

MINUTES OF A SPECIAL JOINT MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE AND THE FORT PIERCE UTILITIES AUTHORITY BOARD, HELD IN THE FORT PIERCE UTILITIES AUTHORITY ENERGY SERVICES CENTER, 1701 SOUTH 37TH STREET, FORT PIERCE, FLORIDA, BEGINNING AT 9:00 A.M. ON WEDNESDAY, JULY 12, 2006.

Mayor Benton called the meeting to order.

The Pledge of Allegiance was recited.

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

Upon Roll Call, those present for the Fort Pierce Utilities Authority Board were: Chairman Robert W. Summerhays, Jr.; Vice Chairman Thomas Perona; Secretary Darrell Drummond; Deputy Secretary Pamela K. Cully; and Mayor Robert J. Benton; Executive Director Elie J. Boudreaux; and Fort Pierce Utilities Authority Attorney R. Koblegard. Those absent: None.

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The purpose of the Special Joint Meeting was to discuss Relocation of Overhead Utilities Underground for FDOT Project - North 25th Street (a/k/a Martin Luther King, Jr. Boulevard and State Road 615) from Orange Avenue to Avenue Q.

Mayor Benton said this is a special meeting to discuss relocation of overhead utilities underground and who will be responsible for the cost. But also let's remember why they are here, they are looking for solutions.

City Manager Beach said attached to their agenda is a memorandum from him to the City Commission dated June 8th that kind of talks about where the City is. Perhaps to set the stage for discussion, he will just read that into the record and they can go from there.

INTEROFFICE MEMORANDUM  
FROM THE OFFICE OF THE  
CITY MANAGER

To: Mayor and Members of City Commission  
FROM: Dennis W. Beach, City Manager  
RE: Relocation of Overhead Electric Utilities  
DATE: June 8, 2006

I have attached correspondence relating to placing overhead electric utilities underground and who will be responsible for the cost of that relocation. You are aware that the City Commission made the decision that 25th Street overhead utilities should be placed underground and that cost should be borne by the Fort Pierce Utilities Authority. My understanding from the

Director of Utilities is that the Fort Pierce Utilities Board is not in agreement with that approach. I have been advised that if this request is presented to the FPUA Board, they will not agree to pay for it. As you are aware, Mayor Benton voted with the City Commission to require that the Fort Pierce Utilities Authority pay the cost of burying the utility lines.

As a matter of background, the City passed an ordinance on October 1, 2001, requiring that during major reconstruction projects all



utilities are to be placed underground. On March 20, 2006, the City Commission passed an ordinance requiring that service lines be placed underground when they are damaged or going through a reconstruction that would cause the overhead service line to be disconnected from an existing home.

In the past several years, the City has worked with the FPUA in a cost sharing approach to the burying of overhead Utilities. The City would pay for the conduit, and the FPUA would pay the balance. After the Commission passed the new ordinance requiring that all overhead utilities be placed underground by the utility, the City is not required to participate in the cost. 25th Street is the first construction project the City has required the new ordinance to be applied.

The Mayor, City Manager, City Attorney, Director of Utilities, FPUA Board Attorney and the incoming Director of Utilities met on May 31, 2006, to discuss the potential alternatives. In as much as this is a policy decision that needs to be worked out between the City Commission and the FPUA Board it has been suggested that we conduct a joint meeting/workshop to consider the pros and cons of how the different policies may impact the community. As an example, if the FPUA pays for the under grounding of the utilities then the cost of that activity will be applied to the rate structure of the FPUA system. If the FPRA were to pay a proportionate cost of the under grounding of the Utilities, then that cost would be applied to all taxpayers within the FPRA boundary.

As indicated in the past, City staff does not recognize a great distinction between the customers of the FPUA and taxpayers of the City of Fort Pierce. They are obviously the same people with the exception of the electric we have outside our existing City limits; however, that will be corrected over time when the municipal limits are expanded to that area. So, from a practical matter and from City staff perspective, it is irrelevant whether it is paid for through the FPRA or through the FPUA. They are public costs associated with public improvements, and consequently, should be borne by the public.

A reason that supports charging to the rate base is the cost is spread to more individuals. A reason that would support FPRA payment is to keep our utility rates more competitive. I am sure there are many more issues for discussion.

If you have any questions or need additional information, please contact me at your convenience. I will be asking my secretary to contact each of you for dates you may be available for a workshop.

DWB:jdr  
Attachments

c: David L. Recor, Deputy City Manager  
Anne Satterlee, Assistant to City Manager  
Jon Ward, FPRA Director

City Manager Beach said attached to that memorandum is correspondence and minutes of meetings that were held by the City Commission and communication between him and Mr. Boudreaux relating to this subject and they can refer to those as needed. That is the background to this. So it would now be appropriate to start the discussion.

Commissioner Coke said her concern is two-fold. First of all, she thinks that burying the utility lines is going to benefit all the customers. When they do have a storm, there will be less down time. And she thinks that to unfairly burden just the Fort Pierce Redevelopment Agency, which means basically that the taxpayers in that district only, and the majority of those taxes she believes comes from either the downtown or the beach area. So those people only would be paying for this relocation. She has concerns that they are not evenly distributing the expenses here. But more importantly, she thinks if they were to establish a policy that said the FPRA would cover these unilaterally, then the only places they would be able to continue with this momentum to put the utilities underground would be places that are located within the Fort Pierce Redevelopment Agency's boundaries. She is wondering if they shouldn't look at perhaps establishing a grant in the Redevelopment Agency that would be available not only to home owners within that area to enable them to bury their utilities, but also a grant in that area that would be available to the Utilities Authority. However, then they would also still need to address the needs of who is going to pay for it and how it is going to be done when the utilities that need to be buried are outside of the Redevelopment Agency area.

City Manager Beach said he thinks there are a number of ways to approach this. But he thinks what they need some dialogue about in addition to that is the legality of the City being able to pass an ordinance making this requirement on the Fort Pierce Utilities Authority. The City Attorney has researched the ordinance that exists and believes it is applicable. And unless he is mistaken, the FPUA Attorney has researched it, but does not believe it is applicable. That is something that they need to resolve and decide how far they are going to go to reach a resolution. If they can't come to terms and they can't get an agreement out of this, what is the next step?

Commissioner Becht said he and Mr. Boudreaux had talked before and he had asked him what the additional cost was for this project. By additional cost, he meant the additional cost of burying the lines independent of everything else that needs to be done. His recollection is that cost was \$1.2 million. Is that still an accurate figure?

Mr. Elie J. Boudreaux, FPUA Executive Director, said yes.

Commissioner Becht asked can Mr. Koblegard concisely - maybe that is a poor way to start - explain why he doesn't believe this ordinance applies to this situation?

Mr. R. N. Koblegard, FPUA Attorney, said two reasons. One, he thinks 25th Street is not a good example because he doesn't

think it falls under the definition in that ordinance.

Commissioner Becht said so one would be the scope of the ordinance.

Mr. Koblegard said he doesn't think it falls under the ordinance because it is not a City street. It is a State Road. It is under FDOT (Florida Department of Transportation) control. He believes they are the ones who have asked the FPUA to move the power lines back off the road. He doesn't think 25th Street is a good example for them to apply the ordinance. That is his opinion on 25th Street.

Commissioner Becht said Mr. Koblegard mentioned two reasons. One he thinks is that the scope of the ordinance doesn't capture this project.

Mr. Koblegard said the other one is, he thinks as he reads the section of the ordinance that he thinks there is a dispute over, he thinks this applies to going forward. In other words, if they want to put a power line in somewhere, the City is going to require it to put it underground. But powerlines that are currently in existence, he doesn't think the Commission has the authority to make the FPUA put them underground.

Commissioner Becht asked so his interpretation is that because it is just a relocation, it is not a new line. Is that it?

Mr. Koblegard said correct. The way he reads it, it is for new projects, not for old projects that have been established for many years.

Commissioner Becht said he was concerned about that and certainly going forward he thinks the City can if necessary redraft the ordinance so that it does what he thinks the five City Commissioners thought it did. But that doesn't really help them today necessarily. He thinks he said in one of the earlier meetings about this that they had adopted an ordinance and the intent of the ordinance was to try to get the lines buried. He certainly did not at that time want to distinguish FPUA or even a City project from the requirements of the ordinance. He intended it to apply to a relocation of the power line. That being said, Mr. Koblegard didn't read it that way and maybe he wasn't on notice that is what they intended. Even if the ordinance does apply, as he is sure Mr. Schwerer will say that it does, the Commissioners have through the Fort Pierce Redevelopment Agency helped private citizens enhance the City. He will just jump right ahead to the end of the road as he sees it to say that he doesn't have a problem with FPRA helping with this project to a degree. He thinks that is what they may want to talk about today, to what degree is the FPRA going to help improve this area of the City.

