

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 7, 2008.

Mayor Benton called the meeting to order.

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

The Pledge of Allegiance was recited.

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

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

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

The next item on the Agenda was Approval of Minutes of the Regular Meeting on June 16, 2008, and the Minutes of the Special Joint Meeting on June 19, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Regular Meeting on June 16, 2008, and the Minutes of the Special Joint Meeting on June 19, 2008.

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

The next item on the Agenda was Special donation of artwork to the City of Fort Pierce from Dr. Carole L. Mushier.

Dr. Carole Mushier said she is a proud resident of Fort Pierce. First of all, special thanks to David Recor for making this presentation possible and thanks to Jon Ward for his assistance. A little history. In preparation for the 1972 Olympic Games to be held in Munich, Germany, the United States Olympic Committee and Sears joined to produce a series of posters. The two posters to be donated to the City of Fort Pierce tonight were a part of that series using the last time the games were held in Germany, the 1936 games held in Berlin, as a theme. These two posters were given to her by a client, Donald Pruitt, who knew of her interest in sports and particularly the history of the Olympic Games. Don worked for Sears and knew Jesse Owens from his time at Ohio State. Don was to become a trustee of Indian River Community College. The inscription signed by Jesse Owens was to Don's son Warren, who met with an untimely death. The posters hung in her office until her retirement. It seems appropriate that these pictures and the story of these athletes be available to the community. So she donates them to the City of Fort Pierce and asks that they be displayed at the Police Athletic League (PAL) Center, so that the young people PAL serves so ably might be inspired to reach for goals that may appear beyond their grasp. She does so in this public manner to encourage others to donate similar items of both woman and men so they might inspire all of their youth. Just a brief introduction of the men portrayed in these posters. James Jesse Cleveland Owens was the grandson of a slave and the son of a sharecropper. As a high school student, he equaled the world record of 9.4 seconds in the 100 yard dash. At Ohio State University in 1935, he set three world records and tied a fourth at a Big Ten meet, all within 45 minutes. In 2005, this was deemed the most impressive athletic achievement since 1850. But Jesse is probably best known for his performances at the 1936 Berlin Olympic Games, also called the Nazi Olympics. While Nazi propaganda promoted concepts of Aryan racial superiority, Jesse Owens won four gold medals - the 100 meter, the 200 meter, the long jump, and as a member of the 100 meter relay team. Jesse Owens was honored with a New York Tickertape Parade. He had to ride the freight elevator to attend his own reception at the Waldorf-Astoria. Next, Glenn V. Cunningham was an American distance runner considered by many to be the greatest

American miler of all time. At age 8, his legs were severely burned and he lost all the toes on his left foot in a schoolhouse fire. The doctors recommended amputating his legs, that he would never walk again. He not only walked two years later, he began to run. In the 1,500 meter final at the 1936 Olympic Games, he ran faster than the World Record, but was beaten by a New Zealander and received the silver medal. In 1938 he set a new world record and received a doctoral degree in the same year. Glenn Cunningham was a great man with a positive attitude and a good role model for everyone. Here to accept the posters on behalf of the City and PAL is Master Officer Paul Pearson, Executive Director of PAL, and he has also brought some of his PAL members with him.

Officer Paul Pearson said he has brought a couple of kids with him on behalf of the 320 children PAL is serving the City of Fort Pierce. They are going to be hanging these pictures up in their lobby. And as the kids sign up to do programs, one of the requirements will be to get to know a little bit about the history of the United States and some of the things the famous people did. So it works in real good. He thanks everybody here - the Chief of Police and especially Carole Mushier - for stepping forward. They have a good start going with their community.

Mayor Benton said he thinks Officer Pearson might have some Olympic material over there in his boxing group. He thanks Carole Mushier very much.

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

Letter from Mildred S. Harward, Garden Club, in appreciation of the time and efforts by all the Staff of the Public Works Facilities Maintenance Division.

The next item on the Agenda was **Comments from the Public**.

Mr. Terry Brisson said he lives at 1705 Porpoise Avenue in Fort Pierce. Three years ago he prepared a set of drawings for a five unit apartment building for an elderly black gentlemen. This was the kind of a man who never caused any trouble to anyone, the kind of a man who worked hard, and the kind of a man who drove around in a pickup truck that was older than most of the people in this chambers tonight. Five units, two bedrooms, two bathrooms each. It was to be built in the worst ghetto neighborhood in Pompano Beach. He asked him to design them in such a way that it would look as good in fifteen years as they did the day he finished building them. The city officials of Pompano Beach spoke of affordable housing and then required that he hire a civil engineer at a cost of \$4,000 to design a ten space parking lot. The city officials spoke of low income homes and then asked him to hire a landscape architect at a cost of \$1,500 so they could place six trees and fifty shrubs. He was required to hire a landscape sprinkler design professional to lay out a sprinkler plan to cover the remaining 1,000 square feet of grass on the property. The structural engineers, the architects, the air conditioning engineers, the plumbing engineers, the electrical engineers - all were required. After all of their committee meetings and after all of their review processes, it took the City of Pompano Beach two and a half years to issue a simple building permit. He has been in this business for 27 years and there is no doubt in his mind that behind the closed doors those city officials celebrated at the difficult time that they subjected his client to. There is no doubt in his mind that the city officials were gratified knowing that they had let them know that they were the boss. He knows they sure taught him a lesson, because what it made him wonder is when did they become a society where government officials, those who they entrust to serve their communities, now feel entitled to be served by its citizens? When did they become a society where those who they trust to serve wind up eating at the head of the table? At the last council meeting, he sat in the very back row. There were three city employees in the chambers, one of which sat directly in front of him. Mr. Jommie Joseph made a request not to pave the road. That request was denied. As soon as the request was denied, the city official in front of him stood up looked across the room at the other two members, got this great big grin on his

face as if to say congratulations, good job, they won, they sure showed them who was boss. When did they become a society where government officials celebrate the failure of members of its business community? Look at what they have won - they have a hotel with an empty parking lot and 84 vacant rooms and a restaurant that cannot be finished. Congratulations. There has been a very prevalent attitude among government officials for many years now all up and down the coast of Florida that can be summed up as follows: If you people don't like it and don't want to do things their way, then you can just go someplace else. The people and the business have heard all of them and they are going someplace else. They are losing their jobs to overseas competitors, home buyers and businesses are located in states like North Carolina, South Carolina, Kentucky, Tennessee, and Georgia, where their taxes are lower, there are fewer government barriers, and there is less government interference, where homeowners do not have to spend \$15,000 in impact fees for the privilege of owning a new home. Florida no longer has the appeal that it once did. And for those who are still interested, they are making it very difficult for them to stay. \$830,000 - those are the government fees that were charged to Jommie Joseph just so he could have the privilege of building a new hotel in their fine little community. Working with Harvey Keenan, he designed and prepared the drawings for the five-story La Quinta Hotel. He is also the co-managing partner overseeing the construction of that project. \$830,000, he would like to know where it stops. Mr. Joseph spent over \$1 million to buy a piece of property that fully complied with all of the zoning requirements for a hotel site. His research showed that all of the roads, water, sewer, electric, everything was in place, site ready, ready to go. His traffic studies, which they have a copy of in their official records, stated that his hotel would have no significant impact on traffic. \$830,000 in fees and they still required he pave a road unrelated to his property. When does it end? As a condition of site plan approval, they required that they pave the road behind the hotel. They had no right to ask him to do that. He has the right to ask that man to give him \$25,000; but when he says give him \$25,000 or he will see to it that he loses his job by this time next week, that is extortion. When a homeowner contracts to have \$5,000 worth of work done at his home, the work is completed and the contract is completed, paid in full, yet the contractor charges an additional \$2,000 because he thinks he can get away with it. He has the right to ask for \$2,000; but when six months of threatening phone calls come to extort payment, that is extortion.

Mayor Benton said Mr. Brisson's five minutes are up and he thinks he made his point. His only comment is, Mr. Joseph and his engineers were the ones that volunteered him to build that road. That was why this Commission stuck with that. He said he would.

Mr. Brisson said he can finish this tonight or keep going.

Mayor Benton said if he would like to come back at the next meeting, he can have five more minutes.

Ms. Kim Frangella said they had a house at 315 North 15th Avenue and it was a rental. What had happened is they had a lot of problems with the people renting - they had left vehicles, they destroyed the whole inside. And they were going to foreclose. Now she is trying to sell it. There was a lien of \$9,000 because of a parked car without a tag on it which they were not aware of. She was down in Fort Lauderdale at the time and he worked out of town. Her mom had cancer and has died since then. They went in front of the Special Magistrate and Code Enforcement, and they agreed to make the payment from \$9,000 down to administrative costs of \$1,016.12 and give them 60 days to pay. That is why they are here, to just to make sure it goes through.

Mayor Benton said it is on their Consent Agenda, so that will be an item they will be taking on at the end of the meeting. They do appreciate her comment on that. That is what the recommendation is anyway.

Ms. Frangella asked should they stay? She has since started saving money to pay it off.

Mayor Benton said he cannot tell her how the vote will go, because it is at the end of the meeting. But the recommendation from Staff is down to \$1,016.12.

Chief of Police Sean Baldwin said he is going to step down from his role as Chief of Police and take a second to tell them something about what the Boys & Girls Club is doing.

He is a board member of the Boys & Girls Club and he is just honored to be able to do that service. What he wants to tell them about tonight, there was some discussion at their last meeting about the Sunrise Theatre getting involved in community events, and he is happy to tell them about one that they are doing for them. The young men and woman at the Inifiniti Teem Center on North 23rd Street wrote a play that they are going to perform at the Sunrise Theatre on August 2, 2008 at 7:00 p.m. It is a play called "Keep it on the Hush", which is about the struggles that teenagers face with HIV awareness and those types of issues. He would like to invite everybody in the public and everybody here to attend that play. He has tickets if they want to buy them from him or they can buy them at the Sunrise Box Office. He wants to thank the Sunrise Theatre for their support, they have really bent over backwards to help the Boys & Girls Club do this. Of course, the Boys & Girls Club is doing this without a budget and just as a benefit to help some other members in the community. He invites all of them to attend this play. Again, it is August 2nd at 7:00 p.m. at the Sunrise Theatre.

Mr. Bill Benton, 1 Avenue A, said on July 19th, the Marine Industries Association of the Treasure Coast is sponsoring a cleanup of the Indian River in Martin, St. Lucie, and Indian River Counties. It is going to start at 8:00 a.m. and end around 12:30 p.m. It is going to cover those three counties. They can sign up at the City Marina. Dean Kubitschek, the City Marina Manager, is actually in charge of the St. Lucie County portion of the cleanup and will have sign-up sheets available at the City Marina. Otherwise, go ahead and just show up on the 19th at the Manatee Center parking lot or at Harbortown, the Stan Blum boat ramp, or the Fort Pierce Yacht Club. They already have nearly 20 City Marina northsiders volunteered with lots more to come. In fact, there are some people whose name he need not mention - Mr. Beach - who have already volunteered and who are here in person. Also, Mike Burley from Dolphin Watch and Boat Rentals has volunteered to loan them one of his boats to carry trash back and forth from the barrier islands and help clean up the river. He thinks it is a good thing. Secondly, he has had the opportunity over the last couple of years to work with Captain Barry Chop Lege on the Manatee Center tour boat. One of the things they like to do, in addition to having the kids and the adults have fun, is they like to teach them a little conservation through education. One of the things he likes to talk about is sea turtles. A lot of them know they are losing ground to the sea turtles because of construction on the beaches, because some of the sand that is being replenished on the beaches has high silt content, and the female turtles either can't dig through or can't get up that little step that they occasionally see on the beach, so they are going back out to sea and they are dumping their eggs. Sea turtles like to eat jelly fish. They like to eat brown jellyfish, like this little Winn-Dixie bag here. They like to eat white jellyfish, like this white bag they get from Wal-Mart or some of the other stores. They also like to eat Portuguese Man of War. A Portuguese Man of War basically looks like a clear balloon with a little blue top and a blueish/purple bottom. They eat these things and this is one of the things they like to pick up while they are on the manatee tour boat. They will stop and pick it up. It is what he calls a plus-one program. It is a real simple program - take back all your own trash and litter plus one thing that does not belong to you. They try to get the kids, somewhere up between 3,000 and 5,000 kids a year, to take that concept home to their parents; and in the afternoon trips will try to get the parents to educate their kids to do that too. Primarily because a lot of this stuff gets out of parking lots and blows out of pickup trucks and boats, and it winds up in the Indian River. After Moore's Creek was dredged after the hurricanes, there was an incredible amount of stuff that came out of the bottom and out of Moore's Creek - plastic bottles, old beer cans and bottles, lots of bags, lots of plastic stuff came out of there like crazy. In addition, he has taken his kayak and run up Moore's Creek; and along both sides of Moore's Creek, especially in the area of the railroad tracks, there is tremendous amount of trash along the sides of Moore's Creek including insulin syringes and other syringes. There is a tremendous amount of visible liter

that comes out of Moore's Creek after every major rain storm, particularly in the past few weeks. Before that past two week period they had a lot of drought, so a lot of stuff accumulated. And with the rain, it all came out of Moore's Creek. What he would suggest is that the City Commission look at the power plant tear down and take some of the money that is generated from the tear down of the power plant and put a net of some kind across Moore's Creek that is small enough to catch litter but big enough to allow mullet and needlefish and stuff like that to go back up in Moore's Creek, and maintain that net and clean it on a relatively regular basis. He thinks that would be a good use of some of the money that is generated from the tear down of the power plant right on Moore's Creek. The ideal location he would suggest is right at the Indian River Bridge where it goes over Moore's Creek. If the net was high enough out of the water to catch floating stuff and right on the bottom to catch drifting stuff along the bottom, then it would be a fairly simple thing to pull up two corners and maybe the middle of the net, form a big loop in it, and have somebody reach down in there with a net or something and clean that thing out. That is a suggestion for the Commission to consider at a later date he suspects.

Mayor Benton said call his office one day this week and they will set up a time, he would like to enlist him on a program he would like to move forward with.

Mr. Benton said he will be more than happy to do that.

The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted by Mid Pierce LLC for construction of a **CVS Pharmacy / Retail** establishment at 4983 South U.S. #1; said property zoned C-3, General Commercial Zone.

Mr. Paul Williams, Urban Forester, said tonight they have an application for Site Plan Review for a proposed new CVS at the corner of U.S. Highway #1 and Midway Road. The applicant is requesting site plan approval to construct a CVS Pharmacy located on the northwest corner of U.S. Highway #1 and Midway Road. The 1.618 acre parcel formerly was occupied by a restaurant and the existing building was demolished. The property is zoned C-3, General Commercial, with a Future Land Use of CG, Commercial General. All properties surrounding the proposed development are zoned C-3, General Commercial, and include the Towne South Plaza Shopping Center to the north and west, Walgreens to the east, and a SUNOCO gas station convenience store to the south. The proposed land use is consistent with the surrounding land uses. This is a photograph of the site as seen from the south side with the shopping center and the Burger King in the background. This photo is the site looking from the west at the Walgreens across U.S. #1. This photo is the site looking from the north side showing the garage across Midway Road. Finally, this is the site looking south on U.S. #1, showing the new intersection and entrance to the plaza. One building will be constructed on the property and will contain a total of 11,945 square feet of floor space. A drive-thru area consisting of two lanes will also be incorporated into the project for pharmacy transactions. The building will extend to a height of 22.8 feet. Access to the development will consist of an entrance on U.S. Highway #1 that will be limited to right turn-in, right turn-out movements only. These movements are based on the proposed Florida Department of Transportation (FDOT) improvements for U.S. Highway #1, which will consist of medians separating northbound and southbound traffic in front of the proposed CVS. A second access for the development will connect to Midway Road via the shopping center roadway. A total of 61 parking spaces have been provided in accordance with the City Code. A dedicated loading area is provided for trucks to unload merchandise on the north side of the building near the dumpster enclosure. The development will also be improving the existing shopping plaza by increasing the internal landscape islands and constructing a sidewalk along the south property boundary. The stormwater management plan has been designed to tie in with the existing shopping center stormwater system in accordance with the existing South Florida Water Management District (SFWMD) permit. A traffic study was conducted by CKE Group, Inc. It indicated that 1,053 daily trips would be generated by the proposed development. Of those trips, 103 pm peak hour trips would be generated. It should be noted that U.S. #1 from Midway Road to Virginia Avenue currently operates at a Level of Service F, which is below the City's adopted Level of Service D

specified in the Comprehensive Plan. Since trips generated by the proposed development will impact the constrained corridor, the applicant has proposed a fair share contribution of \$5,720 towards the construction of a southbound right turn lane at the corner of Virginia Avenue and U.S.#1. This improvement will increase the overall capacity of the failed link. Furthermore, the interim improvements such as the reconstruction of U.S. #1 and Midway Road intersection will also help reduce the traffic congestion and improve traffic flow until these improvements are completed. Both the applicant's and the City's traffic engineers are here if additional information is required. All affected departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the City Code. At their June 10, 2008, the Planning Board recommended approval of the site plan with the condition that a masonry wall be constructed along the north side of the building to screen the dumpster area and an additional sidewalk connectivity be provided from the CVS to the existing sidewalk along U.S. #1. These conditions have been satisfied. As the proposed site plan meets the requirements of the City Code, Staff recommends approval of the Site Plan.

Commissioner Alexander asked did he understand that they did a fair share contribution to Virginia Avenue and U.S. #1?

Mr. Williams said yes. This site plan has been in the process for several years and was applied for prior to the Commission adopting the requirement for fair share. But looking at the situation and working with the developer, they went ahead and had the calculations done on what a fair share would be and that is the amount that has been developed. The traffic engineers are here to go through those calculations if they need more details.

Commissioner Alexander asked there is no need of any fair share to do anything on Midway Road, everything is perfect there?

Mr. Williams said FDOT is currently completing the improvements to the Midway Road intersection with multiple turn lanes and medians. Where the road has failed is from Midway Road to Virginia Avenue. That stretch of the corridor is the next phase of the U.S. #1 reconstruction; and currently is has not been funded and only plans have been drawn up for that connection. The Virginia Avenue turn lane that they have talked about, there are several developments that this Commission has approved that are also contributing to that lane improvement. If they are heading southbound on U.S. #1 and come to the Virginia Avenue light, it stacks up all the way back to almost where the old boat dealership (St. Lucie Outboard Marine at 1811 South U.S. #1) used to be.

Commissioner Alexander said he is recalling Midway Road, it kind of stacks up too. His concern would be at that shopping center there is a Winn-Dixie, right? There is no turning lane there?

Mr. Williams said yes, they have done the decel lane and the right turn lane on Midway. In the photo they see all four lanes of traffic in front of the Walgreens. And as they can see now, two additional lanes have been put in heading southbound. The light they see in the distance is Midway Road.

Commissioner Alexander said he is speaking of west on Midway Road, where the Winn-Dixie is.

Mr. Williams said west on Midway Road, there is a decel lane. The applicant's team is here to explain in detail those engineering improvements.

Commissioner Sessions said that is probably one of the most congested intersections around town when they consider the high traffic volume coming off of that two lane Midway Road. As a matter of fact, there are a lot of accidents that occur on a routine basis. In light of that, is staff comfortable with the impact study that has been done already? That is a very high volume intersection. The traffic flow, when he gets on Midway Road and he

comes to that intersection, he starts wondering whether or not he is in Port St. Lucie. They are not used to those kind of traffic jams in the City of Fort Pierce. He would hope that has been given some serious consideration so they can alleviate any traffic congestion from east to west on Midway Road. Mr. Williams mentioned a turning lane that is somewhat remote way down Virginia Avenue compared to Midway Road that is going to have some impact on this. He fails to see that, but he is not an engineer. Can he explain that or is that something that has been taken into consideration or do they need to hear from the engineering firm?

Mr. Williams said he can. Many meetings have been held with the applicant and his team and FDOT and other developments in the area. Staff is agreeable to all of the studies done. They do have approval from the City Engineering Department that looked at this before it could even go to the Planning Board and now it is here before them. They do have the City Engineering Department here and the applicant's Traffic Engineer for the project here to explain it. Yes, Midway Road from U.S. #1 to 25th Street, is a failing intersection. Midway Road is a County road. The County has a very difficult situation in widening this road through the White City corridor. Every time they have a development in the area, that is discussed, they send these plans to the County to get their comments. To save time, he would defer it to the engineers to explain that to them. But Staff has found it to meet the requirements of the Code.

Mr. David Carlin, Development Review Planner, said one other point, the County has approved this project. The County Engineering Department signed off on this, so they have reviewed it as well.

Mayor Benton said if they get approval, he hopes that by the time they are finished, this nightmare of a road project that FDOT has been doing down there is over. He does not know whether the FDOT's contractor is trying to make a career out of the project. But he hopes for their sake and everyone else, that road is finished; because it has been the biggest nightmare, it has been going on it seems like forever, especially if someone is in business along there.

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

Mr. Ed Carcache, CKE Group, Inc., said CKE is the engineers for this project. He is here to answer any questions they might have. But also to clarify, in addition to the traffic study and all that, the owner of the property is dedicating right-of-way along Midway Road so they can expand the road. That intersection is being expanded. It goes west in front of the shopping center, the work that FDOT is doing right now. In addition, the contribution was to that project (U.S. #1 and Virginia Avenue intersection) because it is an ongoing project that the City has and that was the best place to allocate it. Also, the CVS store is in the shopping center right now, they are just relocating it from the inline to the free standing. In addition the traffic study did not even take into consideration that there was a restaurant there (Shoney's Restaurant) previously, just to make it as conservative as possible. He has here Karl Peterson, he is the traffic engineer that prepared the study, who could answer questions as well, if they have any.

Commissioner Sessions asked is he comfortable with the donation of the easements in order to widen the intersection there to accommodate the traffic congestion they have? Would that improve that situation?

Mr. Carcache said yes, it is a dedication that it is going to be for the widening of Midway Road. Right now the traffic is bad over there because of all the construction. But once the improvements are finished and the lanes open, he thinks they will be seeing a big improvement on the traffic circulation there.

Commissioner Alexander said he still does not see a decel lane on that most southern portion where the Winn-Dixie is located. Maybe they can show it to him. He is looking at the site plan.

Mr. Carcache said their site plan does not show the actual work that FDOT has done over there. They started this project before FDOT started their construction. So their overall site plan does not reflect the improvements that FDOT is doing on the road there. But they can see the dedication of their right-of-way in there.

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

Mayor Benton said the Planning Board voted unanimously in favor of this project.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to approve the Site Plan submitted by Mid Pierce LLC for construction of a CVS Pharmacy/Retail establishment at 4983 South U.S. #1, with the following conditions: (1) A masonry wall be constructed along north side of building to screen dumpster area; (2) Additional sidewalk connectivity be provided from CVS to the existing sidewalk along U.S. #1; (3) A fair share donation for traffic impacts to U.S. #1; and (4) Dedication of right-of-way along Midway Road.

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

The next item on the Agenda was Public Hearing on Application for **Conditional Use and Site Plan Review** submitted by Reverend Ted Underwood for construction of the **First Church of the Nazarene** worship center at 7325 Pruitt Research Center Road; said property zoned R-4, Medium Density Residential Zone.

Ms. Diann Ploetz, Planning Specialist, said the applicant is requesting Site Plan and Conditional Use approvals to construct a new sanctuary worship center and support structures at 7325 Pruitt Research Center Road. As part of a phasing plan, additional buildings will be constructed in the future. The 20 acre parcel is vacant except for a truck wheel wash in the northeast corner of the property. The property is zoned R-4, Medium Density Residential. The vacant property to the north is unincorporated with a county designation of AG-1. The property to the south and west is vacant and is also zoned R-4. The property to the east is zoned C-3. The project will involve two phases. Phase 1 will consist of constructing the basketball structure, parking, baseball field, drainage, retention areas, and driveway on Pruitt Research Center Road. The basketball building has restroom facilities and storage, and will be used to conduct worship services until the main church building is constructed in approximately two to three years. Parking for this phase will have 30 paved parking spaces, including two handicap. Phase 2 will include the main church building and parking. The building will contain 35,540 square feet of floor space and will include 525 seats for worship services. Landscaping for the development will consist of providing 192 new trees which include 36 Live Oaks, 18 Laurel Oaks, and 32 Mahogany. Being that no existing native vegetation in on site, no mitigation is required. The traffic impact statement provided by Kimley-Horne & Associates indicated that 328 daily trips will be generated by the proposed development. Of those trips, 26 AM peak hour trips and 24 PM peak hour trips will be generated. Additionally, 419 Sunday peak hour trips are expected. The traffic statement specified that the project is not projected to significantly impact the roadway network. Access to the development will consist of a single entrance on Pruitt Research Center Road with unrestricted turning movements. As part of Phase 2, an existing driveway to the east of the main entrance will be stabilized for emergency vehicle access. The site plan depicts that Pruitt Research Center Road right-of-way to be 70 feet. The applicant will install a sidewalk on the north side of Pruitt Research Center Road as requested by St. Lucie County. Fifteen notifications were mailed to property

owners within 500 feet of the subject property. Seven responses were received with six approvals and one disapproval. All affected departments have reviewed the submittals and have approved the proposed site plan and conditional use based on it meeting the requirements of the City Code. At their June 10, 2008 meeting, the Planning Board voted unanimously to recommend approval of the Site Plan and Conditional Use. As the proposed site plan meets the requirements of City Code, Staff recommends approval of the Site Plan and Conditional Use.

Commissioner Coke asked can she go back to the site plan where she is showing the access? Have they coordinated at all with the group that is looking to move forward with building the Research Park?

Ms. Ploetz said yes, they have been in contact with St. Lucie County and IRSC (Indian River State College).

Commissioner Coke said she has had calls from several of them. They are all very much in favor of the church, they all think it is wonderful, they want the church there; but they have a lot of concerns about the access being on Pruitt Research Center Road. She does not know, do they have a genuine road on the other side of it, opposite that?

Ms. Ploetz said Kings Highway is to the east of it.

Commissioner Coke asked what is the border that is exactly opposite Pruitt Research Center Road?

Ms. Ploetz said it is undeveloped property.

Commissioner Coke asked it is not actually a road? Is it plotted to be a road in the future?

Ms. Ploetz said not that they have indication.

Commissioner Coke said everybody was very much in favor of the church and the site plan. But the people that she spoke with that were involved in the Research Park planning were very concerned about the entrance being right there on Pruitt Research Center Road. And it was suggested, is there any way that can be moved?

Ms. Ploetz said there was talk between the representative and St. Lucie County that maybe a north turning lane would be going in there from Kings Highway, but that is the only thing. They will not do anything until a needs study is done during Phase 2.

Commissioner Coke said her concern is, once they put that as a sole entrance and exit... She does not want to do anything to stymie these people from building their church. But if it means moving an entrance and exit so they do not lose the capabilities they need for the research center, they need to seriously consider that. She would hope that someplace along the line before they get too far along here, or they may already be too far along here, that they can actually meet with that Research Park group that is looking to move forward with the research center and find out exactly what their needs are going to be there.

Commissioner Alexander asked a majority of this is coming over from the County, because they are converting it to the City? Because he heard her say is it the most northern property line that has to be sidewalk?

Ms. Ploetz said on the north side of Pruitt Research Center Road, which is on the other side of their entrance. That is an agreement between St. Lucie County and the First Church of the Nazarene.

Commissioner Alexander but why it not sidewalks, instead of the northern portion of it, on the church side?

Ms. Ploetz said because there is a canal there, Canal No. 48.

Commissioner Alexander asked where is the canal? So their driveway is going to cross the canal?

Ms. Ploetz said yes.

Mr. David Carlin, City Planner, said they have seen other examples where sidewalks are not necessarily from a safety standpoint to be constructed along a canal right-of-way. City Code requires sidewalks to be constructed along a public street right-of-way. So in agreement with the County, they would prefer to have that sidewalk constructed on the north side.

Commissioner Alexander asked they are expecting to put a road in there some time in the future?

Ms. Ploetz said there is a road there now.

Commissioner Alexander asked a dirt road?

Ms. Ploetz said no, it is paved.

Commissioner Coke said that is Pruitt Research Center Road, the canal is running along there. What exactly is the City ordinance requirement regarding sidewalks?

Mr. Carlin said it is Section 22-62. It does specify that no building permit shall be issued for any new construction and additions or alterations costing in excess of \$15,000 upon any parcel of land in the city abutting a public right-of-way used for a commercial use, triplex, quadraplex, multifamily housing development, or public use, unless the proposed plans show the location of sidewalks. That is the section of the Code they are referencing.

Commissioner Coke said so that is running parallel to Pruitt Research Center Road. Can he also highlight Kings Highway? Across the top, is there a road there now?

Ms. Ploetz said no.

Commissioner Alexander said he thought she just said there was a paved road there.

Ms. Ploetz said Pruitt Research Center Road is paved.

Commissioner Alexander said where the sidewalk should be, she told him there was a road there.

Commissioner Coke said she was under the assumption that his question was, along where it says site access, was there a road there?

Commissioner Alexander said that is what he said.

Commissioner Coke said she was surprised to hear yes, there was. Is there a road directly underneath where the slide shows site access?

Mr. Carlin said if he went to the aerial photo, maybe that would assist them. As they can see on the screen, the north side of the property would be right here. There is a canal area that they see along this area. The County had requested a sidewalk be constructed on the north side of Pruitt Research Center Road. As they see here, here is Kings Highway, which also has a canal that runs along the western side of Kings Highway. So this property abuts two canal rights-of-way.

Commissioner Coke said her concern is first of all sidewalks. But her secondary concern is finding another access to this. If they have that property, could they just not put an exit on that southern line there and then run the driveway out that way?

Mr. Carlin said the plans that were presented to them show the access along Pruitt Research Center Road and that was approved by the County. The City Engineering Department has also approved this particular plan.

Commissioner Coke said she understands that it was approved by the County. Her concern is, she would like to see it approved by the committee that is looking to move forward with Pruitt Research Park on Pruitt Research Center Road. She did get a call and everybody was very clear saying they wanted the church there, but they are very concerned about that access. So how do they go forward and touch base with that committee?

Mr. Carlin said he is not sure if there is any legal proceeding that would warrant postponing any type of decision this evening based on the plan that they have before them. It does meet the city code requirements.

Commissioner Coke asked since this is a Conditional Use, is it possible to do an approval conditioned upon a second approval from the committee that is looking to put together the Research Park?

Mr. Carlin said this is a Conditional Use application, therefore the Commission can impose any conditions it would feel appropriate based on the surrounding properties and land uses. They can confer with the City Attorney as to the type motion they would want to entertain.

Mayor Benton asked wasn't the research park notified? Was there a sign put up out there?

Mr. Carlin said that is correct, notification was posted for this Conditional Use application.

Commissioner Coke said that is why she got phone calls.

Mayor Benton said but if they had a concern, they could of had either a representative here or something in writing.

Mr. Carlin said that is correct. They were notified according to their mail-out list. Staff does have the responses as of today and reported those findings this evening. If there were any concerns any resident close by here would have, they certainly could come before them this evening.

Mayor Benton said that group has County Commissioners on it. If there was a concern, they could have notified them by letter, because they knew it was a public hearing tonight.

City Manager Beach said Mr. Carlin did say the County has reviewed this and approved it. The Research Park is a County function.

Mayor Benton said he spoke to Doug Anderson just the other day; and he is sure if that was an item with him, he would have... Usually anything to do with the Research Park... His question to the applicant is going to be about the ability for the University of Florida to spray, because they have concerns.

City Manager Beach said he suspects that they do have concerns. But what he hopes the solution they found here is one that, if it is not the perfect solution, it is one that everybody agreed to after reviewing it, because of the circumstances of the site.

Commissioner Alexander said they said the County required them to pave on the most northern side of Pruitt Research Center Road? The canal runs on this side of the property,

right? So they are going to have a little roadway across turn lanes and all there? Where would the sidewalks come, on their property?

Ms. Ploetz said no, on the north side of Pruitt Research Center Road.

Commissioner Alexander said that is his concern is, they have church, they have children. And they can't even walk on sidewalks on their own property?

Mr. Carlin said certainly nothing would preclude the applicant from constructing any internal sidewalks, which he does believe are part of the plan, once the overall phasing is complete. Again, for safety concerns, the County based their decision to have the sidewalk constructed on the north side.

Commissioner Alexander said if the County wanted sidewalks, they could put their own sidewalks down. He is here to want to know if he just read the city ordinance that sidewalks should be on the property, right?

Mr. Carlin said along a public right-of-way. This is a canal right-a-way. Certainly if this Commission feels that additional sidewalks should be included...

Commissioner Alexander said he did not say additional, he said they could have sidewalks on the north that encompasses their property. Inside of their borders, they could have sidewalks running right along side. He is not here to have people spending money for other people, whatever they get off on, especially a church. A church has x-amount of dollars anyway.

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

Mr. Innis Reaves, Stewardship Services Building Consultants, Inc., said what he would like to address is their concern over the sidewalk. They offered to the County for them to put a sidewalk on their property on the south side, south of the easement for the canal. The County said that would not do, they wanted it on the north side. They agreed to do that.

Commissioner Coke said can they bring that up on the screen and show them exactly the difference between what they volunteered to do, which she is sure would be useful for their congregation, and what the County wanted them to do? She would like to see the difference.

Mr. Reaves said it costs them the same either way. Just south of the canal right-of-way, they were going to put a 5-foot sidewalks the entire length of their property, 980-feet along the north boundary of their property. They offered to do that. The County indicated that they would be requiring a sidewalk on the north side of the property from Rock Road to their property line area and it would not join up if they did not put one on the north side. The County will be requiring a sidewalk on the north side in the future for all other developments on that road. So they are requiring them, before they do Phase 2, to put in turn lanes on Pruitt Research Center Road, which also created a problem because...

Commissioner Coke asked could they show her where the other sidewalk is, where the County requested it? So they are going to be building a sidewalk to nowhere?

Mr. Reaves said that is correct. Which not uncommon for the City to require.

Commissioner Coke said no, the County.

Mr. Reaves said no, City code. But she is correct. It goes to Kings Highway and will stop at the canal. They will have to stop at the canal easement which goes on the west side of Kings Highway. So they will have a sidewalk that goes from Rock Road eventually to the canal at Kings Highway. Rock Road is the road that the college is on. He would like to

point out that FDOT refused to let them have an access onto Kings Highway. They were pretty succinct about it, they said no.

Commissioner Alexander asked but they are requesting a fair share on Kings Highway?

Mr. Reaves said the County has not determined yet what their fair share will be because the Kings Highway corridor review is still being studied. They do not really know what they are going to do, whether they are going to expand it on the north side, south side, east side, west side. They know that eventually they will have to share with that; but at this point, they do not know what to charge them. To answer their other question, they are not aware - the church or himself as the developer - of a research center on Pruitt Road. Would they mind explaining to him what that is and where it is going?

Mayor Benton said it is a grand plan.

Mr. Reaves said they told them that grand plan was scrapped.

Mayor Benton asked who told him that?

Mr. Reaves said TCERDA (Treasure Coast Education, Research, & Development Authority).

Mayor Benton said it has not been scrapped. It is just with the environment in the state right now and the recession and the lack of funding, it is probably several years off. But the property has been purchased. In the near vicinity they have the USDA and the University of Florida. That is one of the concerns he wanted to bring up. Several years ago, because of the residential zoned property which is limited there, the folks from the University of Florida came in to see him and were concerned because they had been chased out of Orlando because of residential development. They do not do a lot of spraying, but what they do is usually limited to their property. But if they have ever seen where people in a neighborhood will put up an MC on their mailbox, that basically closes them down. He is hoping that the church would be a good neighbor and want them next door, because they are a big asset to this community, one of their biggest.

Mr. Reaves said yes, they would have no objection to that at this time. He would like to point out that Pruitt Research Center Road is a one block dead end. So far the church is being required to spend thousands of dollars to put turn lanes and what have you on that road when they do Phase 2, which is sort of obscene. This is one of the reasons that they split it into two phases, is because they have been fighting with Michael Powley of the County about what to do with that road since day one. They still do not know what they have to do. So they really are kind of at a loss. They want to build their facility and get start worshiping. And it has just been a nightmare for the last two and half years. This has been a big part of what their concern was, trying to get it resolved with the County. The County finally agreed to what they are doing and they were ecstatic with that.

Mayor Benton said that is the issue with Kings Highway. The County would like to see hundreds of millions of dollars spent on that road, so this would promote the park. But unfortunately the State does not have the money, the County does not have the money; and just buying the right-of-way alone is millions and millions of dollars. He thinks the Commission approved a business almost across the street from this that the County wanted to take their right-of-way, all of it, and leave the canal alone. They said no, everybody gives their fair share. Any help they can be, because with the current condition and the atmosphere in the State of Florida, it could be many years.

Mr. Reaves said they offered them an easement on their property for their utility lines for that development that he is speaking of, so that they would not have to impact the part of the north side of Pruitt Research Center Road.

Mayor Benton said once that research park does take off, it will be big for Fort Pierce, it will put them on the map. But who knows how long it is going to be?

Mr. Reaves said they are working together with them on a utility agreement.

Ms. Cecelia Clark, 2356 South Rock Road, said what the man called a dead end is not a dead end. It is an entrance to a community with fifteen homes where people have lived for two and three generations. Most of the people had no notifications of this meeting. They do not use Pruitt Road because the traffic is so bad. It is very hard to get out of there. Some of them have been out there for a research center events. It takes a long time to get out. When they did the traffic study, when they had the things across the road, that was the lowest traffic time of the year that she has seen out there. Christmastime and during the season, it is solid semi's out there. There is only one entrance to that place, it is not located very well. The map does not give them a good indication of how difficult and how backed up that area can get. Without another entrance or exit, she is not sure what they are going to do. She is kind of appalled that she called four of her neighbors who live between her and the church site and not one of the four had gotten a notification. She got a notification because her property backs up to the church area. They are all county, they are not city.

Mr. Carlin said the property owner notification is mailed within 500 feet of the subject property.

Ms. Clark said they are not within 500 feet. They do not use the road. They asked, what sign? They do not go that way, they either go Okeechobee Road or go out and catch Orange Avenue. But the traffic is terrible. Most the rest of it sounds like everybody is taken care of. But as far as she knows, the Kings Highway plan is still ten years off before they do anything to Kings Highway. This is a long term problem out there which everybody that has tried to build out there has run into. They are an agricultural community with a lot of trucks.

Ms. Dianne Young, 7850 Heffner Lane, said she lives in that little neighborhood area out there. She does travel Pruitt Research Center Road every day, at least two or three times a day back and forth to town. Her family is so excited about the church moving into the neighborhood. There are other ways to reach that area. A lot of their neighbors do travel Rock Road and they do not ever drive out Pruitt Research Center Road, so obviously they do not impact the daily traffic headed that way. The church has been out there on the grounds having fellowship. They just see it as a real positive for the community, very excited about them moving in. It seems like a nice family environment. And that is what that neighborhood is out there - a lot of families, kids in the neighborhood riding horses, doing things like that. They are real excited to see them coming and just wanted to be here tonight to voice that to them. She thanks them for that opportunity.

Mayor Benton asked how many people are here in support of this church? (Approximately 70 people raised their hands.)

Mr. Jamie Underwood, 695 NW Stanford Lane, Port St. Lucie, said he appeals to all of them here from three standpoints. Standpoint number one, as the associate pastor under his dad that he does as a part-time ministry. When he started doing stuff, he wanted him to work with their teens, which was moving in a good direction. He is good with teens, he is good with kids, but that was not the point. He wanted to do something different. He wanted to work with young adults, there is nothing for them, for his generation, 30-somethings, whatever. They started off with seven about four years ago. On any given Sunday now they average 37. Those 37 equal kids and family units. Coming from a divorced standpoint in his life years ago - because he believes everybody gets at least one practice marriage - he has seen a way to help others in this group setting. There is a number of divorced couples. He has a couple recovering heroin addicts, things like that.

Yet in this group setting, it seems to really work. That is his appeal from an associate pastor standpoint. Let him appeal to them as a father. As a new father of a fifteen week and one day old, who has been in the back probably crying, sorry. He is a family man now. He was married, but that was just him and her. Now there is something bigger. And he is seeing that there can be a place for him to go to play basketball in a safe environment, maybe later put in some skate park stuff. He does not know, he is just dreaming here. Softball field already in place, a stocked fishing hole for families, even families right here that spoke earlier. May he appeal on them on one last level as a son. He has seen his dad drive by this place and just sit out there. They are outgrowing their four walls. To put his neck out the way he did... A short back story. His father asked someone, a friend of his who has a lot of money, to front them the cash, that they would pay him back. And it all worked out. He appeals to them as a son. This is bigger than an eight point mounted on his wall, this is bigger than a mutton snapper out in the middle of the channel. From that level alone, that is it. Just for the record, he told one of the guys back there that this is like really cool. He votes, but he never really knows. He just wants to come here like every other month, just hang out and watch them do their thing.

Mayor Benton said if he would call his office, they can put him on the list. Every meeting they start with a prayer, so they will put him on the rotation.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Conditional Use and Site Plan for construction of the First Church of the Nazarene at 7325 Pruitt Research Center Road.

Commissioner Alexander asked are they going to go along with the wishes of the County or are they going to go along with the wishes of this church as far as the sidewalk?

Mayor Benton said he knows they have been at this for three years, that is what he was told. So if it has been approved by the County and the Planning Board, his opinion is lets keep this on track; because if they were to throw in an obstacle, because they have done that with different groups when they went against the County... That would be his opinion. He did want to say he heard several compliments, that Diann Ploetz had worked very well with this group and he wanted to thank her.

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

The next item on the Agenda was Public Hearing on Application for Conditional Use submitted by Dorcas Greenaway to convert a single family residence into the **Divine Holiness Church** at 1309 Indiana Avenue; said property zoned R-3, Single Family Moderate Density Zone.

Mr. Paul Williams, Urban Forester, said tonight they have a request for approval of a Conditional Use permit to convert a single family residence to a church with parking at 1309 Indiana Avenue. The aerial photograph shows the location of the property on Indiana Avenue approximately one-half block south of 13th Street. The applicant is requesting the Conditional Use approval to convert this existing single family home to a church. The property is surrounded on all sides by single family homes. The zoning map shows that the adjoining properties to the east, north, and west are zoned R-3, Single Family Moderate Density Zone, and are occupied by single family homes. The adjoining properties located to the south of the site are zoned R-1, Single Family Low Density zone, and occupied by single family homes. Future Land Use is all compatible. The floor plan shows a 2,964 square foot proposed church will consist of a 48 seat chapel, a 28 seat classroom, one office, a kitchen or food preparation area, and two restrooms.

Commissioner Coke said it has a kitchen which appears to have a couple of stoves in it. Is there a dining facility located in there?

Mr. Williams said the applicant is here to explain that. From his understanding, they would not be serving meals. If so, they would be served in the classroom. But he would request that she ask the applicant. The landscape plan depicts the proposed parking area that will provide a total of 23 spaces. This includes one handicap and eleven paved spaces and eleven grass spaces as allowed by Section 22-60(b)(6) of the City Code. The landscaping will include existing and proposed plant material, including 38 new trees and 274 hedge plants. Property owner notifications mailed to property owners within 500 feet, 102 for the Conditional Use permit were mailed to property owners located with the 500 foot zone. As of today, a total of 16 responses have been received - 6 of which approve of the Conditional Use permit and 10 of which oppose the Conditional Use permit. All affected Departments have reviewed the Conditional Use application and have approved it based on it meeting the requirements of the City Code. At their June 10, 2008 meeting, the Planning Board voted to recommend approval of the Conditional Use application with the condition that the perimeter landscaping is increased by 50%. It should be noted that the plans for the City Commission's consideration have not incorporated that request; however, the applicant has indicated that upon receiving City Commission approval, the requested landscape improvement would be completed. As such, Staff recommends that prior to the issuance of a building permit, the revised landscaping plan needs to be provided and approved by the City Urban Forester. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends approval of the Conditional Use with the condition that a revised landscape plan is provided to the City's Urban Forester prior to the issuance of a building permit, reflecting the improvements requested by the City Planning Board.

Commissioner Coke asked parking, how many paved?

Mr. Williams said there will a total of 23 spaces. One handicap and eleven spaces will be paved, so a total of twelve spaces will be paved. And eleven spaces will be grass.

Commissioner Coke said her concern is, they are talking a total of 23 spaces. They have seating for 48 people plus 28 children. They are providing for 76 people in attendance in church on Sunday and they only have 23 parking spaces. Not everybody comes in a group.

City Manager Beach said the planning staff's recommendation on this is apparently tied to code issues and the permissiveness of the code for something of this nature. He does not have to describe to any of them what they are going through with their neighborhood redevelopment and revitalization efforts. This neighborhood is an area that is struggling and it has been struggling for some time. He noticed that the owner lives in Pompano Beach and the pastor lives in Port St. Lucie. He wants to suggest to the Commission that this is just not appropriate for that neighborhood. If they were going to build a church in this neighborhood, that would be one issue. They would buy the property, clear it off, and build facilities that are a church. But to take a single family home and turn it into a church in a neighborhood that is trying desperately to be a single family neighborhood, he just does not see it as in the best interest of that area. He thinks that is reflected in the responses that they received from people who live there.

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

Mr. Ernesto Velasco, The Velcon Group, said Velcon is the engineering consultants for the church. He is here to address any of their concerns. He does want to reiterate that they are meeting all the city criteria. The church members have been talking to some of the people in the community and they have not heard of any opposition to this, but he will let them speak on that particular point. The building is not a typical house single family home.

If they would have driven by the site, they would have noticed it is a structure of a little more substance than a typical single family home, although that is what it has been obviously zoned and used for in the past. In addition, they may also want to inquire, but this he believes had been some sort of music study area, there was some music lessons taking place in this particular site. If they look at the street where this is located, he believes it would be the church's intention to have some of the local people attend this church as well. The neighborhood may be struggling, but he would think they are also entitled to some sort of spiritual guidance around them. He believes this church would probably fit this need. Ms. Greenaway or somebody else from the church can come up and talk about some of the chats that they have had with the neighbors.

Commissioner Coke said Mr. Velasco is the engineer, so they are not going to get into spiritual guidance in the neighborhood with him. As the engineer can he tell her, she see that there is a kitchen proposed, but she does not see a dining hall proposed.

Mr. Velasco said there is a dining room area in there. In the kitchen area there is a table and chairs there and also in the classroom floor plan there is a couple of tables with chairs there as well. It is not an assigned area for dining, but certainly it can be used for that.

Commissioner Sessions asked the proposed perimeter, by way of improving the landscaping 50%, what type of buffer are they going to put in place?

Mr. Velasco said he is not a landscape architect. The plans call for 270 some bushes he believes. So if they increase that by 50%, whether it is trees or bushes or a combination, he believes they would add to that. Right now on the east side of the property it is very well vegetated. He is sure if they have to meet conditions that the City has on that, they will be happy to do so as far as the landscaping goes.

Commissioner Alexander said one of the Planning Board members said that was the old Jazz Society office? Was it, with Darryl Bey?

Commissioner Coke said she believes it was the home of Anne Abood from the Opera Society and she allowed some music lessons to go on there. They never had, she does not believe, a full fledged classroom.

Commissioner Alexander said when he hears what was going on in the past and the neighbors did not object whatever music coming out of there day in and day out versus having a Sunday service. He does not see where they are going to have a seven day venture going on out at that church, only a Sunday service and maybe a Wednesday afternoon. Again, that structure has been utilized for other than just a residence in the past.

Why are they getting on a bandwagon against it now it is a church?

Mayor Benton said let him get through the public hearing and then they can have that debate.

Ms. Dorcas Greenaway, 2176 SE Gaslight Street, Port St. Lucie, said she is one of the co-pastors of the church. They started this church since 1989 in her living room in Port St. Lucie with four people. They have expanded and they are renting and they have been there over fifteen years. There is a gun shop there and there is the mechanic. Not only that, they purchased the land on West Virginia Avenue and the City of Port St. Lucie took it back because they are building a highway there and some other things. But this place in Fort Pierce is not just a regular residential home, it has a big center where they can use for a sanctuary and there is a kitchen and a dining area and there is another room that they use for classrooms. Also, when they say 48, that is including the children. They have gone around the neighborhood and everybody they talked to were very happy for them to be there. Because the people that were there, they were scared of them. They were selling drugs and everything. So they were very happy for them to be there. They have already

bought the property and it would be a shame if they just lose something just because they disagree with them. They are not troublemakers, they are there to help.

Mayor Benton said one way or the other, whether it is approved or not, but in the future put that as an option they have on the property, that they get approval for what they want to do.

It is a residential neighborhood. The biggest concern they have is the majority of the residents within 500 feet have said they do not want a church next to them.

Ms. Greenaway said but they have gone around there and nobody told them nothing.

Mayor Benton said the City mailed out a letter; and they had six responses supporting them, but ten against. That makes their job a lot tougher up here.

Ms. Greenaway said the reason they bought the property, closed on the property, because at the last meeting they told them they approved it. So they bought the property.

Mayor Benton said he cannot speak for the Commissioners, but they will be voting on it soon.

Mr. Leroy Greenaway said he is one of the pastors of the church. He heard many things this evening, including the trees and vegetation and so forth. This place when they look at it, from the entrance right around it is surrounded with trees. There is a lot of plants also that has been there. There is some that has been so close and so nicely to the building that they were even thinking that perhaps they did not have to put any additional thing there because of so much on the property. The next thing he wanted to say also, he is surprised they have some kind of rejection. They were there Saturday to look at things and so much people are in favor. As a matter of fact, they cannot wait for the church to establish itself and to get going for them to join. Not only that, but young people and older folks that would like to see a church in this area. Talking also about the area, someone had said they had heard it was a place that they had performed belly dancing or something like that. He does not know how much square feet inside of where they would like to have the sanctuary, but he knows it is a very big place. Concerning Sunday school and so forth, actually they have what they call a vehicle that they came to these children, they go and pick them up and then they take them back home to their parents. Last time they were here they said they want additional parking. They have a place to make this additional. When they clean out whatever needs to be taken out, they could have more parking spaces than what is required by the City here. So he is asking that the City has some consideration in them having this place. Even if one kid in that area... Let him say this also, because they were told a lot of these children in the area, they are into drugs. They have them come in and help. And even if one child they could get off the street, that will come in and join them, that one child that would not have to be put in prison, it will be worth it all. Maybe that one child might be someday way down the line that it could be him, it could be anyone here, could be a help to someone in the future. They are asking them to have consideration in them. That is all he has to say.

Commissioner Sessions asked he is presently holding services where at now?

Mr. Greenaway said at this place down in Port St. Lucie, 5090 Village Green Drive. They are in a storefront. They bought a nice piece of land which they were getting ready to build on West Virginia and the City of Port St. Lucie came in... They cannot fight the city. They came in and said they need this land, what they are going to do with this land, they are going to make it for an amusement park. And they take a beating, because at the time when they purchased this land, what they purchased this for and what they gave them is not nothing much, and they cannot fight the city. So they just give it up to them up. They did ask them if they could help them that they could go and get a place and they never get no respond on that. There were out there for a long time trying to get a place so they could move out of this place because where they are is not appropriate. If they are in the sanctuary, they hear gunshot from the gun range and they can hear this boom, boom.

People get scared to come there to have fellowship with them because of these gun activities. So when they found this place and they were so glad and so joyous. And when they came to the meeting here and they heard yes, it was in their favor to have this place, they were so glad. But it seems tonight that they got a little down syndrome because of what they have heard.

Commissioner Sessions asked the property that they had purchased before and he said the city took it, that was not Fort Pierce was it?

Mr. Greenaway said no, it was down in Port St. Lucie. They take a beating on that and they can't fight the city, they wanted it and they gave it to them. They did not make no money in it, believe it or not.

Commissioner Sessions asked does he have a problem with increasing the buffer in order to get this approved? A landscaping buffer so that it would separate or isolate them from the surrounding neighbors. Does he have a problem with increasing the landscaping buffer?

Mr. Greenaway said no, they would not have a problem. As a matter of fact, if he understands him, he means like a fence or something like that?

Commissioner Sessions said what is being proposed at this point are trees, landscaping.

Mr. Greenaway said there is a lot of trees that is there. If the City required that they needed to put more there, they will put some more there, that is no problem at all. There is no problem for them to do that. As a matter of fact, he would like to put some Mango and Coconut trees.

Commissioner Sessions said they are used to having church in a neighborhood, they started off in a residential neighborhood. Is he correct?

Mr. Greenaway said yes.

Mr. Velasco said the church people had gone around the neighborhood and talked to them about the church and they welcomed them there. He is talking about the residents there, not perhaps the owners. The sixteen people they contacted and got responses from may not very well be living in this neighborhood.

Mayor Benton said the mail out should go to the owners. It does not go to renters.

Mr. Velasco said he understands that. That is his point.

Mayor Benton said he knows several owners that have been trying to take back their neighborhood over there for years and they are not here tonight. But when he sees that number, he knows they have been very vocal over there because a lot of them have lived there for a long time, over 30 years, and they are most concerned about where their neighborhood is going. A church could be a good thing. But also sometimes in a residential neighborhood it has been known to draw traffic and it can be noisy at times. He is a Christian, so he knows.

Ms. Dorrell Crossdale, 2603 Avenue K, said she personally was one who went out in the area, herself and her husband, to ask people to sign the petition for them. And out of 20 people, 18 people was for it. Some were renters and some were owners. She started from the end of Indiana Avenue, across 17th Street, and in that area there. She did get quite a few people that were... There was only one that opposed, they did not want it. That place was built for an art school. And the things that they say were going on there, they say to her personally they would have preferred to have a church. As her pastor said, their

intention is to help the young people especially in the community. She was young and now she is old and she has never seen any church that do any bad to any young people. She hopes they consider.

Ms. Rohanna Fearon, 2450 SW Violet Avenue, Port St. Lucie, said she is a Minister of Pastor Greenaway's church. She is part of the church as well. She is appalled to see what is going on. She really does like the neighborhood. They have walked in the neighborhood to see who would really sanction the church coming and they got a lot of feedback from the people and the residents of the area. Her aim and her goal is to work with those young people in the area. She is an interior decorator and also does a lot of things to help children along the way. That is their goal, to keep the children intact. Today's children need a lot of motivation where they are falling short, parents not being at home. What they are planning to do, take extra time out to have them there in the church hall and teach them to do things. That is one of her main motives for young people. And she would like to see the church get ahead so they can really mount on and help the children in the area. She would be glad if they could something to help.

Mayor Benton asked as far as their services, are they planning on every night, or Sundays and Wednesdays?

Ms. Fearon said what they are planning on, as soon as they open up, they are trying to entail young children for daycare. And otherwise young people, they want to get into the area of getting young people in to teach them.

Ms. Greenaway said no, they don't have daycare.

Ms. Fearon said they don't have a daycare yet.

Ms. Greenaway said that is not what this is all about.

Mayor Benton said he thinks that would be a concern if they had a daycare. If they were looking at a daycare, that could have been a concern with the amount of traffic it would generate and noise with kids.

Ms. Greenaway said they cannot say what they are not going to do.

Ms. Fearon said she was thinking down the line, they were...

Ms. Greenaway said they cannot do that.

Ms. Fearon said she is sorry about not understanding about that area. And if it is so, she takes that back. She thought that might would have come, like other churches that have daycare and all of that. That is what she was thinking, that they were planning on it.

Ms. Greenaway said Ms. Fearon is new with them and she really don't know nothing.

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

Commissioner Sessions asked Mr. Beach said that neighborhood is having a lot of drug traffic and a lot of problems?

City Manager Beach said no, that is not what he said. What he said was, it is a struggling neighborhood, it is trying to rebuild itself. This is the area that they are trying to expand their redevelopment agency into to make housing rehabilitation grants available and things of that nature. The word he used is struggling. And it is. He is not sure that this would be something that would move it into a more residential character is what he is trying to say.

Mayor Benton asked how about calling it a challenged neighborhood? He has been called over for years. It is unfortunate that the YMCA does not keep their fields up the way they should, so they are after them to keep it mowed. But there are quite a few residents that have been there a long time that call him on a regular basis to get Code Enforcement out there, because they want to take back their neighborhood, they do not want to lose it. Like a lot of neighborhoods in Fort Pierce where a lot of the owners have rented out their properties and they see the deterioration. It is holding its own, he guesses he can say. He thinks Mr. Beach has a concern. The Housing Authority has a bunch of units almost right across the street that they have put some work into, it looks a little bit nicer over there. What concerns him is the number of people residents that have said no. Because when that number in opposition is higher than the ones for it, there is a certain requirement when it comes to the vote.

City Attorney Schwerer said if he is understanding the numbers correctly, they have 102 property owners within 500 feet.

Mr. David Carlin, City Planner, said that is correct.

City Attorney Schwerer said as of today's date, how many have they received in objection?

Mr. Williams said sixteen.

City Attorney Schwerer said under the Code, Section 22-76(2), they need 20% of the owners. That would be 20% of the 102, not necessarily 20% of those who respond. The numbers are four short of reaching that number. It is significant and it is something they can consider. But it will not reach the 4/5ths threshold with sixteen.

Commissioner Coke said first of all, she does not know how on a half-acre of land they can adequately provide parking for all these people without having overflow in the streets. Her largest concern is, out of the people that did take the time to respond, 63% said no. Although she would love to see the church move up here, if they could find a building that was more appropriate. She really does not feel that she can support it. Their citizens, and that is who she is here to look out for, is their citizens. They all seem like very nice people and they are doing a great job, but they are doing their great job in Port St. Lucie and they have been doing it there for fifteen years. So her concern would be two-fold. Number one, she does not know how many of their people are going to want to be schlepping all the way up here to Fort Pierce and fighting the traffic in Port St. Lucie to get here on a regular basis. Number two, and most important to her, she feels as if she has been elected to represent the needs and wants of the majority of their citizens. And when she sees 63% of the people that responded said no, they do not want this, she really does not have too much choice in life except to respond to the voice of their citizens.

Commissioner Alexander said his understanding from one of the ministers that they purchased this property upon he guesses it was the Planning Department that gave them an okay on this and not the City Commission. That is where he has a problem with this language barrier that they do not explain to individuals that the Planning Department is only just that, the Planning Department. He is sure those individuals would not have purchased no property if they knew that they were going to run into a hornets nest like they did tonight. Again, this language barrier.

Mr. Williams said he believes what transpired is, they were at the Planning Board meeting, and the Planning Board - seven approved, two denied. Throughout the entire process, he has been the project manager. He advised them that there are two meetings and that the City Commission decides what will happen. At no time did Staff ever recommend anything other than the procedure.

Commissioner Alexander said no, he just assumed when he heard them make that point that someone gave them an okay and he assumed that was the Planning Board. Someone had to say something.

Mr. Williams said right, the Planning Board recommended approval with a vote of 7 to 2.

Commissioner Coke said let her point out one interesting thing that she is looking at. It shows the owner of record here is a Gary Caccaviello in Pompano Beach. If they look at the property record card, it shows Gary Caccaviello purchased that property in 2005. He has been the owner of that since 2005, so he has owned for it for three years, and he is showing on the staff report as the owner of record also. So that would be another consideration. He has had it for awhile, it is not a yesterday kind of thing.

Commissioner Alexander said okay. He just heard that comment being made, that's all.

Commissioner Sessions said if it was anything other than a church, he would not be in support of it. But he just believes in the good will of these individuals that have come forward and have said they would like to come into that neighborhood, that their City Manager has described as being a struggling neighborhood, in order to improve the neighborhood and make things better. It might be exactly what that neighborhood needs is a church in order to get rid of some of those demon spirits out of there perhaps in a struggling fashion, push them out of there.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to approve the Conditional Use to convert a single family residence at 1309 Indiana Avenue into the Divine Holiness Church with the condition that the church enhances or improves the buffer around the perimeters of the building to at least 50% in order to isolate the activity within the church from the neighborhood.

Mayor Benton said most of the time he supports churches in their community. But it is very difficult when the response overwhelmingly from the neighborhood is they would prefer not. His job is to represent the majority. If these were all Fort Pierce residents and they all lived close by, it might play a bigger role. Maybe the neighbors do not know these folks because a lot of them are from Port St. Lucie or out of town. If it was a hardship on the owner, which it appears it isn't, maybe an owner trying to lease. At least the information in front of them shows him that there are ten neighbors within 500 feet that are willing to take their neighborhood back and have concerns. It is very difficult for him to say no, but he will not be supporting the motion.

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

THE MOTION FAILED TO PASS DUE TO LACK OF MAJORITY VOTE.

Mayor Benton said it did not pass, it was a tie vote. He explained himself because a majority of the neighbors were not in support of this. In the future he thinks they can come back in six months; and if they have the support of the neighbors and they fill this room up, it would be another story. But the information they have in front of them shows the majority of the neighborhood is not in favor of this. He is sorry.

The next item on the Agenda was Public Hearing on Application for Conditional Use submitted by Mary Ahlert on behalf of AZN Red Dragon LLC to allow the operation of a non-profit Bingo Hall at 2822 South U.S. #1; said property zoned C-3, General Commercial Zone.

City Clerk Steele said this item has been removed from consideration by Staff.

The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by Carl & Jackie Lederman to construct a **Private Dock and Boatlift** extending from property at **1710 Coconut Drive**; said property zoned R-1, Single Family Low Density Zone, and A-1, Aquatic Conservation Zone.

Mr. Carlin said before they get started, he would like to introduce Duane Yazzie to the City Commission. He is a new planner in the Planning Department. He is going to present a Conditional Use application for a dock. This is something that they have actually seen before, on Coconut Drive in Jennings Cove.

Mr. Duane Yazzie, Development Review Planner, said in the guidelines outlined in Section 22-38 of the City Code, dock or moorage facilities are permitted only by Conditional Use in the A-1 zoning district. Therefore, the applicants are requesting a Conditional Use approval to construct a private dock and boat lift. The private dock and boat lift are going to be located within the Jennings Cove neighborhood. The dock will extend from the rear of their property, which is located along the eastern shoreline of the Indian River. They may recall that this dock was previously approved by the City Commission. The original approval date was on November 8, 2005; but due to hurricanes, construction was delayed and therefore the Conditional Use expired. The property is zoned R-1, Single Family Low Density Residential Zone. The property to the north and south are also zoned R-1. To the west is Indian River Lagoon which is zoned A-1, Aquatic Conservation Zone. This aerial photo simulates the proposed location of the dock and boat lift. They can also see the docks and platforms that currently exist adjacent to the property. Adequate separation from the riparian rights line is provided. The dock will be situated at the center of the property. The Army Corps of Engineers has granted construction through the mangroves, limiting any clearing to the width of the pier. The access will be 143 feet long by 4 feet wide, which will terminate into a 6 foot by 20 foot platform. Also, a four pier boat lift will be adjacent to the platform. Its dimensions are 14 feet by 14 feet. Again, the construction adheres to the Army Corps of Engineers requirements and the applicant has received the Army Corps of Engineers approval, which is valid until the year 2012. As required by Section 22-76 of the City Code, property owners must be notified within 500 feet. Thirty-three property owner notifications were mailed. As of today, nine were received back, in which eight approved and one disapproved. As the proposed Conditional Use meets requirements of the City Code, Staff recommends approval of the Conditional Use.

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

Mr. Carl Lederman, 1710 Coconut Drive, said he is here to answer any questions or any concerns they might have. He has been here before and it was approved.

Mayor Benton asked is he going to build a house?

Mr. Lederman said the house is pretty much done.

Mayor Benton said okay. They are seeing a picture of a vacant lot. Welcome to Fort Pierce. If this is approved, if they need an extension in the future, just ask them before that year is up and it will save him a lot time and effort.

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

Motion was made by Commissioner Coke, seconded by Commissioner Session, to approve a Conditional Use submitted by Carl & Jackie Lederman to construct a private dock and boat lift at 1710 Coconut Drive.

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

The next item on the Agenda was Public Hearing on Application for **Waiver of Distance** submitted by At Water Investment Corp. to obtain a 4-COP license for liquor, beer, and wine in **Dockside Inn Tiki Bar** (to be known as Outlook Bar & Grill) at 1136 Seaway Drive; said property zoned C-5, Tourist Commercial Zone.

Mr. Paul Williams, Urban Forester, said Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on premises where the establishment is located within 1,600 feet of other licensed establishments, churches, or schools, unless a waiver of distance is granted. The applicant is requesting a 4-COP license to serve liquor, beer, and wine for consumption on premises. The aerial photograph shows the location of the property and the four establishments and the distance they are from that. The subject property is located at 1136 Seaway Drive and is located in the C-5, Tourist Commercial Zone, with a Future Land Use of CG, Commercial General. The properties to the east and west are also zoned C-5, Tourist Commercial. The properties located to the south side of Seaway Drive are zoned R-4A, Hutchinson Island Medium Density Residential. This photograph shows the building that existed at 1136 Seaway Drive before its removal. This photograph shows what is there today, which the vacant property where the building was removed, with the Dockside Inn on the righthand side of the photo. This is a photograph looking to the north, what they would see from the proposed tiki bar. Also this view from the north shows the Pelican Yacht Club, which is to the west of the property. This plan shows the proposed landscaping and parking. The applicant will be constructing a new 880 square foot tiki bar restaurant. A total of nine parking spaces will be provided as required by City Code. The floor plan for the proposed tiki bar shows that it will have the view to the river and also access. This is a rendering of the proposed elevation showing the tiki bar in the distance with a sign out along Seaway Drive. A total 36 notifications were mailed to the property owners within 500 feet. As of today, 18 responses had been received - 14 which approved and 4 that opposed. All affected departments have reviewed the proposed Waiver of Distance and have approved it based on it meeting the requirements of the City Code. At their June 10, 2008 meeting, the Planning Board voted unanimously to recommend approval of the Waiver of Distance. As the proposed establishment does not appear to adversely affect community health, safety, or the general welfare, and meets the criteria, Staff recommends approval of the Waiver of Distance for a 4-COP Alcohol Beverage License for the proposed establishment.

Commissioner Alexander said he is not opposed to this at all. But he is hearing tiki bar. Don't they have a Tiki Bar already?

Mr. Williams said this particular concept was presented by the applicant. The name Tiki Bar is what they came up with for this establishment. The Commission might remember, this came before them as a restaurant addition on top of the Dockside Inn. The building was removed next door, which they own. This particular facility needed to have parking, so it required a specific square footage. The name Tiki Bar, he does not think was intended to mean anything other than it would be adjacent to the water.

Commissioner Alexander asked would that be fair to the existing Tiki Bar, with advertisements and so on?

Mr. Williams said he would not know the answer to that question.

Commissioner Alexander asked does any staff know the answer to that question?

City Manager Beach said he knows the answer. The idea of it being a tiki bar is a description of the architectural design of it. As an example, they have a Tiki Bar at the airport. What it relates to is the thatched roof. He is not sure what the name of the restaurant or bar will be. But tiki bar just explains its architecture.

Commissioner Alexander said that just says Tiki Bar. Is there going to be a secondary building on this property - the Outlook Bar & Grill?

Mr. Williams said it is called the Outlook Bar & Grill.

Commissioner Alexander asked two separate buildings?

Mr. Williams said what he understands is they have a tiki thatch roof over the sign to mirror what the roof will be over the establishment.

Commissioner Coke said originally this Outlook Bar & Grill was to be one and the same as part of the existing building. The question she believes is, is it now proposed to be a completely separate building?

Mr. Williams said yes, this is a separate building from the Dockside Inn, on the vacant property at 1136 Seaway Drive.

Commissioner Alexander asked are they looking at some type of site plan? Are they going to give authorization for a Waiver of Distance for alcohol without a site plan?

Mr. Williams said this is the Application for Waiver of Distance. This Waiver of Distance would have to be approved by the Commission, then the process of site plan review would go forward. They are just here talking about the Waiver of Distance.

Commissioner Alexander said maybe it is just him, but he always thought it would go vice-versa. The building first and then...

City Manager Beach said there is a detailed site plan and building plans that have been submitted to the City which currently have not been approved, they are still going through the review process. His understanding is, one of the requirements that they have to achieve is to get this liquor license as part of that review process. Commissioner Alexander asked before they open the door, they get the approval of a liquor license? This is a first for him.

Mayor Benton said in the State of Florida, with the fictitious name law, or at least the way it used to be, they can have five Tiki Bars across the street from each other and there is nothing they can do about it in Florida. Other states, they have a fictitious name, nobody can touch it.

Commissioner Sessions said maybe this will be addressed in site plan approval. Nine parking spaces seems to be a small number of parking spaces for a restaurant of this nature. He takes it that they took into consideration the square footage and that is how they calculated the nine spaces.

Mr. Williams said that is correct. The nine spaces are per code doing the mathematical calculations. He thinks the applicant will say that boaters who utilize the dock at the Dockside Inn will also be able to utilize it and also people staying at the Dockside Inn.

Commissioner Coke said she believes she read something about a bike rack. It is an important mode of transportation over there.

Mayor Benton said the Dockside Inn deals with a lot of fishing tournaments. He is sure it is a convenience thing. People could be staying at another hotel down the road and walk there also.

Commissioner Alexander asked but there is no existing wall that he is looking at depicted on this here, is it?

Mayor Benton said there is now. It is not showing up here. But there was a wall the last time he was there.

Commissioner Alexander asked what kind of wall will that be? He is looking at open space. He can walk across the street, go to the hotel, go to the little hut. Where is he looking at a wall?

Mr. Williams said on the photograph they can see that there is a wall between the Dockside Inn... The applicant should be able to answer all of these questions. He does apologize, as the Urban Forester, he tries to do what he can on Waivers of Distance. This is a view of the Pelican Yacht Club, which does have a fence and landscaping. When they look at the separation, there is that wooden... That is what it looked like back in the day. They took down that building and they have the vacant lot now. There is the Dockside Inn with a wooden barrier that would come down. He would think the applicant can tell them all that they need to know.

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

Mr. Christian Somborn, 1160 Seaway Drive, said he is here tonight on behalf of At Water Investment to answer any questions.

Ms. Marcia Baker said she is about three blocks east of the proposed new Outlook Bar & Grill. She is looking forward to sipping some mai tais there. She is very much in favor of this proposal. She wanted to compliment the owners on the way they have maintained and beautified all of their properties - both the motels on the north side of Seaway Drive and their multi-family properties on the south side. She does not want to be a nitpicker, but she watched the Planning Board meeting and she was here when the previous COP license was approved. The owner made reference to overflow parking across the street on property that he owns in the R-4A zone. She spoke against it at the 3-COP application that was done previously. She noted that he again brought the subject up at the Planning Board meeting. They own two 60-foot by 120-foot vacant lots on the south side of Seaway Drive, across from their hotel and the proposed bar. Those properties are zoned R-4A. They cannot be designated or referred to in any way as having a use for overflow parking for the either the tiki bar or the motel. Zoning rules on off-street parking are very clear. A commercial parking lot is only allowed in the C-1, C-3, C-4, and C-5 zones. However, under Section 22-60, off lot parking required for an existing use is permitted in R-4A lots under very limited restrictions. The off lot spaces must be within 300 feet of the main entrance of the principal structure. The off-lot spaces can only be used for residential use or during religious services. This important zoning restriction was designed to protect residential property owners from having any commercial use of adjoining lots. The idea was to protect residential property owners across from or near commercial properties from having the value and quiet enjoyment of their properties diminished, their insurance rates raised, and keeping their neighborhoods from being pockmarked with the blight of overflow commercial lots. Normally she wouldn't have even bothered with this objection to this, particularly since it has not been brought up. However, in the meantime since the original 3-COP license was applied for, there have been some changes on the beach area. There is one lot which is opposite Mangrove Matties which is being advertised by a very reputable real estate broker, a lot that is the same size as the R-4A lots that the owners of the motel own that they have referred to as used for overflow parking. This is advertised as being for lease, many uses, commercial or residential, available for lease, CRA district help, and so forth. This is completely deceptive advertising and the real estate broker should be very careful about what he is doing. In addition, there is lots of R-4A lots opposite commercial properties all along Seaway Drive. There is R-4A lots all along South Ocean Drive, two of which the City is in the process of acquiring for parking for the beach or purportedly, that the reason that was given. Since they cannot be used for parking by any way shape or form unless they are rezoned as C-5, it seems to her that there should be some

reconsideration of this. And she hopes that the owner of the new tiki bar and of the motel would change his sign that is on his R-4A lots, which has matching signs to his motel property, to parking by permit only. That he change the sign to indicate that it is for residential parking only to comply with the existing zoning laws. She does not mean to be a fussbudget about all this, but the island is now going to be able to finally take advantage of qualified developers and improvements of existing commercial properties. It would be a shame to have the old laissez-faire attitude that the old Planning Department had hang over and let things slide by just because it would be a nice thing to do and because people are so hung up on parking spaces.

Mr. Somborn said he would like to reiterate, primarily the function of this tiki or chickee... Tiki is Polynesian. He uses the Seminole Indian word for it, which is chickee. This chickee bar is primarily for their hotel guests. It is supposed to be an added value for the Dockside Inn. They are in tough economic times and they are trying to attract as people as possible to their establishment. Of course, they want to be an inclusive establishment, they do not want to exclude anybody and just make for the hotel guests. Therefore they have these nine parking spots, the bike racks, the boat access as well. He thinks most people on this Commission know that on the weekends people tend to congregate on the other side of the waterway, so it would be easy for them to come over as well. In terms of qualms about the parking lots on the south side Seaway Drive, he will do his best to make sure the appropriate signage is put up.

Mayor Benton said in the future with the reconstruction of A1A, the City is going to have to readdress some of those issues, because a lot of the restaurants and a lot of the hotels along Seaway Drive are going to have a more difficult time with parking than they do today. But that is something they have to deal with. He just knows that there is a lot of fishing tournaments, public and private, that use his facility. He does not know how many rooms the Dockside Inn has. But a lot of times they want to have a Captain's Party. This makes it legal, this brings revenue into the City, which in the past has been generated out of a cooler privately. He thinks it is a good thing.

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

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to approve a Waiver of Distance for a 4-COP license to sell liquor, beer, and wine at the Dockside Inn Tiki Bar (a/k/a Outlook Bar & Grill) located at 1136 Seaway Drive.

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

Ordinance No. L-32 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, **TRAVEL EXPENSES**, SECTION 2-83 (MAXIMUM RATES AND LIMITATIONS), SPECIFICALLY AMENDING SECTION 2-83(e)(3); CHANGING THE MILEAGE RATE ALLOWANCE FROM \$0.405 CENTS PER MILE TO \$0.505 CENTS PER MILE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-32 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.

Mayor Benton said he saw in the Tribune - not on the front page like their local discussion, but further back on the business page - where the IRS raised their rates last week to

\$0.585 cents per mile, as did the Fort Pierce Utilities Authority, because that is who directs how they do business, as does the School District and a lot of other organizations out there and private businesses. So Fort Pierce is still behind on this, but they cannot change the ordinance now.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, that Ordinance No. L-32 be passed on second and final reading.

Commissioner Sessions said he believes there has been somewhat of a misconception with regards to this mileage rate allowance. It is his understanding that the impact as it will affect the budget is very small, probably about \$6,000 to \$8,000, and it is only for gas reimbursement for all city employees that use their personal vehicles for city business. With the cost of gas going up almost 300%, going from \$1.49 up to \$4.25, a gas allowance increase would be more than justified. Gas is too expensive; and for them to expect their employees to drive their vehicles without getting reimbursed for the gas is ridiculous. This is not some type of maneuver that is wasting money on a particular item, it is well warranted, and in light of the recent increases in their gas, he thinks it is more than justified. He is going to support the motion as he has from the beginning.

Mayor Benton said not only does it help out with the gas, but it also helps out on the wear and tear on their vehicle - the oil, the tires, the insurance, and everything else. It is the going rate for reimbursement. The majority is doing it. He thinks it is the right thing to do.

Those voting in favor of the passage of Ordinance No. L-32 on first reading were: Commissioners Alexander, Sessions, and Benton. Those opposed: Commissioner Coke.

Ordinance No. L-33 entitled "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTIES LOCATED AT **4701 & 4704 OLEANDER BOULEVARD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2009; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: John & Brenda Jacobs, Carlos Bermudez, and Leonardo Lozada)

Ms. Erica Ehly, Comprehensive Planner, said this is a request for approval of the annexation via agreement for two parcels totaling 1.71 acres located on Oleander Boulevard, north of Midway Road. The existing current County Land Use is RU, Residential Urban, with a maximum density of 5 units per acre; and the City Future Land Use will also be RU, Residential Urban, 5 units per acre. The current County Zoning is RS-3, at 3 units per acre; and the City Zoning will be E-3, at 3 units per acre. On May 13, 2008, the Planning Board voted unanimously to approve of these annexations via agreement. As the annexations meet the requirements of the City Code and are consistent with the City's Comprehensive Plan, Staff recommends approval of the annexations.

Mayor Benton declared a Public Hearing on Ordinance No. L-33 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 Sessions, seconded by Commissioner Coke, that Ordinance No. L-33 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-33 on first reading were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing and Resolution No. 08-25, Designating the Enterprise Zone as a **Brownfield Area**.

City Clerk Steele said this item has been pulled from the Agenda.

The next item on the Agenda was Public Hearing and Resolution No. 08-28, Designating property located north of Okeechobee Road between Peters Road and Crossroads Parkway, known as Florida Furniture Mart, as a **Brownfield Site**.

City Clerk Steele said this item has been pulled from the Agenda.

The next item on the Agenda was Public Hearing and Resolution No. 08-29, Designating property located at 311 North Indian River Drive (H.D. King Power Plant property) as a **Brownfield Area**.

City Clerk Steele said this item has been pulled from the Agenda.

The next item on the Agenda was Mayor Benton discussion regarding **Garbage and Yard Waste Pick-Up** by the Solid Waste Department.

Mayor Benton said he is going to stick to the garbage. What he is looking for tonight is three Commissioners to ask Staff to look into the cost savings if they were to go to once a week pick-up. At a time when gas prices and fuel prices have gone sky high and continue to go sky high, they do not know when it is going to end. He does not know what it has cost them in their budget this year as far as the increase. Those trucks get about two miles to the gallon he is told. In his brief discussion with Mr. Hopkins, he told him that he thought there would be at least a \$250,000 savings by going to once a week. He knows it could be an inconvenience. But if people that needed it were allotted two of the pails to put their garbage in, he thinks that would work. A lot of places in this country are already doing it. He would like to look at the numbers and then they could have that educated discussion. Coming back from the Conference of Mayors, where 400 mayors in this country said they are going to have to start tightening their belts from their dependence on fuel and gas and oil, it is time to start doing something at home. And there could be a possibility of saving people some money on their utility bill, if the City could save enough money. Could they save a few dollars there? He thinks it is worth having that discussion.

Commissioner Coke said she is never opposed to getting information and looking at things.

Several months ago they had a discussion regarding whether or not they should cut out holiday garbage collection and she believes the savings on that was \$48,000. She kind of thought, that is worth another police officer on the beat. She was informed that it could cause a lot of problems as far as the difference the way their city looks today and the way it would look later on. She would be willing to save that \$48,000 and cut out the holidays, because most people do not recognize the fact that they are supposed to put their garbage pail out on a holiday. She has some concerns about health and safety issues. So along with looking at the financial end of it... She likes the thought of giving people two containers if necessary. She is wondering if there is someplace they can get information on if they let something sit in that container for a week, rather than three or four days, is it going to be a bigger nuisance attraction to rodents and bugs? Are they going to create a whole world of problems that they are not envisioning?

Mayor Benton said there would be a bit of education if they decide to do that. People just couldn't throw food in that bucket, which they should not be doing now, but they would have to put it in some type of plastic container and tie it up. But with what is happening in this country now and this environment with their economy, they are all looking at ways to save. If this could save them \$500,000...

Commissioner Coke said she does not have a problem with getting the information. She just thinks they need to get the flip side, not just the money, but they need to look at if there are any side effects.

Mayor Benton said he is also looking to get feedback from the public. He has spoken to a lot of people in the last month about this. He thinks he had one person say no. Just look into buckets and ask people. A lot of homes there is less than two or three people per household and they only have one or two bags in that big green bucket. So if it is a way to save money and save on the utility bills...

Commissioner Alexander said he would be more willing to look into these as the numbers come. But if it does not come with a 50% deduction to the public, he is not going to ever support it. If the Mayor is telling him that they give once a week versus they are paying for twice a week now, if they take away one pick-up, they are going to be charging them 100% increase, right?

Mayor Benton said once they have the numbers, if there is a cost savings... It is not going to be 50% regardless, because they are going to be picking up more garbage. But if they do not do something because of the price of fuel, not knowing what it might be in the next six months... They know it is only going to go up. So lets find a way to reduce it.

Commissioner Alexander said he agrees with him 100%. But he is not going to give any one of those behind those blind raises. He does not know what they pay a month. He just pays his light bill so they do not cut off. If they take away one day from picking up from him, then they need to take away half of the cost.

City Manager Beach said one of the difficulties that keeps them from cutting it in half is that they are still picking up the same volume. They pay for that volume through burying it at the landfill. There are significant savings in going to the once a week process. But as the Mayor had indicated, there are some significant challenges to it as well. One of those challenges is public acceptance. It has to be presented and proposed and laid out in a way that the public will accept it. Because there are health problems, as Commissioner Coke brought up, that could happen if they leave that sitting out for a week. It requires an education campaign. But it can result in significant savings. Please understand as they go into this - and it looks as if three of them are willing to study this idea - as they look at it, there are four different services that are provided by Solid Waste. Residential trash service is one of them. That is the service that would have an economic impact on it with this change. The others would not change and those costs would be very similar.

Commissioner Coke said she thinks as they look at these figures it would be helpful... She understands Commissioner Alexander's point that they are going to do the pick-up 50% of what they were doing it before. Then she understands Mr. Beach's point that although that is part of the service, they still will be processing the same amount of pick-up. Part of what they pay for is not just the pick it up and put it in the truck. Part of what they pay for is the disposing of it. It is possible to get a breakdown so they can have a more concise idea. She thinks that will give them a better idea of actual costs savings. Number one, what does it cost them to pick it up five or six days a week? And also, what does it cost them to process it? Because the only savings is actually going to be in the pick-up service.

City Manager Beach said they can have those figures, he thinks the turn around time could be pretty brief. There has been some preliminary work on it so far, but they want to verify those figures and make sure they are accurate. If they are willing to consider this, staff will come back within probably 60 days with an assessment and an analysis of it that they can evaluate and make some decisions on.

Commissioner Alexander asked some public input?

Mayor Benton said he will commit his time to speak to the Chamber of Commerce. There is one meeting a month they have with Homeowners Associations, so he will do his best to get the word out. This would not affect business people, this would be residential. He would like to hear from them. Because one thing as Americans they are going to have to start doing some things that they have not been wanting to do for years. He hopes there is enough willingness from the community to take a close look at this.

City Manager Beach said this will work. It has worked in many communities. But it is a matter of public education and public acceptance of it.

Mayor Benton said as is pushing people more and more in schools and in some of the condominiums to recycling, because they are not doing it. He hears the complaint every day, why aren't condos recycling? That is a good question they need to get an answer to.

Commissioner Sessions said his main concern is of course the cost savings, how it is going to save the City some costs. But in addition to that, how it will affect the citizens in their day to day operations of maintaining their homes garbage-free. He is in search of information of other municipalities similar to themselves that perhaps changed over from having two days versus one day. He has already started his research to see how those individuals have been affected. Even in addition to that, when they talk about savings, they are talking about cutting down on the routes. Another concern of his a reduction in staff with regards to the blue collar workers. The last thing in the world he wants to do is see a lot of their blue collar workers laid off as a result of their reduction efforts in order to save money. So that is another factor that he hopes that they could have some information on, where this is all going, because he does not want to see people laid off.

Mayor Benton said he would agree. He does not know the schedules now, but in his neighborhood they start to work at 5:30 in the morning. He does not know whether they are working overtime when it comes to some of these dumpsters. But maybe this would put people to work 40 hours a week. He agrees with Commissioner Coke, give them holidays off like everyone else. And maybe they will not be working on the weekends. He knows they work on the weekends now. He thinks they should look at the numbers and then they can make an educated decision and get some input from the public in between. Three of them agree, it is worth looking into? (The Commissioners agreed.)

The next item on the Agenda was Mayor Benton discussion regarding Florida League of Cities restructuring of their Legislative Policy process.

Mayor Benton said hopefully everybody has had an opportunity to look at this. Commissioner Alexander sits on one of these seats and maybe Commissioner Sessions.

Commissioner Sessions said no, he has not been to a League of Cities Conference yet.

Mayor Benton said they are finally looking at getting input from every city instead of just certain cities. So what he would ask is that everybody take a close look at this and see if they can fit maybe one of these committees into their busy schedules; and if they are interested, they can discuss it at the next meeting or get some volunteers. There are four committees the Florida League of Cities is really looking for people. It says no later than August 20th. If they want to commit to something, please take a look at this. He knows they had some discussion about doing it by phone.

Commissioner Alexander said by telephone by setting up space here at the City Hall. He did send that to Mr. Beach last week. He does not know if he has had a chance to follow up on it. They were talking about feeding it into an area where they have the monitors, whether it be in the City Manager's conference room or whether it would be here in the Chambers. They would do that by teleconference. He thought that was good idea because he got kind of fed up with that conversation about traveling to meetings. And if it could come here, he thinks all of them should be required. They come from cities all over the

state and everybody comes to one accord. Along with this, he knows they are seeking and asking because of budget cuts, but maybe they can set that up.

Mayor Benton said basically it is four dates that they would like one of them or all of them in Orlando. It would be nice if it could be done by teleconference. Hopefully it can be, because he is sure they are not the only city dealing with budget issues. He knows the Mayors have discussed this and they are going to hold one of their meetings by teleconference. This is for information purposes. But he is hoping to hear back at the next meeting, he will put it back on the agenda to see if they have any volunteers.

The next item on the Agenda was Commissioner Alexander discussion on development of the Lincoln Park area.

Commissioner Alexander said he is serious about whatever he has to say out of his mouth. This has a lot to do with a comment that came back to him about the Lincoln Park area. They had a gentlemen that wanted to pave his own property and he was not allowed to, because one of the comments was made to him that if he paves it, then that means people will start parking on it. He doesn't know the difference, why would he pave something if he did not want someone to park there? That is their Lincoln Park Main Street building, the gentlemen wanted to pave the sidewalks and the property adjacent to his building. He got such a raw deal on that, the conversation that went to him. He could not be in his presence when they were saying these things. But he is not going to allow anyone to talk about the Lincoln Park area in a derogatory type of way. They are already blighted and slum. And they are not spending any money out there, so he does not know what they expect. But when they have people step up to the plate and want to do some of these things. He had left a message for Mr. Williams and Mr. Meyers. He knows they did not have time over the weekend to get this done, but he wants staff to look into those comments. It came from one of their boards. He does not know whether it was the Board of Adjustment or whatever board. He had to pay \$200 to go before this board to pave his own property. He was only one signature away from getting that, then all the doors went to close. Again, he did not get the particulars, he did not ask him for the particulars. All he heard was his comment. He was very upset about it, he was very hurt that they still consider Lincoln Park area as some kind of dumping ground. People need to wake up. If they do not have respect for their city as a whole, they do not need to be part of the City employees.

Mayor Benton asked staff could take a look into whatever board meeting that was and see what comments were made?

Commissioner Alexander said he wants the comments addressed at that board.

Mayor Benton said check the Minutes of that meeting and find out what comments were made. Board of Adjustment?

Commissioner Alexander said whatever board he had to go through. He is the owner of the Lincoln Park Main Street building. That is what he had to go through trying to dress up that area, just paving the parking lot. And for him to get that kind of comment, it really stinks to him.

Mayor Benton asked can they have staff take a look into that?

City Manager Beach said they will find out what that is about.

Commissioner Sessions asked was he able to get the parking lot paved?

Commissioner Alexander said no, they refused it, they turned him down?

Commissioner Sessions asked who refused it?

Commissioner Alexander said whatever board he had to go through.

Mayor Benton said he thinks they need a copy of the Minutes once they find out what board it was so they can all take a look at that. Find out what the reason was. And they need to put it back on the agenda to discuss it.

The next item on the Agenda was City Manager appointment of Gloria Johnson as **Finance Director**.

City Manager Beach said they are all aware that Mr. Bergalis has submitted his retirement papers and is effectively gone from their organization, although his official retirement date is later. They are all acquainted with Ms. Johnson, she has been with them for a long time, and she has been appointed as Acting Finance Director. But that is one of several positions within this organization that requires confirmation of the City Commissioner for that appointment to be formal. He is offering Ms. Johnson's appointment to them this evening and respectfully requesting their confirmation of that appointment.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to approve the City Manager's appointment of Gloria Johnson as Finance Director.

Commissioner Sessions asked she is not going to retire soon, is she?

City Manager Beach said she has committed five years.

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

Mayor Benton said he welcomes her to the top. She has been doing an excellent job for a long time, so they look forward to continuing working with her.

The next item on the Agenda was Status Report by City Attorney on submittal of 5-foot easements on north and west side of **Island Village** property as a conditional of Site Plan extension.

City Attorney Schwerer said they are continuing to work on the easements. It is his recommendation that the Commission not schedule nor take any action on this until they further report on that to them at a later date.

Commissioner Alexander asked has the site plan expired?

City Attorney Schwerer said no. They approved the extension of that conditioned upon certain things happening.

Commissioner Alexander asked as of a date certain, right?

City Attorney Schwerer said yes.

Commissioner Alexander asked have they gone beyond that date certain or do they need to extend it another...?

City Attorney Schwerer said there were easement documents tendered to his office by the deadline and they are still working on the form of those with Mr. Bernstein. The documents were incomplete when they were delivered. But there is an indication that those will be completed; and if not completed, he will bring that back before them for further action as required by their earlier ruling.

Commissioner Alexander said he just wants to be fair to Mr. Bernstein or anybody else that comes before this City of Fort Pierce. If something expires, that means done, it is not reviveable. He just wants to know the understanding; because when he has someone else in front of him, he wants to have the same sentiments for them.

The next item on the Agenda was Acting Director of Community Development to present options regarding submission of an Application by **Esther's House, Inc.** for Housing for Persons with AIDS (HOPWA) Grant through the Department of Housing and Urban Development.

Ms. Christa Razem, Grants Administrator, said she put this on the agenda for guidance from the Commission as far as if the Commission wanted to proceed and how to proceed with the HOPWA Grant Application through Esther's House. This is coming from HUD. The prevalence of HIV and AIDS in St. Lucie County is a growing concern. It has been noted by the local Health Department and the statewide Health Department. When broken down by zip code, it becomes apparent that more than 70% of the reported HIV cases in St. Lucie County are in the City of Fort Pierce. Additionally, the rates of infection are very heavily skewed toward the black population, with almost 80% of the cases of HIV infection being reported in this minority group. It also appears at this point that more women than men are now living with HIV. Currently, long term housing for people with AIDS is not available in St. Lucie County. Esther's House is the first non-profit group to approach the City in an effort to begin addressing the need. Esther's House is a relatively new local non-profit that has been established with the intention of providing long term housing for woman and their dependents who have been diagnosed with HIV. Guidance from the Commission is requested on how to proceed with this grant application. There are three options identified. Number one, they can submit an application as the City of Fort Pierce with Esther's House being a project sponsor. Matching funds will not be required. Potential funding would come through the City to Esther's House, the City would be the applicant. And as a recipient of the grant funds, monitoring of the progress of the program by City staff would be necessary to ensure compliance with HUD rules and regulations. The second option would be, support Esther's House in submitting their own grant application. As a non-profit, they are eligible to submit their own application. Given the relative inexperience of the organization, staff time would probably still be necessary to aid in the application development, and a letter of support from the City Commission would be needed. However, no long-term monitoring would be required; and the involvement of the City would cease upon the submission of the grant application. A third option would be to choose not to support Esther's House with the grant application at this time. Brenda Ford is here from Esther's House if there is any program specific questions on how she would run her program.

Commissioner Alexander asked is this going to be 100% grant or is it a matching grant?

Ms. Razem said it would be a 100% grant.

Commissioner Sessions asked how much?

Ms. Razem said at this point they are looking at a three year cycle of \$400,000 per year.

Commissioner Sessions asked as far as staff is concerned, is it going to take any additional staff from the City in order monitor this?

Ms. Razem said if the City is the grant applicant, yes. It will be work on City staff to maintain and make sure the reporting is done. If the City does the application directly on behalf of Esther's House, this will be a three year project and staff will need to make sure they are complying with HUD regulations.

Commissioner Sessions asked the City will be responsible for the auditing?

Ms. Razem said they will be responsible for making sure the audit is performed. They would not be directly auditing Esther's House, but they would be responsible for making sure they do an audit.

Commissioner Coke said she wants to thank Ms. Razem for all her work on this, she has been a real life saver. In the last several months she thinks it has become increasingly apparent that the City needs to stand behind a program to help these people. In her own personal viewpoint, Option #3 - choose not to support this - is not an option at all. She understands they have a lot of time constraints in the City and that they are all under a budget crunch, and to look to add another person at this juncture in time might not be a feasible or doable option for them. However, she does not believe that they can walk away.

She would like to see them at bare minimum support Esther's House in submitting their grant application, send a letter of support from the City Commission, and request that staff assist them in the grant application. It would give Esther's House the support that they need from the City, it would not place an undue burden on the City of having to monitor it. It would become Esther's House responsibility to report what they need to report. The cost to the City would be nominal. And what they can reap in benefits for their citizens would be ten-fold.

Mayor Benton said he would agree. He thanks Ms. Razem for working on this, once again she has done an exceptional job on everything they ask her to do. He is just surprised that there could be something out there, because he thinks he has been the only Mayor in the country that has sat down with Congressmen and Senators in Washington and one of his top issues is they need help for HIV and AIDS education and helping people. From what he is told from the staff members of these Congressmen and Senators, there is still nothing out there other than the Ryan White Act.

Ms. Razem said there are several different programs that are very well established. This is one of those rare cases where a new group can come in with a competitive grant application. There is money for HOPWA that comes through the State and is allocated and is used for short-term housing right here in St. Lucie County. Project Response runs some of that. But it is only for immediate emergency needs, it does not deal with long-term support or housing. This competitive application is something they would start; and once they did get awarded, they would be able to continue as long as they were performing in their grant. It could be something that could turn into a more permanent funding situation. But it is very difficult to get in the door.

Mayor Benton asked would it be easier for Esther's House with their help to get in the door versus the City submitting for the grant?

Ms. Razem said the thing is experience. HUD wants to see experience handling federal funding. Esther's House is a new group. It is going to be a tough sell either way, because the City has never handled HOPWA funds and neither has Esther's House. In that case, it is going to be a little bit of a harder go because it is a new group. Either way, she thinks they can make a case for it.

Mayor Benton said with their numbers, he would think that would be something that would stand out. Especially Fort Pierce, for their population, they are up there with the big cities.

Ms. Razem said the numbers do stand out in the State of Florida.

Commissioner Sessions said but the likelihood of getting the grant approved is probably is greater if they do it by way of the City. Is he correct?

Ms. Razem said yes. The reason she has come up with that is because when she looks at the basis of handling federal funding, the City does have a record of handling federal funding. It is not specifically this particular kind of funding, but the City does handle federal funding. So in that case, it is a little bit of a stronger argument because they do have the

history there. Esther's House on its own, if they submit a grant application on their own, she has talked to them about partnering with another non-profit who does have that experience, and maybe being able to move forward and get that strength in the application from another non-profit as a partner.

Commissioner Alexander said he just wants to make thing perfectly clear, that HIV and AIDS does not care what color they are. Even in St. Lucie County when looking at the numbers, he can tell them the truth. What is scary about it is the number of children and teenagers that will never get to see... He does not want to say never, because there is new medication and stuff. But just them knowing, the look on their face. He does not like to see this type of picture, just them. No, it is everybody. And if the Chief does not get involved in this with arrests of these known prostitutes and not getting them tested, then they are failing the community.

Mayor Benton said the Chief has done more than his fair share. The Executive Roundtable, which he sits on with himself, they have been more involved with HIV and AIDS and education than probably any community he has heard of, especially with the curriculum that was put into the school system. That was a fight. But somehow through education they have to wake up their teenagers and get them to understand that HIV and AIDS is something that they do not live with; but unfortunately they have been at a miscue that there will be a cure. They have had this discussion for several years now. They are trying to get some money for education and do what they can do to stop this epidemic.

Commissioner Coke asked does Ms. Razem have a dollar amount of what Option #1 would cost the City?

Ms. Razem said there is a very limited amount of administrative funds that would be available to the City in the amount of \$39,000. She does not believe that they would need to hire a full time position to monitor this; however, she does believe that it would be possibly a part-time job. They would receive \$39,000 over a three year period and they could probably require a part-time position to do the monitoring.

Commissioner Coke said her concern is, they want most of the money going there rather than administrative fees. Secondly, they don't necessarily need to be costing the City money. She is relatively sure that if Esther's House was awarded this grant on their own, they would be responsible for submitting an audit directly to these people, correct?

Ms. Razem said yes. With the City being in the middle of it, the risk is - and the reason she brings this up, because there is a risk - if for some reason Esther's House is not fully successful, HUD would come to the City and expect the money returned.

Commissioner Coke said she did not explain her question properly. If they went with Option #2, then Esther's House would be responsible for the maintenance and the audits and everything that went along with that.

Ms. Razem said yes, that is correct, they would deal directly with HUD. The City would just help them with the application.

Commissioner Alexander asked when is the City going to take responsibility? Again, they are throwing the baby out with the water. First to save the baby, they have to have some responsibility. He thinks if Esther's House had any questions or any concerns, that they ought to be able to come to the City of Fort Pierce for whatever assistance that they need.

Commissioner Coke said that is what she thought that Option #2 was doing, it was giving them full support and assistance in applying for the grant and giving a letter of support from this Commission and then in the same vein giving them full control over their program, so they are not like Big Brother looking over their shoulder.

Commissioner Alexander said he does not mind being Big Brother because he wants to be part of it, whether it be as a Commissioner or be as a lay person, because he sees the death lurking right around the corner. He just thinks the City needs to, just as they take care of parks and the recreation at their beaches, he thinks they need to take care of the people. Again, this is not a color thing.

Commissioner Coke said absolutely not. Her first discussion was she could go with Option #1 or Option #2, that the only one not acceptable to her was Option #2, that they do not support this.

Mayor Benton said their odds for funding are probably better with Option #1 is what he is hearing.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, to go with Option #1 - Submit a grant application for funding under the HOPWA Program to HUD through the City of Fort Pierce, for which Esther's House would be a project sponsor.

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

The next item was the **Consent Agenda**.

Mayor Benton asked does any Commissioner wish to remove an item? (No items were removed.)

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

- a. Approve Application for Alcohol Beverage Permit submitted by Gundala Hargraves, Exchange Club CASTLE, for Stomp Out Child Abuse event at Indian River Veteran's Memorial Park on August 23, 2008.
- b. Approve Application for Public Funds in the amount of \$1,000 submitted by Carole Mushier, Fort Pierce South Beach Property Owners & Business Association, for advertising the 1st Annual Pops in the Park at Jaycee Park on October 25, 2008.
- c. Accept Additional Services Specific Authorization No. 5 from Boyle Engineering Corporation for Construction Engineering Services for State Road A1A Improvements, Phase IIB (South Bridge to south of Bayshore Drive, less Harbour Isle Roundabout) in the amount of \$188,460.00. Ref. RFQ No. 5457
- d. Accept proposal by Johnson-Davis, Inc. for Emergency Storm Drainage Repairs at 1508 Wyoming Avenue in the amount of \$15,300.00. Ref. Bid No. 5595
- e. Accept proposal by Johnson-Davis, Inc. for Emergency Storm Drainage Repairs at Super Video Store (U.S. #1 & Savannah Road) in the amount of \$42,600.00. Ref. Bid No. 5595
- f. Authorize Police Department application for two Justice Assistant Grants (JAG): Edward Byrne Memorial Grant (State) in the amount of \$21,692.00, and Edward Byrne Memorial Grant (Federal) in the amount of \$17,517.00.
- g. Approve increase in Purchase Order No. 061477 to Calvin Giordano & Associates, Inc. to reflect additional GIS services for the City Comprehensive Plan Rewrite in the amount of \$19,480.00.

h. Approve amendment to **Pioneer Park Subdivision** Plat to reflect Amended Certificate of Ownership and Dedication.

i. Approve Interlocal Agreement between the City and St. Lucie County for **Community Development Block Grant Disaster Recovery Funding**.

j. Authorize submittal of two Grant Applications to the Florida Department of Environmental Protection **Clean Marina Program** for the installation of new pump-out stations at the City Marina and Fisherman's Wharf Marina.

k. Approve Revocable License for Land Use between the City and Ohio Avenue Realty LLC to allow construction of a drive-through canopy over an FPUA Utility Easement for **Walgreen's** at 1603 South U.S. #1.

l. Rescind Code Enforcement lien in the amount of \$9,000 against **314 North 15th Street**, owned by James B. Frangella, contingent upon payment of administrative costs of \$1,016.12 within 60 days.

Commissioner Coke said for those who have not had the opportunity to go over to the beach and look where they have done the dune planting. First of all, it is phenomenal. Secondly, Public Works treed the seagrapes over there along the park and those look so wonderful. It still gives shade to the cars that are parked underneath there, but it does not block the view. If they can get a permit to do it along their dune planting also, it will help them keep those seagrapes there under a lot of control. Now when they all go over there and see how beautiful it looks, everybody is going to think that they should let all the seagrapes along A1A grow up and tree them also and give them shade along the sidewalks.

Commissioner Sessions said he has a comment while they had one of the board members of the Boys & Girls Club in their presence, Chief Baldwin. He spoke with Mr. Swoope last week about the use of the gym at the Human Development & Resources Centre. He was saying that individuals that were 18 and above were excluded as a result of a decision made by the Boys & Girls Club. After speaking with him, Mr. Swoope indicated to him that he turns a lot of young men down on a day to day basis, they cannot come in to use the gym because of their age. If this gym is going to be fully utilized, they would think individuals that are 18 and above can also have access to the gym. So he would hope there is something that they can do. Have those young men sign a waiver, where they would be personal responsible, that the insurance does not cover them, something. He wants to see that gym utilized fully. If it is going to sit there polished, if he walks in there next week and it is still looking as good as it did the week before, then they are not utilizing it as far as he is concerned. It is underused, according to what he is told. If they could just get the other young men involved and allow them to start using their gym, he thinks they could see a big dent in that area in terms of crime prevention and keeping young men off the street.

Commissioner Alexander said along that line, he thought they all as Commissioners requested some type of days availability to either the City for efforts or even just a lay person. They have not yet received that. He is just growing old with grace.

Commissioner Sessions said he did address some concerns about that too, having the community being able to use the gym. He thinks that was a problem too. Bottom line is that the community is not having full access to the new gym.

Mayor Benton said that is a concern. He had some folks in his office last week, these were young people, that were voicing their concern to the point where they were concerned that there was going to be some vandalism toward the Human Development & Resources Centre, because they were lead to believe that this was going to be a community center for

many years. So until that is hashed out, one thing he hopes to avoid that situation right now, is they said there were some parks in the area that are run he found out by the Housing Authority, and the Housing Authority has assured him that the basketball goals will be up and maintained within the next week. They said two weeks and it has been a week now. So hopefully that will ease the pressure, at least it will give some of the young people a place to play until they can hopefully have a little bit more participation in that facility out there. He has asked City and County staff to take a look at all the recreational facilities. He knows sometimes those are vandalized a lot. People do steal a basketball goal or the net, but that is very inexpensive to replace and very difficult to play without them. Hopefully they are maintaining those. Mr. Hood has been very good about that. He was the one that sent him in the direction of the Housing Authority and also with the County. It is mainly keeping their parks that they have open and see where they go with this.

Chief of Police Sean Baldwin said he will make sure that he relays that concern to the Board of Directors for the Boys & Girls Club. He may have had the same conversations the Mayor and Commissioner Sessions had with a couple of people on Friday, they expressed the same kind of concerns. He will make sure that they are addressing that concern. He does not know what the circumstances are with respect to the lease and all that, but he will check into it and follow up on it.

Commissioner Alexander asked the grounds, he is talking about recreation, did they used to have a go-cart little place out there by the Cracker Barrel?

Mayor Benton said that is the area that is wanting to be designated as a Brownfield.

Commissioner Alexander asked is that in the City limits?

Mayor Benton said yes.

Commissioner Alexander asked how is that property allowed to overgrow like that? It looks like it has not been touched in ten or fifteen years. He just wants to know why.

Mayor Benton said Ms. Arraiz knows about it now.

Commissioner Alexander said she does not live in Fort Pierce.

Mayor Benton said no, but she can ride out there and have her folks address it if it needs attention.

Commissioner Alexander said he thinks he got a communication between Commissioner Sessions and Anne Satterlee about Sheraton Plaza.

Commissioner Sessions asked does he want to make an announcement about Sheraton Plaza?

Commissioner Alexander said he was trying to get him to open up on that. He has been asking for a couple of years. Maybe Commissioner Sessions can help him.

Commissioner Sessions said they have started a petition circulating in Sheraton Plaza. This petition is circulating and they are trying to get he believes at least 187 signatures on this petition so they can have those individuals annexed into the City. The petition lays out what the advantages are to annexing into the City. That the Sheraton Plaza area, with the water and sewer alone, that would be almost a 25% decrease in their utility rates. This would substantially impact their utility rates if there were to annex into the City. And there is a list of other advantages to annexing into the City. There is a nominal cost with regards to the increase in taxes they will have on their tax bill, city taxes; but it would be a small amount in light of Amendment #1. It would not be much of an increase in taxes when they look at the advantages. The advantages certainly outweigh the disadvantages. He is

hoping they can get the signatures that they need by August 1st. He has some petitions and Ms. Satterlee has some. He thought Commissioner Alexander had some too. He did not get any?

Commissioner Alexander said he will work diligently with Commissioner Sessions, even if they have to go from door to door. He knows there are a couple of homeowners associations out there. He does not know what the count is as far as individuals voting in the City elections. But he thinks it is much needed where they have done so much mis-wrong. He accepts that as a City because he is part of the City. The things that need to be done in those areas have been substantiated for years and years. They have not just moved there. He thinks they deserve some kind of benefits.

Commissioner Sessions said he wants to add that they have to be actual homeowners and not renters in order to sign these petitions. He has committed himself to the next couple of weekends. If he wants to join him, he will be out there walking the neighborhoods.

Commissioner Alexander said absolutely. As long as Mr. Schwerer...

Commissioner Sessions said walk on one side of the street and he will walk on the other side.

City Attorney Schwerer said yes, that will be acceptable.

Commissioner Alexander said he needs to know the Sunshine Law.

Mayor Benton said they are paying dearly to have the beach raked up. Now they have tons of seaweed and he has not seen them raking it up. He knows they have a drop off again. But South Jetty, with the 4th of July they did not come for several days and it is bad.

Mr. Bob Hood, Director of Public Works, said he was out there Thursday. They were there raking and burying it. He thinks it is just that time of the year, it is coming in faster than they can keep up with it.

Mayor Benton said every morning it is back. If it is something that is coming in every day, he is sure it is hard to keep up with. But he was wondering if they can get down that drop off there too.

Mr. Hood said there is a large escarpment. He believes it was mentioned earlier tonight by another Mr. Benton.

There being no further business, Mayor Benton declared the meeting adjourned at 9:50 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER