.

Commissioner Becht said that is today. so if they continue to do this at 10 or 15 per meeting, imagine how long that is going to take.

And they did not have any processed tonight. What it is going to take in order for this to happen is they are going to have to allow for staff time to process these. And it takes an enormous amount of time from various departments. He did not know how many departments it takes. It takes Ms. Steele's time, it takes Ms. Satterlee's time, it takes the Planning Board's time, and the City Attorney's time to coordinate this. But he would like to see a concerted effort by the City toward getting those processed through in less than six months if possible, to get their lines extended out where they need to be. Again, it is 300 to 360. One of the ideas that is being floated about is to have a special meeting, task staff to just get all of them together and one big map advertised in the newspaper, and have all of them brought in for one special meeting. That is going to require an enormous amount of staff time in order to do that. But he believes there is an enormous benefit to the City if they can get this done and get their lines out to where they need to be.

Commissioner Nelson said when they drew up their annexation agreement some years ago, it had some language in it that said they sign an agreement and they will annex them when they become contiguous and it is advantageous for the City to annex them. To go out and make an annexation merely because they sign an annexation agreement might not be in their best interest because that obligates the City to do certain things in those annexed areas. So he thinks their posture has been over the years of taking full advantage of the fact that this may or may not be advantageous for them to do this. For example, they are going out there by the plant out there on Selvitz Road and the area out there, or going to the airport. What advantage is it to the City to go out there right now and annex the airport? They can do it.

Commissioner Becht said he is not sure the airport was included in those 300 and 360 agreements.

Commissioner Nelson said it should be.

Commissioner Becht said no. There are 300 to 360 agreements that are contiguous right now.

Commissioner Nelson asked but is it advantageous to Fort Pierce to do it? Do they incur a considerable amount of expense as a result of that annexation?

Commissioner Becht said he would posit that they incur a tremendous opportunity with those annexations. And to delay the annexations would prevent them from exercising on an opportunity that exists in the next three years.

City Manager Beach said the annexation strategy is something that has been defined by this Commission for some time. He was under the mistaken impression that as properties were becoming contiguous to the City that they were being brought through the process. If what the most recent report indicates is accurate, that there are 365 out there that are contiguous that have not been brought before this Commission, then he was mistaken in that perception. It would

be his intent to move those forward as previously directed by the City Commission; which is, as those become contiguous, they annex them. That is where they will be moving forward with this. The Commission's opportunity to deal with that is at the time that is brought before the Commission in the form of an annexation ordinance.

If they have issues with it, then that is the time they describe those issues.

Commissioner Nelson asked are they dealing with an ordinance or are they dealing with an agreement?

City Manager Beach said both. They have the annexation agreements is what they have. The ordinance is prepared as a result of the agreement. They do not have them prepared, if that is Mr. Nelson's question.

Commissioner Coke said they set direction from this Commission to annex whenever possible.

City Manager Beach said whenever they become contiguous. That is the direction.

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Mayor Benton said at the last meeting he discussed publishing the City Commission Agenda and the cost of it. In today's paper, a good part of the page, it is \$850. Two pages over is a half a page, St. Lucie County's Agenda, free of charge. He has a problem with that.

What they have in their account now is close to \$2,300 and that might not be with today's advertisement. What he would like to see them do tonight is end all advertising of their Agenda, the Planning Board, and the FPRA in the newspaper; and put it on their TV channel and also on their website, and save some money. When it comes to tightening their belt, \$2,300 would cover the cost of Commissioner Alexander and Commissioner Nelson going to Orlando.

Commissioner Coke asked did they ask the Hometown News if they would publish this for them free of charge?

Mayor Benton said he knows they have a letter into the Tribune about why they are being charged and the County isn't. But he would rather pull the plug on it right now and not spend another dime before the next meeting. He is looking for three Commissioners who would agree.

Commissioner Coke said she would support that.

Commissioner Nelson said he would hope that the Tribune would have responded to their action the last time.

Mayor Benton said they haven't responded yet. And they can respond with refunding their money.

City Manager said they have responded verbally. Verbally the explanation was that the decision to publish the St. Lucie County Agenda as a public service item was made many years ago by a previous editor and it just hasn't been something that had been brought to their attention until the City brought it to their attention. He is sure they will get some type of letter of appreciation from St. Lucie County for having brought that up. But they indicated that was not their policy and that they would not be publishing the agenda as a public service. That was verbally. But they will respond he is sure to their written inquiry.

Mayor Benton said when he was on the City Planning Board some 17 years ago, the News Tribune published the Planning Board and all

of the City Boards as a public service. So they have quit this while he has been involved with the City. There might have been an agreement years ago but they ended it. To him, it is everybody gets treated the same and it should be a public service, period. But now they have their television channel and they have the possibility of asking the Hometown News to do it. But to him, there are two sets of rules here.

Commissioner Coke asked can they not rent them the space on their right-of-way where they put their newspaper boxes?

Mayor Benton said they don't even want to go there, that is a legal issue, they have been through that. But are there three Commissioners that want to end this advertising? And do it on their television channel and on their website?

Commissioner Coke said they never published it before.

Commissioner Becht said his concern is the members of the public who may have come to rely on the fact that they are advertising it in that medium. He would prefer to wait until they get a written response back from the newspaper.

Mayor Benton said the funds might be exhausted by then.

Commissioner Coke said maybe put a little ad that says: See the City of Fort Pierce City Commission Meeting Agenda on Fort Pierce T.V. Channel 27. A little tiny thing that would cost them \$50.

Commissioner Nelson said why don't they postpone this until the next meeting; and in the meantime, ask the City Manager to follow through with a letter and verbiage to the editor or publisher advising him of the dilemma and see if they can get this thing resolved. He doesn't want to have a fight between the City and the newspaper.

Commissioner Becht said his recollection is that this Commission adopted the policy he thinks a year ago to start the newspaper advertising. Is that correct?

City Clerk Steele said she thinks it was about a year ago.

Mayor Benton said he thinks he led that effort.

Commissioner Becht said to the extent that the public has come to rely on it, it has been a 12 month operation. They have since gotten the TV channel. So he is going to support terminating it immediately as Mayor Benton has requested and Commissioner Coke has concurred with. If the newspaper comes back with an explanation that makes sense, then they can reactivate it. But at this juncture, let's go to the website and the TV station and they will go from there.

Mayor Benton said just for the record, they wouldn't be able to finish the year anyway. They would expend their budget probably by the end of next month at \$850 a shot.

City Clerk Steele said if they do want to reactivate. they could go to the Post.

Commissioner Becht asked can they get the cost from the Post and from the Hometown News?

City Clerk Steele said the Hometown News, she doesn't think they

could meet their deadline because the Agenda is actually prepared and done on Thursday morning.

Commissioner Becht said they may be surprised how hungry they are to have that revenue or accommodate the City with the public service.

Mayor Benton said there are three who say terminate it right now.

Commissioner Nelson said he is going to go against that.

City Attorney Schwerer said he is reading that as a directive, not a vote.

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There being no further business, Mayor Benton declared the meeting adjourned at 9:05 p.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