Commissioner Alexander said his main concern is this morning they hear of meetings and no one has thought of the health and safety of the community. That is where he has a dilemma, when they first don't think of the public and putting them in harms way. There have been several accidents in that little stretch

of corridor there. And the Fort Pierce Utilities Authority to tell him that is not a concern of theirs and that those poles are not a blockage of view for the average individual, then he thinks they need to allow them to travel those areas going back and forth to work. He is not being facetious this morning, because he has serious concern why they are putting the health and safety of the community in the hands of a telephone pole. Now if they don't recognize what he is saying, then he thinks that is something that each and every one of them should go and travel those east/west corridors and see how difficult it is to even come out onto a five-lane highway. If they are coming from any direction, they are going to have to go into the immediate roadway to get to a passage. That is sad when they have to cross two lanes to get to go in any direction. Again, when he hears about the new projects versus the old, the homes over there are not new. So when they have damage to the mass of those homes, then they are requiring these individuals to replace at their cost; and no one has considered the individual with just a set monthly income that can't even afford to pay the electric, let alone having their cable buried. He does take offense to it, because when he hears about this is the first project, it always has to be first. They may think he is beating a dead horse, but he wants them to know that he is alive and he is not dead, and he is going to stand up against it any time when they come in to that area of the community that they just turn their nose and their head in another direction. He is sick and tired of trying to address this matter with this Commission. He knows he has the support of the Commission and he doesn't know why the Utilities Authority doesn't see that this first of all is very serious because some people may be maimed for life. He wants to know where is the responsibility or where is the liability, who does that lie on when there is an accident? The people they want to suit is the City, not Fort Pierce Utilities Authority because they have poles lined up from here to yonder so that they can't see in any kind of direction. It is a blockage. It is denying the individuals, especially the young kids, the teenagers are the ones that they are exiting and entering the Lincoln Park area just for that school alone. Those kids are not conscious of anything. They think they see better than any of them. They can sit down there at the different traffic lights. He just has a concern that they need to address that first. And if they put \$1 million on one life, that is just one life. He hopes it doesn't occur again. Several accidents that have happened because of the view in that corridor.

Commissioner Nelson said he hopes they are not going to try to sectionalize their efforts here today. He thinks what they should be dealing with is whether or not the ordinance is universal, and that they want to see it applicable throughout this City for the benefit of all their citizens. The next thing they ought to be concerned about would be, is it legal? He heard both lawyers are prepared to brief from their perspective the legality of this. In a sense, it is legal because they made it an ordinance. But they have varied views of that. They have it being applied in certain areas and not being applied in other areas. They have the U.A. involved in a collaborative effort in some areas and they have the City requesting it be done

arbitrarily in the area. Could they have maybe a pitch by the respective lawyers as to the legality of this at this time?

Mayor Benton said let's let both Boards make some comments or answer some questions; and then they will ask the attorneys to get into it, because he thinks that is when the problems are going to start.

Commissioner Nelson said if it is not legal, he doesn't want to be here. His first premise is to be based on the fact it adheres to the law. Yes, he is concerned about the health and the welfare and the safety of their people. And he is concerned about the cost. So if it is not legal, he doesn't need to be here. Somebody said they disagree with the ordinance. Do they have the authority or not have the authority?

City Attorney Schwerer said it is an extremely complicated ordinance, it is 27 pages long. They have been through it. They drafted it. It is intended to apply to all the utilities. They believe the ordinance language clearly applies to the FPUA. He respects Mr. Koblegard's opinion, but he feels the City's interpretation is correct. But notwithstanding, let him just give the simple answer. If any part of this ordinance is found not to apply and it was their intent that it does, they can create an amendment and make it retroactive and that is the end of the discussion. He thinks Mr. Koblegard would agree that they could amend the ordinance at any time. Since the project is not currently underway, they can make it retroactive to the date that this ordinance was applied to any existing projects. It is that simple.

Mr. Koblegard said going back to what he said earlier, he thinks 25th Street is a bad example because he doesn't think it falls under the ordinance. It is a State road and a FDOT project. He understands they have asked the U.A. to move the power lines back away from the street, which the U.A. has agreed to do. The City now wants them to put them underground. He doesn't think a State road falls under the definition of a public right-of-way in this ordinance, because it is not anything the City holds property interest in, it is owned by the State. There are many streets that argument wouldn't apply to. Then he goes on to the section on Page 19 where it says: The City shall have the right to require that all utilities shall install, locate, repair, and maintain all facilities so as not to cause unreasonable interference with the use, maintenance, improvement, extension or expansion of the public right-of-way with minimum interference of the rights of the property owners who adjoin the public right-of-way or the rights of any other person from lawfully using the right-of-way. If they were to put in a new line and the City says it has to go underground, that is what they have to do. He doesn't think this applies retroactive. He doesn't know if the City can pass such an ordinance to force them to relocate the power lines underground because they want it done. He thinks there has to be certain criteria, circumstances under which that action can be enforced. That is the opinion he has given to the Board and he stands by that.

Commissioner Nelson asked with respect to the ordinance, was

this ordinance coordinated with the U.A. prior to passage?

City Manager Beach said not to his knowledge. This was prepared by the City of Fort Pierce and it applies to all the utilities.

Ms. Cully asked when they passed this ordinance, did they take into consideration the U.A.'s Charter and what it says? Has everybody on the Commission read this FPUA Charter or the ordinance passed in 1972? That should have been looked at first before they ever passed the ordinance or something would have had to be changed before they could do so.

City Manager Beach said the ordinance applies to all utilities, not only independent utilities, but privately-owned and publicly-owned utilities that this applies to such as cable companies and telephone companies and others. So it is applicable to everyone regardless of what their own charter indicates that their capabilities are.

Ms. Cully said but the FPUA Charter states that the City Commission and its officers are not able to direct the Fort Pierce Utilities Authority to do anything, that they are free of any direction from the City. This ordinance it says definitely that the FPUA will do this without asking that sort of thing and deciding whether or not they could work something out.

City Manager Beach said his suspicion is that if their Charter says that, then there is a problem with their Charter. That would be similar to BellSouth establishing their Charter saying that the City is prohibited from passing any ordinances that control or dictate how they conduct business within the City. He doesn't think it is something they can technically do.

Ms. Cully said their Charter has been fine since 1972, 34 years, and no one has come against that until now.

Commissioner Becht said the question might be more appropriately not directed to Mr. Beach but to Mr. Koblegard. He didn't hear Mr. Koblegard say that the City couldn't do this. What he heard him say is that they had not done it appropriately. Is it Mr. Koblegard's position that the City can't do this?

Mr. Koblegard said no. He thinks the City ordinance applies to the FPUA in many respects. He just doesn't think it applies retroactively to something that is already in existence.

Commissioner Alexander asked why is no one considering the health and safety of the community? That is his focus. Regardless of what the cost is, they are telling him that one or two lives is not worth \$1 million?

Mr. Koblegard said unless he is mistaken, the FDOT has asked the FPUA to relocate the power lines, which they are doing. They are moving those back away from the road as a safety issue. The City has asked them to put those underground. That is what he understands the situation is on 25th Street.

Commissioner Alexander asked is that supposed to take care of

that safety aspect of it?

Mr. Koblegard said moving them back, the FDOT thinks it will. That is why they asked the FPUA to do it.

Commissioner Alexander said but he is asking Mr. Koblegard because he lives in this community. FDOT is all over the State. Is he assuring him that is the safety valve they have there?

Mr. Koblegard said if the power lines are moved back away from the road, he thinks that solves the safety issue. There are a lot of streets in Fort Pierce that are very close to the road. But he thinks the FDOT's request on 25th Street solves the safety issue.

Mayor Benton said in reference to the question that Commissioner Alexander had, he had asked their grant writer, Christa Razem, to look into the possibility of getting a grant for underground utilities. She told him the other day that the only agency out there that would even consider it, and it wouldn't be in this year's budget, was FDOT. FDOT is going to look into possibly funding underground utilities next year. He knows this project is off, but he thinks FDOT recognizes some of the issues also. So maybe that is something down the pike that FDOT will come around to, but just a possibility anyway.

Mr. Perona said as far as poles and everything else being moved for safety reasons, he thinks if they take a look at the past he is sure they have done this many times before with the City in partnership and moved poles that might have been an obstruction or a danger to the community. Is that true?

Mr. Boudreaux said yes.

Mr. Perona said this has worked on a staff level and it has never been any big deal. He understand Commissioner Alexander's concerns. When they do have dangers from putting up structures like that, these are things that City staff and Utilities Authority staff need to work together. The Commission knows that the Fort Pierce Utilities Authority supports that 100%. The cost and everything seemed to be worked out between the two entities. If that has broken down, that needs to get fixed; and he hopes that gets fixed out of what they are doing here today. The other part of it is, when he read through the minutes, it was interesting to see in 1972 Commissioners like themselves sat there and were motivated to work through problems that they saw. Basically the utilities at the time were draining a lot of energy and time and issues, and it was very difficult for the Commissioners to stay on that. So they divorced themselves of that, developed a Commission through referendum, and it has worked very fine all the way up to this point in time. He cautions the City Commissioners that if they are worried about storm damage and poles and everything else, that is the business of the Fort Pierce Utilities Authority and they have done a fine job with it. After the three storms they had recently, they were up and running. If anybody has a comment and thinks they were not up to snuff on that, they need to hear about it now. But he thinks everybody agrees that the Fort Pierce Utilities Authority did a fine job in that. And they are planning in

their meetings all the time - the Mayor is a part of that - and they are making changes to their systems as they can and as they can afford to, to be able to accommodate future issues of storm and damage. He thinks they are acting very responsibly in that format. But he cautions the Fort Pierce City Commission to sit there and try to... They can pass ordinances and things like that to where they find themselves one day back in the utilities business; and he doesn't think that was really the thought of what their forefathers did or thoughts they had in 1972. It is a hot potato. The City Commissioners didn't want it, so they put it in the hands of people who can handle it. He thinks what they have here is a breakdown of the relationship between the City of Fort Pierce and the Fort Pierce Utilities Authority, a working relationship where they could pick up the phone and handle things and move forward. He thinks that is why they are here today. Whatever it takes to fix that, that is the issue he thinks they have at hand. Who pays and whatever else, when it is all over with, the citizens of this community pay. These are his views and he is oversimplifying a lot of it. But he really thinks that they need to encourage their staffs to work together and work this issue out. If anybody sees points of danger or issues that need to be addressed by the Utilities Authority so those are not a problem to their citizens and if they can do it economically, then they need to do so. He thinks the City Commissioners have done a fine job in appointing the five members they have on the Utilities Authority Board. They work responsibly. In the last three or four years they have done more than any four or five years previous with all the things going on, including replacing a Director and all the storms and all the other issues that are coming in. If the Commissioners think that any of them are not doing the job that they are supposed to do, please replace them. He is coming up, he is the first guy up, so he is out on a limb here, but he really likes his job though. He is just merely stating that fact. He thinks they need to start working together. He thinks this is something that they need to resolve as far as the working relationship. That is the major issue, he thinks.

Mayor Benton said they have worked together in the past very well with all their reconstruction projects. Utilities have been put underground with the partnership. This ordinance (Ordinance No. K-106) was passed in 2001. At the time, there was no objection from the Fort Pierce Utilities Authority. Mayor Enns sat on the FPUA Board at the time. Nobody objected. So he thinks everybody felt it was a good move. Now it is five years later and they are hearing some issues. The projects that are in front of them now, A-1-A and 25th Street, are both in the Community Redevelopment Area. He knows there has been a request from the Utilities Authority that the FPRA pay for the undergrounding on the Island. That has been in the works for a long time. He believes that the FPRA will recover that cost from developers. As redevelopment occurs along the Island, they will pay for it. He thinks the issue they need to be addressing is in the part of the City that is not in the FPRA area. But he thinks it is very important that those two areas be done underground. And if FPRA can cover the cost, they should. That was one of his selling points to the Island residents years ago, to be included in the FPRA. If they look at that mass of power lines between the lights and everything else, specifically along

the inlet there, if that is not blight, he doesn't know what is. Also by putting it underground, they found out they can go to a neighborhood after a hurricane and pop a switch; and if it is underground, everything is back on. They are not dealing with individual feeds to different homes. So it does make sense. There is a considerable amount of liability. He doesn't know what the numbers could be, but he is sure they could look into it. Every time there is an accident involved with a utility pole, there is a lawsuit - whether it is the FPUA, whether it is the City, whether it is FP&L. The Commissioners decided they wanted to raise the bar in this community. They are here to find a way to do it. What the City Commission has done is asked the U.A. Board to work with them and find a mechanism to fund this. He thinks it has been done in the past. If they need to keep going the direction they are going, he thinks the City paid for the conduit and the U.A. ran the lines. But that is what they are asking is, let's find a way to do it and let's look for solutions. Let's not try to be telling each other what the other's job is, it is all in writing in front of them. He thinks they are all familiar with the City Charter and the Utilities Authority Charter. It is all in the same book.

Commissioner Nelson said the Mayor touched on something there in terms of in the future having all these lines underground. He sat on the Transportation & Urban Development Committee of the Florida League of Cities and he would have them know that is one of their charges right now to try to get - in light of the various hurricanes they have had over the years - all the utilities underground. So from the League's standpoint, they are moving forward on it. Additionally, he sits on the MPO (Metropolitan Planning Organization) Advisory Committee which deals quite frequently with the FDOT people. That Board is also recommending that they put these lines underground. In both cases, they recognize there is a cost involved. It boils down to who, how, and under what circumstances can these costs be defrayed. Maybe FDOT has a lot of money and could do some of that. They have indicated that the FPRA could pay for some of the costs. They could have some cost-sharing by the Utilities Authority and by the City of Fort Pierce in this case. But the ultimate objective is the health and safety of all their people. Now they don't want to do one thing in one area and do another in another area. But in some cases that might be necessary. It might not be possible to put lines underground in all cases. It might not be practical. He was instrumental in moving some poles there on 25th Street; and he is pleased to say that FDOT and the U.A. worked together to move those lines back so they won't be an obstruction or a safety hazard to the general public. That type of thing has been going on for quite some time. Now they are at a stage all they have got is two projects that come to mind - A-1-A on the beach and 25th Street (Martin Luther King, Jr. Boulevard) or State Road 615. Why can't they figure out how they can do that? What can the U.A. do? What is the City willing to do? What can they get FDOT to do to solve this problem? As Commissioner Alexander points out, all of them are concerned about the health and safety of their people.

Chairman Summerhays said he thinks it is a matter of getting along. They haven't been able to do that apparently thus far.

The reason FPUA was originally enacted was because there had been some political abuse of the utility systems and because the City Commission found it an onerous burden to try to manage the utilities because it is a very specialized business. He is a 35 year experienced CPA and he prides himself on his ability to walk into a business and pretty much know how it works in a day. But it has taken him a year to figure out the utilities business. He thinks the Mayor went through the same thing. They are pretty much useless their first year because they don't know anything. And there have been some things said here today that just aren't necessarily true. It isn't always better to underground utilities. Yes, they are less susceptible to wind damage. But if they get flooded or were otherwise damaged, it is much harder to find where the damage is and much more costly and time-consuming to fix it. In areas like the beach, the wind probably outweighs. In areas like 25th Street, he thinks that is a different problem. But that is a decision that the experts should be making. The statement has been made that it is all coming out of the same pocket and to some extent that is true. However, if this ends up in their rate structure, it is going to disproportionately come out of the pockets of their poorest citizens who are the least able to pay for it. He thinks that is a criteria. The FPUA is charged with supplying the best service they can at the lowest cost they can. There is no proven functional reason to underground utilities. Yes, it would look better. Yes, there is a possibility that it would make it safer along the roads. However, they already setting the poles back from the road. He would point out on Indian River Drive the poles are sitting 2-inches off the road all the way down. It is not just 25th Street where these problems occur. The Commissioners appointed people on the U.A. Board. The FPUA was originally created so people could spend their time learning this business and making the decisions that are appropriate. He submits it is a valid and beneficial desire to underground as many utilities they can. But he would submit that the FPUA is far better qualified to make that judgement as to where that is. All those givens, there is no reason he can see why the City Commission and the FPUA Board cannot work together on this thing. Up until 25th Street they had done so quite well. He thinks they need to solve this today. Clearly staff has not been able to solve this amongst themselves, so they need to solve it.

Commissioner Becht said with all due respect to Mr. Summerhays, there are several reasons independent of safety and independent of efficiencies why this section of 25th Street, which is also known as Martin Luther King Boulevard, should have underground utilities. The FPUA, in his opinion, is and should be an autonomous Board; but they are subject to the legitimate ordinances that the City Commission pass. If the Board objects to the ordinance, he thinks there are procedures or mechanisms they can go through to challenge the ordinance, if they don't think it applies to them. For purposes of this project, and this project alone, he is going to make a motion.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that the City Commission ask the Fort Pierce Redevelopment Agency to fund one half of all costs of this project - the \$1.2

million figure - that is not covered by third parties; and direct City Attorney Schwerer that, to the extent it may be deficient, the ordinance be amended so that the clear intent of the Commission is expressed that it applies to everybody - public and private - who are going to run utility lines, whether they are relocating them or whether these are new lines.

Commissioner Coke said first of all, she would agree with Commissioner Becht. She thinks eventually in the City they are looking to have all utilities underground. She would remind the FPUA Board that it was the Utilities Authority who came and gave a presentation to the City Commission about the advantages of doing that. She doesn't know that she necessarily agrees with Mr. Koblegard when he talks about the right-of-way on 25th Street not being under the City's area of control, because she believes that the City is responsible for the rights-of-way throughout the City and they maintain them and they move forward with that. She as a member of this Commission would never look to direct the Utilities Authority Board. She doesn't think the ordinance that they passed was specifically towards the Utilities Authority in any way, shape, or form. They are raising the bar in their community for all of their citizens. They are requiring their citizens to bear the cost of this. So when they talk about who can afford it and who can't afford it, she would agree 100% with Commissioner Becht's motion. However, as she said when they began this, if they are going to look to set up a funding mechanism to assist the Utilities Authority in burying the utilities within the FPRA area, she thinks that they need to equally set up the exact same funding mechanism and make it available for private citizens who are going to relocate their utilities that are within the FPRA area. Because she is not going to tell the Utilities Authority she wants them to bury lines and let John Q. Citizen not bury lines. She does not want to give the Utilities Authority a revenue stream to fund burying lines or part of it, and not do the same for John Q. Citizen. Because she will guarantee them that the people who are affected by this doing it individually can afford it a lot less than the Utilities Authority could. If Commissioner Becht would consider amending or adding that to his motion, she would be in full support of it.

Commissioner Nelson asked the motion is for who to handle half the cost?

Mayor Benton said the Fort Pierce Redevelopment Agency.

Commissioner Becht said the only motion he can make today is as a City Commissioner. So the motion is that this Commission request that the FPRA fund half of the cost that is not covered by third parties. The cost that he is talking about is not the cost of relocating, it is the identified cost that is solely limited to putting the lines underground. Coupled with that he wants the ordinance looked at to see if it needs to be amended to make sure it is applicable to FPUA. He mentioned in the preamble to his motion that if FPUA wants to challenge the motion, say that the City is overstepping their bounds and are getting into utility stuff by saying that the lines ought to go underground, then they need to come back and make a presentation

to the Commission and say it is not wise what they are doing and all lines ought not be underground and these are the reasons. But once the ordinance is passed, he thinks it is incumbent upon the U.A. to come back and say the City Commission overstepped their bounds or they didn't understand the full facts.

Commissioner Nelson asked is it possible that the U.A. could agree to address the other half of this requirement to put the utilities underground?

Mr. Drummond asked have they restricted the discussion just to the Commission and this Board?

Commissioner Nelson said he would certainly want input from the U.A. relative to technical data and the feasibility of it.

Mr. Drummond said his question to Staff would be, as he is understanding it, there was a direction given that the U.A. should cover the cost of the underground. He is curious as to whether or not there was any discussion relative to how that should be covered in terms of payments. Was there any discussion between the staffs, suggesting that the City pay a portion and the U.A. would pay a portion; or was it just a direction for the U.A. to pay it?

Mayor Benton said when they had their discussion amongst staffs that he was involved in, his thinking was that by no means could this be added to the utility bills, somehow there would have to be a capital cost and it would either be the Utilities Authority or the City. From what he is hearing now in the motion, if it passes, they are looking to accept at least half the cost. Also what he will be doing is asking the person who made the motion to amend it, asking FDOT because this is an FDOT project. From what he has been told by their grants writer, FDOT might be involved in funding next year. So they might be the first municipality out there requesting FDOT to consider this. Tallahassee has a lot of excess money because of these hurricanes, so why not put it in a good place?

Mr. Drummond said his concern is that he doesn't know that the FPUA Board has been afforded an opportunity to discuss any proposal of what their share might be with regard to this. It was tabled before the discussion came before them at the Mayor's request. This is the first time they have had the opportunity to meet to discuss. He does not want staff to take a hard line in terms of unwillingness to participate. He thinks there is a bigger concern. He agrees with Chairman Summerhays attitude from a Rodney King standpoint, he would like for them all to get along. That being said, he would like to think that they have exhausted at staff level every opportunity to come up with a reasonable sharing of those costs, so that they can pass that on in a way it isn't harmful to the ratepayers or to the taxpayers within the City. But all he has heard so far is that the FPUA was directed to do it.

Commissioner Coke said she doesn't think the Commission directed anything as far as the cost. They passed an ordinance that required, in their minds, the undergrounding of utilities if

they were being moved, relocated, or new lines put up. She doesn't think the City of Fort Pierce came along and said they want the U.A. to pay this \$1 million dollar bill. The Commission said that anybody who is doing work on utilities, they would like it underground. And then the cost came up when the 25th Street project came up. The Utilities Authority said their cost would be \$1 million and that they didn't want to pay it.

Mr. Drummond said as he read the Minutes from that particular Commission meeting - and his interpretation may be wrong - but he got the sense that it was suggested to the City Manager, let the U.A. know the City wants it done. That didn't sound to him like there was an opportunity to discuss how to share the cost.

Commissioner Coke said they wanted it done because that is what the ordinance was.

Commissioner Alexander said just a point of clarity on his behalf. Mayor Benton did stipulate that the City would do their portion as laying the conduit? Is that part of it?

Mayor Benton said he can't make that call. He is just saying that is what they have done in the past.

Commissioner Alexander said he is asking, is that something that the Commission wants to consider so that the City of Fort Pierce will be doing their part in having these underground lines? Then the remaining balance of it will be split between the FPRA and the FPUA? He doesn't know why in the beginning when they were speaking about burying those cables the figure of \$100,000 came up. Then all of a sudden it went from \$100,000 when Commissioner Becht inquired about it to \$1.2 million.

Commissioner Becht said he does not recall the \$100,000 figure. The only figure he recalls is \$1.2 million.

Commissioner Alexander asked they never gave them that figure until he went back and asked Mr. Boudreaux? The initial phase when FDOT came before them, they gave them a figure. He doesn't remember, doesn't recall. That is why he is asking.

Mayor Benton said he thinks that was a relocation fee of moving the lines. They were planning on moving the lines back several feet.

Commissioner Alexander said when they asked about burying those lines, they asked what is the cost that would be incurred? It wasn't \$1 million. He knows that. It came back later \$1 million. He is just asking that for clarity. It was the Commission who said they consider Fort Pierce paying for the conduit and then letting the Fort Pierce Utilities Authority and the FPRA share.

Commissioner Coke said she didn't understand that to be Commissioner Becht's motion.

Mayor Benton said no, Commissioner Becht said third parties; but

he didn't say whether the third parties would be FDOT or Fort Pierce Utilities Authority or this Commission.

Commissioner Nelson said he wants the FPUA to put their input in relative to the other half potentially.

Chairman Summerhays said he has one comment and then he would like to defer to Mr. Boudreaux. They just mentioned they did not want this to appear in the utility bills, that they wanted it to be a capital cost. That is a cute little accounting thing that they can do in a municipality. However, FPUA is an enterprise fund and it is governed by business accounting principles. There is no way, whatever they pay, it won't appear in the utility bill. The money is gone. They have to get it from some place. It is going to appear in the utility rates. However much it is, it is going to appear. It is going to increase people's electric bills.

Mayor Benton said but they wouldn't put it into the electric part. There are several line items on an electric bill. This would be a capital cost, similar to their taxes when it comes to the stormwater utility.

Chairman Summerhays said it is not separate. It would just end up in the rate.

Mayor Benton said also what didn't happen is, they never got that far with the utility side of this, he doesn't believe the Commission has ever asked their staff formally to look at some options and bring them back. He thinks the flag went up and it never got that far.

Mr. Boudreaux said there is a lot said here this morning regarding the reasons for putting utilities underground - public safety, public health, aesthetics, eliminate some blight, better because of the maintenance of the system, and the restoration of the system following a storm. There is a lot of truth to all of that. He thinks what is happening here this morning is there is a lot of smoke being blown around. For one thing, he read the Minutes (City Commission meeting on May 1, 2006) and it is verified in Mr. Beach's memo here that the City Commission did direct the Utilities Authority to pay for the total cost of relocating the overhead lines on 25th Street to an underground configuration. He must say that the Utilities Authority has no objections to the City requiring any utilities to be placed underground. There is an objection from the Utilities Authority, at least at the staff level - and that is probably why they are here today - as to who is going to pay for this. It is not a question of what gets put underground, for what reason, or where it gets put underground; but it is a question of, who pays for this? He knows Mr. Schwerer has a stack of City ordinances sitting on his table over there and he would tell them that the Charter... The Charter by the way was not created by the Utilities Authority, the Charter of the Utilities Authority was created by the City Commission. He looks at that Charter and he looks at the Minutes of the City Commission back in the early 1970's in creating the Utilities Authority and he sees a couple of things here. He is going to direct their

attention... And he is sure some people here do not want to hear this, but he is going to say it anyway. When they look at Section 169 of the Charter, it says very clearly the Authority shall have exclusive jurisdiction, control and management of the utilities of the city and all of its operations and facilities. It goes on and it says, the Authority shall be free of the jurisdiction, direction, and control of other city officers and of the City Commission. Another section, Paragraph 7 of the Section 176 says no money shall be drawn from the funds of the utilities nor shall any obligation for the expenditure of money be incurred except as authorized by the authority. He thinks that is pretty clear. It doesn't allow for any if's or but's. It says exclusive jurisdiction in all its operations and facilities. He looked back at the Minutes of the Commission in 1972 and that Commission was on a mission to create a Utilities Authority for whatever reasons they had. They went through a very rigorous process. What this boils down to is, not so much whether utilities should be placed underground - when, where, or for what reason - but what it boils down to who is controlling the Utilities Authority. He thinks if the City Commission wants to do something that conflicts with this code, then they should at least go through the process that was gone through in 1972 to create the Utilities Authority. If they want to change the code, then change the code. They would have to take out some words such as exclusive jurisdiction, control and management of the utilities, and free from the jurisdiction of the city officers and city commission, and give the City Commission the opportunity to write a check out of the Utilities Authority bank account. So he wants to say in closing that never has it been an issue that the Utilities Authority is against undergrounding the utilities or against public safety or against the aesthetics or anything of that nature. It is an issue of who is going to pay for it. It does show up on the utility bill no matter how they slice it, dice it, mash it, bash it. It is going to show up on the utility bill and the ratepayers are going to have to pay it. That is all he has to say.

Commissioner Coke said she appreciates Mr. Boudreaux's comments; however, she believes that thus far with their meeting for the last hour and five minutes, both the City Commission and the FPUA Board has been working diligently together to try to find a resolution to this. She is not going to say any smoke is being blown around. However, when they are discussing all of these things, everyone on the Utilities Authority is talking about a meeting where the City Commission said the Utilities Authority should pay for this. What no one on the Utilities Authority Board brought up was the first meeting where the City Commission said this falls under their new ordinance, let's let the Utilities Authority know that this falls under their new ordinance. Then they received correspondence back from the Utilities Authority saying, it may fall under their ordinance, but they are not paying for it. So she thinks that perhaps at the other end of the table there has been a lack of complete information given. Because this Commission did not start out saying they want FPUA to do it and the FPUA has to pay for it. They started out saying, they have passed this ordinance which will require all of the citizens of the City of Fort Pierce. And the Utilities Authority is a citizen of the City of Fort

Pierce. And they are requiring the citizens of Fort Pierce to do it and pay for it. When the conversation came back and the Utilities Authority had told them they will do it, but they are not paying for it; then the Commission had a great discussion on how were they going to exempt the FPUA, but require their citizens to pay for that. All of that being said, she doesn't think they need to rehash or get into an antagonistic mode, because that certainly was not her goal in coming here today. She thinks when she started out discussing this, she thinks she was the first one with her hand up saying let's find a resolution. Let's see if they can't get the FPRA to pay part of the cost. However, if they are going to make that opportunity available to the U.A., they need to make it available to the citizens. Then they would need to see how they are going handle areas that are outside of the FPRA. She believes this Commission came in good faith to try to find a solution and a compromise to this situation. She would hope they can move forward with positive attitudes looking to find a solution. She doesn't think anyone on this Commission had an intention of dissolving the Utilities Authority Board or taking over the Utilities Authority Board or violating their Charter. What they were attempting to do, in her mind, was treat everyone equally. The Utilities Authority is the citizen as well as the other people who live there.

Commissioner Alexander said he has the utmost respect for Mr. Boudreaux; but if he assumes he is blowing smoke, it is not true. His concern is that of Commissioner, District #1. He is Commissioner of that district and he refuses to let that district be continually in neglect and disregarded and just set to the side. When they were sitting there with the boundary laws with the County, there was a guesstimate made for Indian River Estates of \$1 million of infrastructure that the U.A. was willing to do just to get those customers. And when they turned back and they have customers that have been sitting here and in neglect, and when they come to try to do something for that area of the community, it always has to be someone blowing smoke. He resents that because he is the District #1 representative and he is not blowing smoke. He knows the City received monies from the Fort Pierce Utilities Authority on an annual basis. Why not just send them less money and get this done?

Commissioner Nelson asked Mr. Boudreaux is a short-timer, right?

Mr. Boudreaux said in about four weeks and two days he will be a short timer.

Commissioner Nelson said in his experience being a short-timer, if people ask him a question, he usually gives a candid answer, true from the heart from all the experience and knowledge he has gained, and now he is going to give it back to the public. In Mr. Boudreaux's opinion, based on the motion that was made, how does he think they can resolve this on an equitable basis and to get the utilities underground in this case? What would be his recommendation?

Mr. Boudreaux said they certainly have no objection to the City Commission telling the U.A. that in any relocation or any new construction that they want the electric utilities to be placed

underground, the U.A. is fine with that. It is just a matter of, if they have existing utilities and they are told to place them underground, they will do it, but they don't want to have to pay for it. The reason they don't want to have to pay for it is it doesn't generate new business for them. Yes, if he could get 1,200 new customers, he would happily recommend to the Board to spend \$1 million to get 1,200 new customers. But to spend \$1 million simply for aesthetics on the part of the City, he would not recommend that to the Board because it does not give the Utilities Authority any new customers.

Commissioner Nelson said Mr. Boudreaux is saying what he would not recommend. He wants to twist that around and find out what he would recommend to get this done and how they pay for it?

Mr. Boudreaux said the universally accepted practice - this is restricted to electric utilities - when they have an overhead configuration that needs to be relocated for whatever reason, then the utility is obligated to pay for the cost of that relocation overhead to overhead. There has never been any question about that whether they are working with the City or with FDOT, and other places he has worked they did the same thing. He is fairly familiar with what goes on around the State in that respect. The problem comes when they have something like an overhead configuration that needs to be relocated. And again, they are very cooperative when it comes to being told they have to relocate a line. The problem comes when they are told that needs to go underground. The Utilities Authority is responsible for the cost of relocating from an overhead configuration to another overhead configuration and doing it right in terms of aesthetics with the latest and nicest looking poles they can put up and the cleanest looking construction configuration that they can. Then any other costs that would be involved if the utilities were required to go underground, it just has to be borne by someone else. How the City comes up with that money, he doesn't know. It is really not a utility issue, it is a city issue.

Commissioner Nelson said the motion is that the City and the FPRA are going to take care of half of it.

Mr. Boudreaux said he didn't understand the motion.

Commissioner Nelson said that is why he is trying to clarify it now. He doesn't have to understand the whole thing, just half of it. The half he is concerned about right now is that Fort Pierce and the Fort Pierce Redevelopment Agency is going to take care of one half. There is the remaining half out there, which he is trying to get a handle on. What would Mr. Boudreaux do, what would he recommend, and how does he think they should handle this remaining half? Would he be willing to do it? And how are they going to do it? He does not know what the figures come out on that. But when they assess the Utilities Authority's half, the remaining half the FPRA and the City of Fort Pierce take care of, how is he going to handle that half?

Mr. Boudreaux said allow him to finish the answer here. As he said before, the Utilities Authority is obligated to pay for the

cost of locating overhead to overhead. And in this case, he thinks that was \$700,000. If he is asking if the Utilities Authority wants to share the cost 50/50, the total cost is about \$1.9 million, they divide that in half and they come up with \$950,000. What Commissioner Nelson is asking him is, how would they handle that? He thinks that is up to the Board. He doesn't think this Board is going to quibble over nickels and dimes or a few bucks here and there. He thinks the attitude of this Board has always been to work with the City. In previous projects that they have done underground work with the City at the City's request, it has been a cost sharing basis. And he is not sure it has been 50/50. The Utilities Authority may have paid a little bit more or maybe the City has paid a little bit more, he doesn't know. But again, they don't get into the minutia of counting each other's money. He thinks the agreement in the past has been the City pays for the cost of putting in the duct banks and the U.A. pulls the wires, set the transformers, etc. He is not sure exactly...

Commissioner Nelson said Mr. Boudreaux basically could come up with a proposal to get this done; and in that proposal is a breakout of the total cost of 50% or thereabouts that the Utilities Authority would take care of however they would handle it. Is that correct?

Mr. Boudreaux said that can be done except this was never told to the U.A. What was told to them was that they had to pay the whole thing.

Commissioner Nelson said they are telling him now. They are in a different ball game today. They are here talking as friends and trying to get along, happy folks. Is that his recommendation?

Mr. Boudreaux said his recommendation is that they proceed with the way they have worked it out over the years, between the staffs with a cost sharing between the City and the Utilities Authority. Again, where the City gets their money from, he doesn't care.

Commissioner Nelson said so he has no objection to that motion then.

Mr. Boudreaux said he didn't understand Commissioner Becht's motion. The third party may be FDOT, it may be the FPRA, it may be the City, it may be FPUA. He didn't know.

Commissioner Becht said let him clarify that so there is no confusion. There are going to be two parties to the cost-sharing. One is FPRA and one is FPUA. So any third party would be anybody other than those two.

Mr. Boudreaux said he still doesn't understand who they are going to push the cost off on. He only looks at what FPUA's cost-sharing part would be. When they say grants from FDOT or whomever, it doesn't make any difference.

Commissioner Becht said if those grants appear, then the benefit

of those grants would be shared by both FPUA and FPRA.

Mr. Boudreaux said that sounds fair.

Commissioner Becht said that is what the intent was. He is sorry it was confusing because he doesn't want to sound like a lawyer today.

Ms. Cully said she came, along with the rest of the Board, thinking that the FPUA has been requested to pay for these underground utilities. Someone asked, why can't they get along? She thinks the reason why they haven't been getting along is because that is not what they feel they are supposed to do, is pay for the underground utilities. They pay for the overhead utilities, but not for the project's underground utilities. This is where their problem is coming from. When it comes to that motion that Commissioner Becht made, the motion is that the City would pay for half and the FPRA would pay for the other half. Is that what he is saying? Are they talking about for every single project that comes up, or are they just talking about 25th Street? Do they have to come back every single time because the City ordinance says everything is going to be underground utilities?

Mayor Benton said let's get back on track here. They are going back to the way it used to be, a partnership. He thinks Commissioner Becht's motion, if passed, will show that they are going back to the partnership where the Utilities Authority and the City, regardless whether it is the City or the FPRA, are going to be doing this together with the FPUA.

Ms. Cully asked are they going to amend this ordinance?

Mayor Benton said today they are just going to deal with this, because there are not that many major projects they are talking about of underground utilities. He is sure A-1-A will be the other one. But they have to start somewhere.

Ms. Cully said there is something else she is thinking of. She lives in a neighborhood that is not in the FPRA. When they get down to the point of underground utilities, replacing all of those, what is going to happen there? She knows there could be MSBU's and so forth in that regard. But she doesn't think they need to be coming back every single time to discuss this and having all this conversation when they can solve the whole problem at once by amending that ordinance so that they go back to working together like they have done all this time.

Mayor Benton said he can just add to that. There was some information given out by the Utilities Authority about what the cost would be to underground when they go through neighborhoods. Right now they are talking about major thoroughfares through the City. But those individual costs, he thinks that is going to be an issue for the Utilities Authority to do an MSBU he would think. He doesn't know whether it could be done that way.

Ms. Cully said she has another couple of comments. Commissioner Coke had said a presentation was made by the FPUA about

underground utilities. She was at that presentation. In fact, most of them on the Board were and some of the Commissioners were. At that presentation, it surprised her. She is for underground utilities. But it is at a cost. That depends on who is going to pay for it. But at that presentation, they said sometimes it is better to put overhead utilities than underground. The reason being is if they do have flooding, it would take up to two or three weeks to get to that. Whereas they can get a wire overhead in no time at all, which they all found out not too long ago. She thinks they have to pick and choose where...

Commissioner Coke said she would think then that it would behoove the Utilities Authority, if they have that objection, to show up at the City of Fort Pierce with a map and say these are the areas they do not think should be covered under this ordinance because it would not be economically or environmentally feasible to bury these lines.

Ms. Cully said the Commissioners appointed the members to sit on the Board and make decisions regarding the most economical and most practical business way they could that the U.A. should be run. That is what they are trying to do here. And also, they are here to protect their ratepayers. At this point in time they are looking at gasoline prices at \$3.00 a gallon. That doesn't include just people in their community driving around, they are talking about Utilities Authority trucks and everything else. They are talking about insurance. Her insurance on her home was just dropped and now she has to find more insurance. If she didn't, they are talking about interest at 7%. Not only is that her cost, but it is also the cost of the Utilities Authority. Their insurance has increased quite a bit and is going to continue to increase. The fuel cost they are paying right now for their utilities have continued to rise and they see no relief in sight. They have not requested an increase in any rates for the past ten years. But because of all these costs, at one point in time very soon they are going to have to pass that on to their ratepayers for the first time. So she finds it difficult...

Commissioner Alexander said the gas adjustment is being passed on to the customers now.

Ms. Cully said she just finds that difficult to pass all these other costs on. It is embarrassing.

Commissioner Coke said however, when they are looking at the people who live within the FPRA district, all of those people are Fort Pierce Utilities Authority customers. They are a small percentage of the entire customer base of the Fort Pierce Utilities Authority.

Ms. Cully said she thinks it is three-quarters.

Commissioner Coke asked the CRA compromises of three-quarters of the Utilities Authority business?

Mr. Boudreaux said he does not know.

Commissioner Coke said somehow she can't believe that, because there are things north of the City, south of the City, west of the City. The CRA is a very limited area. What they are looking at doing here is... First of all, they had a resolution; and for some reason everybody wants to go back to arguing, where they had a light at the end of the tunnel. But what they are looking to do is take the citizens who live in the CRA district and have them pay for all of this, rather than take those expenses and spread it out over the tax base of the entire Utilities Authority. That is what they are asking them to do.

Ms. Cully said no.

Commissioner Coke asked the citizens - 20%, 30%, 40% - should pay for all of the improvements that are going to occur that will benefit everybody in the City?

Ms. Cully said no. What she is saying is that they need to pick and choose which projects... She wants to say to Commissioner Alexander that she totally agrees that the community needs to work harder in providing all the upgrades that need to be done in that area. However, she doesn't think necessarily that aboveground utilities is a bad thing. Because if they can eventually move these poles back, usually when they do it they do a good job and it looks very nice. Personally she thinks they should be in these neighborhoods first in putting in underground utilities. That is her thought.

Commissioner Alexander said the only comment he wants to make first of all is 25th Street is not a flood zone and it hasn't flooded and it is not underwater, so he doesn't see why that would be associated with that area. He will call the question.

Commissioner Nelson said he thinks it is only fair that they have the City Manager make some comments in that regard.

City Manager Beach said he doesn't want to say anything.

City Attorney Schwerer said there is a request that the motion be read back so they understand it.

Chairman Summerhays said he has a question about the ordinance just for clarification.

Mayor Benton said as soon as they take a vote on this motion, they can go back to business at hand.

Commissioner Becht said the motion was for this City Commission, who are sitting as a City Commissioners, to ask the Fort Pierce Redevelopment Agency to pay one-half of all costs of putting the lines underground, limited to the cost of putting the lines underground and not the additional costs which would be just associated with relocating them. And that one-half is one-half of any cost that is not paid by third parties. When he says third parties, it would be a cost that, if they get funding from somebody other than FPUA or FPRA, that additional funding would flow to the benefit of both the FPUA and the FPRA. He had

coupled with that a request that the City Attorney review the ordinance; and if he thinks it needs to be amended, that he comes back to the Commission with amendments, and involve FPUA in that process.

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

Chairman Summerhays said he thinks the point of clarification he was requesting is, half of what? And Commissioner Becht did clarify that. Half of the total wouldn't have been a problem. He personally has a problem with half of the cost of underground. He is one vote. He doesn't know how they would vote to do it. He has a big problem with that. That is still passing \$600,000 on to the ratepayers. Understand, there is no question rates are going to go up. And also understand there are two components here - there is the rate and there is the fuel adjustment. The adjustment goes up and down, it is based solely on the cost of power. Because of inflation, their profit is dropping seemingly every period. They are going to have to adjust rates. He has a big problem with spending money on what is in reality beautification at the expense of the ratepayers, particularly when under the ordinance they are paying the City \$4.7 million per year as an override, call it a profit sharing, if they will. It doesn't have to come out of the redevelopment area. It could come out of the money they send the City every year. That would be a good place for it to come out of. The City could escrow that money and use it for this type of project. He has a problem with it coming out of the ratepayer's pocket, a really large problem.

Mayor Benton asked when FDOT decided to do this project, did they allocate any funding? What started this was, the utility lines were going to be moved back. Is that cost going to be absorbed by FDOT, the cost of moving the utilities?

Mr. Boudreaux said no. Again, it doesn't make any difference whether it is FDOT, the County, or the City that requires relocation. If those are in the right-of-way, the FPUA is told to move the lines and it is totally an FPUA expense. So he would assume that FDOT followed the same normal procedure this time. When FDOT says to move the lines, the FPUA agreed to move the lines at their expense to another overhead configuration.

Mayor Benton asked does he remember what that expense is? Just a close estimate.

Mr. Boudreaux said he thinks that is the \$700,000 or \$800,000 figure his staff has come up with for the cost to relocate the lines. This happens whenever there is a reconstruction project. If the FPUA is told to relocate lines, they do it. They work with the owner of the right-of-way and do it at their expense, whether it is water lines or sewer lines or electric lines.

Mayor Benton said there is already a major expense. The additional cost to put it underground, he thinks the City Commission felt it was an improvement, rather than keeping it

aboveground. Who knows what problems they could have. They found out during the hurricanes that certain poles can come down several times. He thinks it is very important that the Utilities Authority has asked the staff in this year's budget to hire a grant writer. There has got to be money out there through many avenues. Because right now they hear it everywhere, the big issue is putting utilities underground. It is not so much aesthetics as it could be a quality of life as far as getting power turned back on after a storm. He thinks what they need to consider is, which areas? Find these flood zones. He does not know of anywhere in Fort Pierce that he has seen underwater for a good length of time yet. On the beach, it is sand. It drains very quickly. He had 4-feet of the river in his front yard, but it was gone later that day. And there wasn't any problems that he recalls with the underground utilities across the street from him, because they flipped a switch and on it came.

City Manager Beach said he would like to ask a question for clarification. He understands that the Commission has essentially agreed to share the cost of undergrounding the utilities on 25th Street. His question is, he does not know that the Fort Pierce Utilities Authority is going to accept that as a alternative. He still hears objection from them that they don't feel that is a fair method.

Mr. Drummond asked with regard to the \$700,000 or \$800,000 cost, that was for the relocation of the overhead lines to the a new location?

Mr. Boudreaux said overhead configuration to overhead configuration in a new location.

Mr. Drummond asked the \$1.2 million is in addition to the \$700,000?

Mr. Boudreaux said yes. The \$1.2 million is the additional cost to put lines underground.

Mr. Drummond asked so it would be in essence \$2 million.

Mr. Boudreaux said yes.

Mr. Drummond asked at this point the suggestion is that the Utilities Authority agree to pay half of the cost for the relocation of the underground, or half the cost for relocation of the difference between the overhead and the underground?

Mr. Boudreaux said that is what he is not understanding.

Chairman Summerhays said the City would be kicking in \$600,000.

Mr. Drummond asked \$600,000 or \$1 million?

Mr. Koblegard said the \$1.2 million is the extra cost for the lines to be relocated underground. He thinks the City is saying, half of that. It is the other \$600,000 plus the initial \$700,000 or \$800,000 relocation costs, to be borne by the U.A.

or a third party. He thinks they are willing to pay half of the \$1.2, or half of whatever remains if a third party contributes outside of the FPRA.

Motion was made by Mr. Drummond, seconded by Mr. Perona, that the Utilities Authority Board authorize a payment of up to half of the additional cost for the underground utilities, which is \$600,000 toward the project.

Mr. Perona said these are the type of decisions they make all the time on the Utilities Authority, but normally it doesn't come down the pipeline like this. They have staff research everything. And by the time it gets to the Board, staff delivers information to them, not the fact that the City wants to have it done or whatever. The Board gets to see all the amenities that go along with it. There is moving lines for safety reasons, moving lines for aesthetic reasons, moving lines for function, moving lines for future business. These are the issues they weigh, because when this Board gets done with it, it has to make economical sense. It doesn't make economical sense. And part of the economical sense may be a certain part of it being aesthetics and everything else. But if it doesn't make economical sense, then the Board makes that decision. This utility business that moves along and does its job perfectly all the time is probably the best-run business that he has ever seen or been a part of. He thinks a lot of them will agree with that. They don't mess with that function of that business; because once they start messing with that, they end up with a lot of problems. He would like to see staff deliver to him, what is he getting for the \$600,000, other than it being underground? On that specific right-of-way, there may be benefits to having it underground that this Board is not looking at right now. This Board dives right into that and finds out. He wants to feel good that he made a business decision based on the fact that they are getting a lot of bang for their buck. That is what the ratepayers expect them to do. So when this thing comes up just so they can hold hands and walk out of here in agreement, he thinks that the Board needs to act upon that with the same sense they have always acted upon, with the same information that they have made decisions in the past. That is what he would like to look at. He wants staff to be able to review that and tell him what is the advantage of undergrounding, including all the aesthetics and the safety and all the other issues. And what are the downfalls? What is he paying for? Is it really worth \$600,000 just to be able to do this.

City Manager Beach said this discussion about the business sense of the FPUA and what it does having to make economic sense. If they think for one moment that ten years ago when Fort Pierce started investing in Fort Pierce, if they think that made any economic sense at that point in time. Everybody said it was the silliest thing they had ever seen, making the kind of public investment they were making in Fort Pierce. But if they look at the return that has come back to Fort Pierce as a result of that upfront investment, the risk that the City took in making those investments, it is all about the aesthetics and the livability of this community. It is not about whether it turns a profit.

It is about whether or not people want to live here and whether they want to invest here. Putting these utility lines underground is one of the methods they used to accomplish that. It is not a waste of the U.A.'s money to go underground with utilities, it simply isn't. The return the U.A. will get from future customers and people that care to live and invest in this community is going to be returned ten times. They have seen that with their own activity. And that is absolutely going to happen with FPUA.

Mr. Summerhays said he is afraid he has to disagree with Mr. Beach.

City Manager Beach said just one more thing. The idea that a utility company that is owned by a city is not an arm of that city and is not a tool of that city and how it goes into the future, is just patently absurd. This Utilities Authority is owned by the City of Fort Pierce. It is owned for the benefit of the citizens of Fort Pierce. And this Commission has to use it to the greatest degree that they can use it to cause positive things to happen in Fort Pierce.

Chairman Summerhays said the Utilities Authority does not belong to the City. It belongs to the citizens of the City of Fort Pierce. Section 169 makes that very clear.

City Attorney Schwerer said no. Just let him read something here. He is going to read what Mr. Boudreaux did not read for them. And by the way, he is not going to sit here and debate the law, because this Charter has many different provisions and they have to read the whole document. They can't pick a sentence out or pick a paragraph out, they have to read the entire document to understand the intent of this document. Anybody can find fault with one sentence, but when they read the whole... What he is going to read for them right now is the preamble of the creation of the Utilities Authority, Section 169: There is hereby created and made a part of the government of the City of Fort Pierce, a Utilities Authority to be known and designated as the Fort Pierce Utilities Authority, City of Fort Pierce, Florida. Now if that isn't absolutely clear that the U.A. is part of the government, he doesn't know what is. They can debate what self-regulating powers they have and what authority is granted by the Charter. The Utilities Authority is a part of the government. Furthermore, it is absolutely clear that every piece of property that is owned by the Utilities Authority is vested in the name of the City of Fort Pierce for the use and the benefit of the Fort Pierce Utilities Authority. That is how their real estate is titled. It further provides in the Charter that the City of Fort Pierce can sell all of its public utilities...

Mr. Summerhays said no, it can not, not without a vote of the citizens.

City Attorney Schwerer said let him finish. The City of Fort Pierce can move to sell. Whether or not the citizens of the City of Fort Pierce agree or disagree with that is a matter of legislative power, not ownership. If one owns a piece of

property, they can move to sell it at any time. This Charter says the citizens have to agree by a vote is one thing. He just wants to clear the air. He is not going to argue the Charter. But he needs this Commission to understand very clearly, that is the law. He understands however that they are all talking about a whole different subject here and that is cost sharing. But he wants the law to be absolutely clear in relation to what the City does and does not own.

Mr. Perona said he apologizes to this combined group for causing a train wreck here. It is his fault. All he wanted to do was to get the same informed information that he gets every time they meet on the Fort Pierce Utilities Authority Board. They had a momentum going here. He thinks the motion by Commissioner Becht puts them in the right direction. It is probably something that should have happened before all this stuff got here. A funding source maybe should have been part of the thought process in the original ordinance. But they are here. It is a working model. It is something that he thinks their Board definitely needs to look at. They need to be able to make an informed decision on that. He is making an emotional decision if he votes accordingly today, more so than he would be if it were an informed decision, because he expects staff to bring back the particulars about the undergrounding. He wants to know about the maintenance in that particular situation, what the vulnerability is, what the benefits are, and everything else like that, so when they are spending money, they are spending money that they are supposed to. And it is part of the way the Fort Pierce Utilities Authority Board does business. That is why he was put on this Board and that is the thing he would like it to maintain in government.

Mr. Drummond said if he may clarify his motion, he said up to \$600,000, which he believes equates to half of the cost for the underground.

Mr. Boudreaux said that is correct.

Mr. Drummond said that is based on his understanding that has been the policy as it is related to prior underground that have been brought to them.

Chairman Summerhays said no, that hasn't been the policy.

Mr. Drummond asked that has not been the policy? When asked to locate utilities underground, they have not agreed to pay half the cost? Or it wasn't just based on what they actually put into the underground conduit?

Mr. Boudreaux said the cost sharing has been based upon the total cost of the project, not just the cost of undergrounding. That has been the historical cooperation between the City staff and the U.A. staff. When the City has requested overhead utilities be relocated to an underground position, they have essentially shared the cost of the entire project with regards to these specific utilities. It has not been just sharing the cost of putting them underground. It has been the entire cost of the project.

Mr. Drummond said he does not want to prolong this. He will rescind his motion.

MR. DRUMMOND RESCINDED HIS MOTION. MR. PERONA RESCINDED HIS SECOND TO THE MOTION.

Motion was made by Mr. Drummond, seconded by Mayor Benton, to pay for half of the total cost of the project.

Mr. Drummond said it is his understanding that would then equate to about \$1 million.

Mr. Boudreaux said yes.

Chairman Summerhays said he has no problem with that. He would make one comment. He checked to see what is the prevailing policy amongst other cities and utilities. The City of Port St. Lucie, if they require FP&L to place lines underground, the City of Port St. Lucie pays the additional cost. Mr. Perona got a list of other utilities within the State of Florida; and virtually universally, those utilities not run by a city commission, but by an independent authority, if the city requires undergrounding the lines, they pay the cost.

Commissioner Alexander asked why is he privy to that information and the City Commissioners are not?

Chairman Summerhays said they just got it.

Mr. Perona said he had asked staff because that was a concern he had. It is a recent request. They just got it today.

Commissioner Alexander said he has the same concerns, but he still doesn't have that information.

Commissioner Coke asked in those instances, do the cities have an ordinance requiring that of all the citizens? Because that is an integral factor here. Because the way she understands the motion as presented now, the City of Fort Pierce is in essence is going to be paying for the entire undergrounding of these utilities. It is \$1.2 million to underground them. So the City is going to pay \$1 million out of the \$1.2 million it is going to cost to underground it.

Commissioner Nelson said one half.

Commissioner Coke said no, that is not what the U.A. Board's motion said. That is what the City Commission's motion said.

Commissioner Nelson said he thinks what the U.A. is looking at here is approving in principle and that they are in fact going to do their further due diligence and find out what the total cost is. Then they will reveal that total cost in their estimation to the entire body here - both the City, the FPRA, and the FPUA - and then come up with the pro rata share. Is that what they are trying to do?

Chairman Summerhays said they have a motion on the floor that

has been seconded by the Mayor that the City of Fort Pierce will pay half of the cost of the total project and the FPUA will pay half of the cost of the total project in the round estimated numbers. That means they will each pay about \$1 million. That is basically the same agreement they have had in the past, it is expressed a little differently, but in money that is the way it has worked out.

Commissioner Nelson said they are the experts in the field and are capable of discerning the costs associated therewith. They are trying to get something done in a positive way. If he were in their shoes as a businessman, he would take the same approach. He thinks they ought to move along with this project.

Commissioner Coke said her concern in that would be, first of all now they are looking at the City expending \$1 million to assist the Fort Pierce Utilities Authority to comply with an ordinance that is on the books, versus \$600,000; and that other \$400,000 is going to be absorbed not by the 100% of the Utilities Authority customers, but by whatever percentage of those customers lie within the FPRA district. She would venture to say that the majority of funds that come from the FPRA district are collected on South Beach, which means that the South Beach residents - rather than getting beach parks or improvements to their roads or many of the things they may need - are going to be bearing this \$400,000 additional cost to enable the Utilities Authority be compliant with the law.

Mayor Benton said he is going to call the question.

Chairman Summerhays asked would Ms. Hayes restate the motion.

Ms. Kenna Hayes said the motion is that the Utilities Authority pay one half of the cost of the total project and the City pay the other half of cost of the total project. Those voting in favor of the motion were: Ms. Cully, Mr. Drummond, Mr. Perona, Mayor Benton, and Chairman Summerhays. Those opposed: None.

Mayor Benton said he would ask that they look into what other public utilities are doing. They talk about raising the bar. Maybe that is the reason why property values in Fort Pierce went up almost 50%, substantially more than any other community in the State of Florida. He thinks they should look into what they are doing. He thinks when they go to their conferences with the public utilities, they should press that there be funding out there through the federal government or through state government to help with this. Because to him, maintenance-wise and he thinks time will tell, they are going to be saving money in the long run.

Commissioner Coke said for a point of clarification. So it is understood here before they all leave this room, it is her understanding of what has just happened is that the City Commissioner passed a motion unanimously that in no way matches what the Utilities Authority Board has passed. So they spent two hours and they are back to square one.

Mr. Koblegard said they are a little bit closer.

Commissioner Coke said okay, it started out the U.A. wasn't going to pay anything and then they volunteered to pay \$600,000. In other words, they do not have anything workable from what the two of them have just voted on to get this project going. So they are still at an impasse. Whether it is a \$600,000 or a \$400,000 impasse, they are still at an impasse, because what the City Commission voted on doesn't match what the FPUA Board voted on. Is she correct in that?

City Manager Beach said unless they provide direction otherwise, City staff will honor and follow the vote of the City Commission. Beyond that, they will simply have to work with the motion that is made by the FPUA Board to work through whatever the differences are. Staff is still of the opinion that the ordinance they have in place, they still have the option of enforcing that ordinance. If it comes to that, then that is what it becomes.

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Mayor Benton said he would like to take five minutes on something. The City Commission will be meeting with the County Commission tomorrow. They have had some concerns over developments that have been approved by the County in their future City limits. On Page 67 of the Charter (Section 176, Paragraph 2) it says: No extension of facilities or services outside the city limits for any of the utilities, including those utilities now under the contract of the utilities authority, shall be valid unless approved by the city commission. Any extension of the facilities or services shall be based on the finding of the city commission that the extension of the facilities or services is in the best interests of the city, and a surplus of the capacity of the facilities or system to be extended exists and present facilities and services and future expansions within the city limits of the City of Fort Pierce will not be impaired.

Mayor Benton said what he will be asking the City Commission is to consider somehow they need to get a grip on what is being approved in their future City limits by the County Commission. They have had input with them and their input has sort of gone in one ear and out the other. So he would like to let everyone know here that he would like to throw this out tomorrow at the table. They thought their annexation policy was going to be a way to control their future. It hasn't worked. Now the County is approving stuff; and as they turn the water on, it becomes part of the City. The roads that need improvements, the City is not getting impact fee money for. So he thinks this could be a mechanism for the City to wake the County up and say they need to work with the City on their future.

Mr. Drummond said he would hope that they also work with the Utilities Authority staff and their attorney with regard to this, because he believes with what they have in place, the City has given the Utilities Authority direction in terms of what and who they can extend services to.

Mayor Benton said that language in the Charter basically says

that can change.

Mr. Drummond said what he is saying, as it stands now, he believes the Utilities Authority is working under the law and the direction the Commission has given them.

Mayor Benton said that is why he brought this up, because he knows there is a lot of discussion, they have seen some of the discussion going back and forth over utilities going to TVC. So he thinks the City needs to look into this.

Commissioner Becht said they all asked him - and he and Mr. Drummond and Mr. Perona have worked for almost two years with County Commissioner Craft - to try to de-politicize utilities. Mayor Benton is absolutely correct in that they have a problem with the County approving projects that are not consistent with the vision of the City Commission. But the solution that he is suggesting be considered drags the Utilities Authority back into the political arena. If that is what this Commission wants to do, then that is going to happen. He is not in favor of it. But maybe it will cause them to consider other avenues of trying to deal with the County and what the County is doing inside their service area. But what his disappointment is, what the Mayor is suggesting will absolutely destroy two years of his work on the Task Force as well as both Mr. Drummond's, Mr. Perona's, and Mr. Craft's efforts. Because what he is suggesting is exactly what he has been working to eliminate, which is using utilities as a political tool. But if that is the will of this Commission, then that is the way it is going to be. He just wants to point out the consequence of the step he is about to take.

Mayor Benton said what he is throwing out there is an option. They have met several times with the County and he has expressed his concerns and he thinks the concerns of this Commission.

Commissioner Becht said he shares his concerns.

Mayor Benton said the County Commission has not even looked at the City Commission with a straight face and said let's work on it, other than staff is talking. They are approving projects that the County Planning & Zoning Board says no, but the County Commission still approves it. They haven't seen any improvements to these roads. The City is going to get them and they are going to have a mess out there. So somehow they have to get the County's attention. He just feels this is an option that they can show them that either they work with the City, or they can go to this extreme. He is not saying to do that, but they need to somehow get their attention.

Commissioner Nelson asked what kind of relationship has been generated between the two staff's in carrying out the dictates of the Charter? He is confident that the County does not read the Charter and interpret their Charter as they do. But if they get input from staff and they run into certain roadblocks on the issue, then maybe they can do it. But he concurs with Commissioner Becht that they are working toward this effort and they don't need to charge ahead and force them and say...

Mayor Benton said several years ago when they created the Bulk Water Agreement, the County came to the table because they had to. The County was looking at big lawsuits. This benefitted them. They have been talking about a Joint Planning Agreement. In their terms it has worked, but unfortunately in the City's terms it hasn't. They keep saying, let's address that Joint Planning Agreement. It hasn't been done. But they hear County staff talking about a new city being built west of Lakewood Park which he read this morning with 15,000-plus people. All the County cares about is the roads leading to the Research Park. It is time that the City gets the County to realize the City has concerns. He doesn't know any other way to get them to do it.

Commissioner Coke said first of all, she would like to express her appreciation to everyone who has worked on that regionalization process. In the last several weeks she has received copies of several communications from the County to the Utilities Authority regarding how they believe they are going to move forward with their TVC vision. From a preliminary review of these letters, it appears to her that some of the things they are outlining that they are looking to proceed with are diametrically opposed to the agreement that they all signed a few years ago to save the County from a lawsuit. She doesn't want to see them move backwards on the regionalization. Perhaps Commissioner Becht, since he established a working relationship with a County Commissioner, maybe he can have a conversation that might allay some of these fears about their looking to sidestep that agreement yet again.

Mr. Koblegard said he thinks he understood what the Mayor said. The City Commission in years gone by has given the authority by Area A, Area B, and Area C to expand outside the City limits. That is already on the books and they use that in their negotiations and their battles with the County. So right now they have the authority to hook up water and sewer in those areas. For the City Commission to come back and rescind that at this point, he doesn't know exactly what the point was. But right now, there is a large area outside the City limits the FPUA is allowed to go into. The area west of Lakewood Park, no. He knows they will have to come back to the City Commission and get their okay to do that.

Mayor Benton said he thinks the intent was in the past that they expected these areas to be annexed and then developed. That is not happening. So he thinks the City Commission needs to readdress this issue. Any agreement can be changed. They have this Joint Planning Agreement. He just sees all these agreements with water and sewer have benefitted the County and he doesn't see that they have benefitted the future of the City of Fort Pierce. Because building a third city out there at Fort Pierce's expense is not in their best interest. Also approving projects without improving roads and schools, which is happening, and then turning it over to the City and saying okay it is your future, it is in your City, now it is your problem. That is not something the Utilities Authority has to deal with, it is something the City Commission has to. Because there are literally thousands of homes being built along several roadways

with no improvements, no money out there for improvements to those roads - Jenkins Road and Edwards Road - in anybody's budget, other than County Commissioners saying that when Fort Pierce annexes the development, they annex the roads. They are looking at some major problems down the road if they don't get a grip on this soon. Yes, they are talking. He is not trying to create a real problem here, he is just trying to get the County's attention that the City has a mechanism that could really get their attention if they don't start listening.

Mr. Koblegard said the Utilities Authority staff are totally at a loss as to why the County hasn't proceeded in regards to this. Their problems in the past are very small compared to what they are going to face in the future if they don't take the next step.

Commissioner Becht said in the budget that the County has adopted, one of the things they adopted was funding, he thinks it is \$150,000 for an Urban Design Studio. He doesn't know if they have all had conversations with any of the County Commissioners on this or not. But it is at least in the opinion of County Commissioners Craft and Coward that is part of the County's commitment in terms of dollars to the Joint Planning Agreement. He initially had not embraced this because he sees it as another bureaucracy with an Executive Director, Secretary, etc. But the County thinks it is, and maybe it is, the only way to deal with the City's eventual annexation of the urban service area. He has also had conversations with at County Commissioners Joe Smith, Frannie Hutchinson, Doug Coward, and Chris Craft - he thinks the only one he has not talked to yet is County Commissioner Paula Lewis - about at least three charrettes between the County and the City in terms of furthering this joint panning idea. Those charrettes would focus on specific neighborhoods and issues which, in his opinion, they crawl before they walk and they would try to develop the format for the charrette before they get into the sticky wicket which is the bulk of the service area. One area would be 7th Street and Avenue D. He thinks he has a commitment from at least three County Commissioners to do a charrette on that corner, which could be a real redevelopment effort. The wastewater treatment plant, which is necessary if they are going to decommission it, the issue of what it is going to be he thinks has to be decided before they move forward on that. And of interest to the County is the Agricultural Research Park, which as mammoth as they have planned it to be, it is going to have a major impact on the region and also the City of Fort Pierce. There are three charrettes that he thinks are specific in furthering to the Joint Planning Agreement. So there are other things happening. There is not a complete vacuum of interaction between the City and the County on these issues. So he wants them all to have that information before they move forward with pulling this gun out of the holster and saying they are not going to give them water.

Mayor Benton said that is not what he is saying. He is just saying the City has to have an option to get the County's attention.

Commissioner Coke said originally she thought the concept behind a Joint Design Group was a good one and she was willing to support it. Quite frankly as the months go by, she is backing off of that. Because their staff has gone to joint planning meetings; and their recommendations not only have they been discarded, but she has gotten calls from a County Commissioner saying they don't want the City's input on density or architectural features or anything else. They don't want any of that. They want, how do they think it is going to affect their roads, etc. So they want to limit the City's participation as far as joint planning and limit the City's input. Yet now that Commissioner Becht is telling her they are looking to have a joint charrette for Avenue D and 7th Street and something on South Beach, that makes her even more opposed to this, because that is not even part of the Joint Planning Agreement. Those are City of Fort Pierce properties. Now where the Research Park is, she believes that is a part of what falls under their Joint Planning Agreement. So once again she doesn't really want to, the day before a meeting with the County, get into an argumentative stance with them. However, the County doesn't want to take the City's input on things they are building in their box that are going to be part of the City of Fort Pierce, but they want the City to accept whatever input they would like to give them for 7th Street and Avenue D and the Wastewater Treatment Plant, neither one of which are really any of their business. It is in the City limits and it is the citizens of Fort Pierce that should be looking to develop that. She knows there was a Charrette in the Lincoln Park Community that they attended and it was put on by an outside group who for some reason brought the County in and asked the County Commissioner Coward and County Commissioner Smith to speak, and neglected to even ask Mayor Benton to speak on what should be done in this City until it was pointed out to them.

Commissioner Becht said he needs to respond to that, because he has worked for this. It is not the County trying to inject their vision into the City of Fort Pierce. He has gotten their dollars to help pay for a 7th Street and Avenue D charrette. The reason why in his opinion it is appropriate to have the County there is because there are government offices there that they need to fold into whatever the development is. He wants County dollars to put more buildings there to have more employees there to create another economic center. So that was the reason he involved them there. They are not forcing their way in, he has asked them in. So he has done something contrary to her vision.

Commissioner Coke said she doesn't know, it might very well be the vision of three of the Commissioners. But she would suggest that it should have been the vision of three of them.

Commissioner Nelson said 7th Street and Avenue D, he thinks it is a County Road, Avenue D. Senate Bill 360 dictates that they coordinate new construction that they have going on - the schools, roads, etc. As for the data in the Charter, they have Interlocal Agreements that address these type of issues. And they have the Comprehensive Plan that involves. Any time they see where they have some detriment or conflict or variation from

what they think should be done, they should raise the questions and probably disapprove or if necessary write letters to DCA (Department of Community Affairs) to say the City doesn't agree with this plan and please don't approve it, etc. There are mechanisms and routes they can take without being confrontational. He would just like to work with the County. The key people who really sets this in motion is their respective staffs. They know what is going on, they can see it. They can alert the Commissioners and help them. Confronting these people in an informal setting is probably the best way to go.

Mayor Benton said he didn't want to prolong this, he knows the Utilities Authority Board is sitting here. But they talk about and have said they are going to raise the bar in Fort Pierce. That is one reason why underground utilities has come along. But to him, what is being done by the County now with their future is a threat to raising the bar. All of their schools are going to be prefabricated classrooms. So it should bother them. Where their children or grandchildren go to school now, the school yard is gone, the ballfields are gone, and they are all going to be prefabricated classrooms. He saw in the paper today it is until April 2008 before it is going to be law, the concurrency issues. So please understand he just didn't want them to read this in the newspaper. He is just one person. This debate has not taken place at the City Commission level. But he saw language in the Charter and he spoke to the City Attorney. Somehow he for one, and he thinks the City Commission, needs to get the attention of the County Commission.

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There being no further business, the meeting was adjourned at 11:10 a.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER