

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, JULY 16, 2007.

Mayor Benton called the meeting to order.

Reverend John Lee gave the invocation.

The Pledge of Allegiance was recited.

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

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The next item on the Agenda was Approve Minutes of the Regular City Commission Meeting on July 2, 2007.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Regular City Commission Meeting on July 2, 2007.

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

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The next item on the Agenda was Public Hearing on Application for Conditional Use submitted by Robert & Mary Starick to construct a dock extension on an existing Private Dock at 3125 South Indian River Drive; said property zoned E-1, Single Family Estate Density Zone, and A-1, Aquatic Conservation Zone.

Mr. Paul Williams, Urban Forester, said dock facilities are permitted only by Conditional Use in the A-1 zoning district; therefore, the applicant is requesting Conditional Use approval for a private dock extension. The property is located at 3125 South Indian River Drive and is zoned E-1. The property to the north and south is also zoned E-1. The property to the west is zoned I-1 and to the west is Indian River Lagoon zoned A-1. This aerial photograph shows the existing docks located north and south of the existing dock at 3125 South Indian River Drive. The applicant is requesting to remove the existing platform and extend the 4-foot wide dock 200 feet, and construct a new 16-foot by 10-foot terminal platform with an optional 14-foot by 14-foot pile-supported boat lift or mooring area. This is a picture of the existing dock at 3125 South Indian River Drive, the proposed extension will continue straight out from this existing dock. This is the private dock to the north. There is adequate separation that exists on both docks 25 feet from riparian rights line. This is the private dock to the south; and again, there is an adequate separation of 25 feet. This is the existing dock and the permit for it. This is the proposed plan for the dock extension.

The dock extension will be constructed of grated decking. The property owner notifications they mailed to all owners within 500 feet - 26 notifications were mailed, 9 responses were received, 9 approved, and none opposed. At the June 12, 2007 meeting, the Planning Board voted unanimously to recommend approval of the Conditional Use. As the proposed Conditional Use meets the requirements of City Code, Staff recommends approval of the Conditional Use.

Commissioner Alexander asked on the original dockage, it is 142 feet in length, they are requesting 200 feet right?

Mr. Williams said correct, approximately.

Commissioner Alexander said he knows it does not matter about two feet one way or the other; but 200 plus 142 is not 340.

Mr. Williams said yes, the total final distance will be 340.

Commissioner Alexander asked so they are not requesting 200 feet, they are requesting 198 right?

Mr. Williams said the numbers were approximate, it is approximately 200 feet to 340 feet.

Commissioner Alexander said they have to be precise when they make the request. He knows two feet might not matter, but the next person might come in with 10 feet or 8 feet. Is he looking at it wrong or right? The existing dockage is 142 feet long.

Mr. Williams said he is correct, on the report it did specify that. The existing dock, the grated decking will be used 150 feet westward of the mean high water over the surface dock. The existing wooden dock will be terminated where the platform currently ends and then they will be extending it out 150 feet and the terminal platform will be the additional 16-foot by 10-foot.

Mayor Benton said he believe the situation here is, what he has now is not a dock, it is a pier. To have a boat, he has to extend it that far out to get the depth he needs. That is why is so far in the water.

Mr. Williams said it is too shallow for him to bring a boat in and this extension will allow him to have a boat moored there.

Mr. Buchwald said on the plan submitted, the 350 foot line is even with the end of the dock. They are removing an existing 4-foot wide fishing pier and adding a dock extension plus a 10-foot wide terminal platform. That combined together, the end of the dock will be 350 feet. So it is a 200 foot extension on the existing 150 foot pier, but the end will be 350 feet as they can see on this plan.

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

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

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the Conditional Use for Robert & Mary Starick to construct a dock extension on an existing private dock at 3125 South Indian River Drive.

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

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The next item on the Agenda was Public Hearing on Application for **Subdivision Review - Preliminary Plat** - submitted by Prime Homes for **Portofino Landings**, a mixed-use commercial and multi-family development to be located on McNeil Road Extension, north of Okeechobee Road; said property zoned C-3, General Commercial Zone.

Mr. David Carlin, Development Review Planner, said tonight the applicant is proposing to subdivide into three parcels Portofino Landings, which is a mixed-use development located on McNeil Road

Extension, north of Okeechobee Road. The Site Plan and Conditional Use for Portofino Landings were approved by the City Commission on September 6, 2005, and it is currently under construction. The surrounding properties are occupied by Wal-Mart, which is located to the southwest of the development, and the Tractor Supply Company and Pineapple Storage, which is located south of the development.

Sabal Chase Apartments and a vacant piece of land are located to the north of the subject parcel. Orange Blossom Business Center is located to the east. The property is zoned C-3, General Commercial, with a Future Land Use of CG, Commercial General. The surrounding properties are all zoned C-3, General Commercial, except for a parcel located to the northwest which is R-4, Medium Density Residential, and another parcel that is located in unincorporated St. Lucie County. Portofino Landings is comprised of a total of 34.76 acres and will be subdivided into three separate tracts. Each tract will meet the minimum lot depth, width, and area requirements specified by the City Code. The tract located on the west side of the McNeil Road Extension will consist of 88 multi-family units. In addition, the plat specifies a 60 foot right-of-way for the McNeil Road Extension as required by the City Code. It should also be noted that the plat incorporates a future Swain Road extension for connectivity across the canal north of the subject parcel. The second tract that will be subdivided will be located on the east side of the McNeil Road Extension and will consist of 124 multi-family units and includes a clubhouse and a swimming pool. The remaining tract is located in the southeast quadrant of the property and is situated just north of Okeechobee Road. This parcel will be used exclusively by a restaurant and office/retail building. Access to this parcel will be provided by connection onto Okeechobee Road. All affected Departments have reviewed the submittals and have approved the proposed Preliminary Plat based on it meeting the requirements of the Code. At the June 12, 2007 meeting, the Planning Board voted unanimously to recommend approval of the Preliminary Plat. As the Preliminary Plat meets the requirements of the City Code, Staff recommends approval of the Preliminary Plat.

Commissioner Nelson asked is there relationships between the Portofino Shores in North County and this Portofino Landings?

Mr. Carlin said no.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve Preliminary Plat for Portofino Landings Subdivision submitted by Prime Homes for a mixed-use commercial and multi-family development to be located on McNeil Road Extension, north of Okeechobee Road.

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

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The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Fort Pierce Commercial Properties LLC for Metal Drive Master Plan, construction of four commercial retail and restaurant buildings (in addition to a Fairfield Inn that was approved by the City Commission on January 2, 2007) to be located

in the southwest quadrant of I-95 and Okeechobee Road, between Metal Drive and Darter Court (known as 6502 Metal Drive); said property zoned C-3, General Commercial Zone.

Mr. Peter Buchwald, Zoning Administrator, said the applicant requests approval for a Master Plan to construct two retail buildings and two restaurants in addition to a Fairfield Inn that was approved by the City Commission on January 2, 2007. The 13 acre property is located at the southeast corner of Metal Drive and Darter Court near the intersection of I-95 and Okeechobee Road. It is zoned C-3, General Commercial, with a Future Land Use of CG, Commercial General.

The proposed land use is consistent with the Comprehensive Plan.

The properties located to the west of the proposed development are occupied by a Red Lobster Restaurant and three recently constructed hotels. These properties are zoned C-3, General Commercial. The proposed development is bordered to the south by a canal, followed by vacant land zoned as CP-1, Commercial Parkway. To the north and east of the development are Interstate 95 and its southbound on-ramp.

The proposed development is consistent with the surrounding land uses. The proposed development will consist of two restaurants, each 5,500 square feet in size, located in the northern portion; a 9,978 square foot retail building located in the eastern portion; and a 17,000 square foot retail building located in the southern portion. The previously approved Fairfield Inn occupies the western portion of the development. It is intended for each of the buildings and associated phase areas to be sold separately through metes and bounds with an overlying Property Owner's Association and Easement Agreements for common areas, utilities, and vehicular and pedestrian connectivity. Access to the site will be from two driveways located on Metal Drive and a driveway that connects Darter Court and extends along the majority of the eastern property boundary. Sidewalks will extend throughout the development. In addition, as part of the improvements along Metal Drive, sidewalks will be constructed and five feet of right-of-way is being dedicated along the west side of the subject property. Furthermore, a culvert will be installed and Metal Drive will be extended to complete the connection across the canal which borders the southern property boundary. At this time, landscaping is provided for the perimeter to buffer of the development. The landscaping includes the planting of 226 new trees and the preservation of 34 existing Sabal Palms and Slash Pines. The new trees include a variety of canopy or ornamental trees, Sabal Palms and Royal Palms along the western property boundary. Shrubs and Floritam or Bahia sod comprises the remainder of the proposed landscaping. Detailed plans for the internal landscaping and the architectural elevations have not been provided at this time for the proposed buildings because the future occupants and the specific design needs are unknown at this time. Therefore at a minimum, the internal landscaping plans and the architectural designs for each of the buildings should require review by Staff and approval by the Design Review Board in conformance with the Design Review Guidelines and Procedures. In addition, any changes or modifications to the phases from the Master Plan that are not considered minor in accordance with Section 22-58(i) of the City Code will require a full Site Plan review. At their meeting on July 12, 2007, the Planning Board voted unanimously to recommend approval of the Master Plan with the following conditions recommended by staff: That the internal landscaping and architectural elevations for each phase are reviewed by Staff and approved by the Design Review Board in conformance with the Design Review Guidelines and Procedures, and that a municipal bus stop is installed to service the development. The applicant has indicated acceptance of these conditions and since the Planning Board meeting has been working with the St. Lucie County

Transit Manager with regard to testing a location for a municipal bus stop or providing a monetary contribution for the bus stop should a location not be established within a reasonable period of time.

In addition, it should be noted that at the request of a Planning Board member the shoreline of the stormwater retention pond was revised to be meandering to the extent that would be allowed, because the Fairfield Inn has an in-process stormwater permit as construction is soon to be underway. All affected Departments have approved the Master Plan based on it meeting the requirements of the City Code.

As the proposed Master Plan meets the requirements of City Code, Staff recommends approval of it with the conditions forwarded by the Planning Board.

Commissioner Becht asked can he explain how the improvements are going to be constructed vis-a-vis as the improvements come on line?

What concerns him, the question he has is, are they going to have the canal bridged and Darter Court and Metal Drive, all those improvements done before they CO the first building? Or how are these improvements phased in?

Mr. Buchwald said except for the Fairfield Inn, those improvements would be required prior to the CO of the first building.

Commissioner Nelson said he talked with the developer on this in private session and he raised a question relative to the improvements on I-95. The question would be whether or not there is any coordination being made with FDOT with regard to possibly have some noise abatement walls along there?

Mr. Buchwald said at this time he is not aware of them doing any abatement with regards to the noise from I-95.

Commissioner Nelson said they are proposing noise abatement along I-95. He serves on the TPO and that has been addressed from that angle. It is not a requirement as far as he knows. But as the people do in fact suggest there is a problem with noise as it is down south, FDOT is trying to accommodate them. They have gotten complaints from people in and around Meadowoods, for example. And a proposal is also on the table relative to that Strawberry Farm that they have in that area, they are putting up noise abatement walls. It might be something they might want to look into or at least the developer could look into it to make it a more palpable establishment for the future.

Mr. Buchwald said he has not seen any plans for noise abatement walls and that is not included at this time. He would have one concern with regards to that in terms of the location of the wall. A development such as this, they want maximum exposure from people on I-95, the on-ramp, and Okeechobee Road, so they want their restaurants and their retail location to be seen and not to be hidden by a wall. Typically where they see a lot of those noise abatement walls is between residential subdivisions and I-95 itself. But certainly the applicant has been very cooperative in working together.

Commissioner Nelson said he threw it out for consideration, so that the developer if he wants to pursue it might do so. When they are trying to sleep in a Fairfield Inn, they are concerned with noise.

Mayor Benton said out there between Okeechobee Road and Darter Court is this hideous chickenwire fence, it has been there for years.

How can they get rid of that fence? It is sort of covered up by the grass most of the time because it has been there so long.

Mr. Buchwald said he will make a note of it.

Mayor Benton said it is between Okeechobee Road on the south side there, it starts right at the entrance near the Steak & Shake and it goes all the way length of Darter Court and around. It is pretty hideous, it has been there for a long time. But anything would be an improvement over that fence, except a wall.

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

**Mr. Tod Mowry**, Cotleur & Hearing, said he appreciates the opportunity to come back before the Commission. They have this exciting project they are trying to finalize. For this project there is a presentation, but actually he will hold off and they can go with what Mr. Buchwald put together. He would like to touch on a couple of these, because he knows staff has done a nice job finalizing a lot of these issues. Since the last meeting they had with the Planning Board, they did walk through several of those, and those were mentioned by Mr. Buchwald. The meandering lake, they worked through that and they tried to work as much design into that as they could possibly could to make sure that worked based upon the intent of the request of the Planning Board member as well as what they could reasonably do within the permit they currently have before the State. So they have been able to work that. The second thing is trying to work out the transit stop. The County has been great, they have talked with them about what their plans are for the area, how they would address transit for that particular area, and what their intentions would be for the future. The County is really uncertain at this point in time how they would address transit for that area. So as they have gone through that discussion, the County said there is a couple of options - either they put something hard in the ground now, they decide they do not like it, and it sits there it becomes something of an eyesore; or they cooperatively work on something that is either an in-kind cash donation based upon the cost of that improvement or it is something where they wait a period of time as the developments move forward. They are very amenable to doing whatever the staff has addressed at this point with their comments. The last thing is to the Mayor's question in particular, they would gladly look at the chickenwire fence and address that.

They do know that the State does like to see a farmer's type fence along that road. Whether it is going to be something different, they can accommodate that and work that scenario, so they will address that. At this point in time in terms of the development itself, they do not have any major restaurants or retail lined up in terms of tenants to be able to say here is what is coming to town. They do have quite a few prospects that they have been working with and so they are excited about being able to get this plan in place. And once it is established, it will allow for an easier process for those that have an interest, because now they will need to work with staff on the design review process to finalize their architectural first off and then secondly finalize their landscaping. This allows them to move forward knowing that at least the site plan is approved, it is established, and then they need to make sure that the architecture works and it is consistent with what the intent is of their Design Review Ordinance. If there are any questions, he would gladly answer those. He had a presentation put together, but he feels like the meeting is flowing quite rapidly and he would love

to be able to be cognizant of that. Also with him this evening is their engineer as well as the applicant, whatever questions they may be able to address as well, they would love to do that.

**Ms. Marcia Baker** said she lives on South Beach. She is very happy to support this project. She is just overjoyed with the professionalism and the quality of the developers that have been coming in. She has been watching the Planning Board meetings and checking them out also. She also wants to commend their Planning staff as others have for their tremendous amount of professionalism and the quality of the work that they have been doing. However, she believes now would be an excellent time to implement the requirements of the Performance Bond. If they can implement it now for these very well planned and quality developers, they will have it in place for all ensuing developments of any kind in the City.

They have seen what has happened in South Beach when a reputable developer comes in and develops a great development like Harbour Isle, creating a situation where all the properties become potentially more valuable and having the speculators and the entrepreneurs and flippers rush in and apply for site plan approvals for their own or contracted properties, only to have them sit with their approved site plans for years, lapsed and undeveloped except for the For Sale signs on them advertising the City's approval of hotels, condos, or whatever. The cost of staff's time and effort, the advertising and legal fees for these and others like them throughout the City, could have paid for positions that were cut because of budget restraints or put back in the General Fund. Now is the time, with these projects and the upcoming ones on King's Highway and the others that will come before them now, to establish a Performance Bond as is allowed in the Code in an amount equal to the permit fees for the proposed construction, to be refunded upon the issuance of these building or site plan improvement permits and to be forfeited if the plan is not carried out or extended or renewed if no permits are issued within the time limits allowed. The area on the western edge of Fort Pierce is due for a big spurt of development as is the area around the new Federal Courthouse. Let them be proactive and use the opportunity to encourage the good developers, like Prime Homes and Metal Drive developers, and discourage the fly by night speculators or at least recoup their expenses when the speculators break their promises.

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

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the Site Plan submitted by Fort Pierce Commercial Properties LLC for Metal Drive Master Plan for construction of four commercial buildings at 6502 Metal Drive, with the following conditions: The internal landscaping and architectural elevations for each phase are reviewed by Staff and approved by the Design Review Board in conformance with the Design Review Guidelines and Procedures, and that a municipal bus stop is installed to service the development.

Commissioner Becht asked do they have any legal authority to impose a Performance Bond in this situation?

City Attorney Schwerer said under these current circumstances, the answer would be no.

Commissioner Becht said there appears to be some disagreement on that, but he has to rely on counsel. If the Code does not provide for that in this circumstance - and he is not sure that he would have imposed it in this circumstance anyway - as they review their LDR's (Land Development Regulations), he would like for that issue to be addressed; and where appropriate, he would like for the City to have authority to request or demand a Performance Bond in appropriate situations.

Mayor Benton said that information should be forthcoming because he had asked about it also. Certain developments they can and some they can't, but it is something they need to address.

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

Mayor Benton said Commissioner Nelson had brought up the discussion about some of these walls like they have down south, maybe some kind of landscape buffer. But everything he has seen down south with these walls, it draws graffiti. That is the last thing they need is more graffiti.

Commissioner Nelson said if they talk to people in these new areas out there like Meadowood they are asking for these, particularly in the home residential area.

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The next item on the Agenda was a Public Hearing on Application for **Site Plan Review - Preliminary Development Plan** - submitted by Orlando Land Company IX, LLC, to construct **Old Florida Village**, a mixed-use commercial, multi-family, and single family development on property generally located at the southwest corner of Jenkins Road and Graham Road, north of Okeechobee Road; said property currently zoned R-2, with application for rezoning to PUD, Planned Unit Development, being considered concurrently with the Site Plan.

Mayor Benton said before they start, he wants to say for the record that he has met with the developer on this one.

Commissioner Nelson said he did too.

Commissioner Coke said ditto.

Commissioner Becht said ditto.

Mr. Peter Buchwald, Zoning Administrator, said the applicant proposes to construct on seven existing parcels located on the southwest corner of Jenkins Road and Graham Road a mixed-use commercial, multi-family, and single family development. The applicant also requests a rezoning of these parcels from R-2, Single-Family Intermediate Density, to PUD, Planned Unit Development, to permit the proposed development. Unincorporated land is located to the north and west of the site, R-4 zoning is located to the east, and R-1 zoning and unincorporated properties are located to the south. The Future Land Use classification is R-L, Low Density Residential, and the proposed development and rezoning are consistent with the Comprehensive Plan.

This aerial photograph shows the existing single family uses predominantly to the north and south, with existing and proposed multi-family uses to the east, and the new K through 8 school under construction also to the east of the site. The proposed development is consistent with the surrounding land uses. The proposed

development consists of commercial development in the eastern portion along South Jenkins Road with townhomes along Graham Road, transitioning to duplexes and single family homes in the southern portion. A total of 282 residential units are proposed which results in a gross density of 5.99 units per acre. Amenities provided as part of the development include a 3.16 acre central community park, a 3 acre lake water feature along with several linear and smaller parks, a 3,000 square foot clubhouse and gym, tennis courts, swimming pool, and playground. The commercial development will be divided among three future parcels and will consist of a 14,200 square foot retail building in the northeast corner, a 14,000 square foot three-story office building in the southeast corner, with a 23,400 square foot, single-story commercial strip center between these two buildings. A lake water feature and two small parks are located around the commercial strip center. The townhomes will consist of 24 seven-unit buildings with three floor plans. Each of the townhome units will have a rear loaded one-car garage accessible by an alley.

In addition, the townhomes will feature front porches and rear yards or patios that are fenced or walled for increased privacy. The duplexes will consist of 70 two-story units and each of the duplex units will have a one-car front-loaded garage, porches, and patios.

The single-family homes will consist of 44 two-story units with three floor plans ranging from 2,000 to 2,400 square feet. Each of the homes will have a one-car garage and a one-car carport. This is some of the elevations which show they will have two types of single family homes. The theme throughout the development for the townhomes, the duplexes, the single-family homes, and the commercial development is consistent. They can see the two types of the single-family homes that will be offered, then they merge into the duplexes or the twin homes as they are known, and finally they have the townhomes, and then they have some examples of the commercial buildings as well. The development is designed with a grid pattern with two accesses along Jenkins Road, another access along Graham Road. Future connectivity to the properties located to the south and to potential future roads is provided by roundabouts at the south end of the section of single-family homes. Also they will see the dedication of right-of-way in the southwest corner of the development for another future connection to Tedder Road is being given as required by the County. In addition, 40 feet of right-of-way will be donated along Jenkins Road as required by the County. Sidewalks and bike lanes will be provided along Jenkins Road and Graham Road.

A school bus stop will be provided on Graham Road as required by the School District. Municipal bus stops will be provided on both sides of Jenkins Road. Crosswalks will be provided along Graham and Jenkins Roads at the intersection and across Jenkins Road at the southeast corner of the development to connect to the new K through 8 school. According to the Traffic Impact Analysis, the proposed uses will result in just over 2,800 daily trips, with 25% distributed to the north on Jenkins Road, 55% to the south, and 20% to the west on Graham Road. Therefore, the road improvements that will be constructed to mitigate these impacts consists of the following: Left-hand and right-hand turn lanes into the development from Graham Road; right-hand and left-hand turn lanes on eastbound Graham Road at its intersection with Jenkins Road; a left-hand turn lane on northbound Jenkins Road at the intersection with Graham Road; and right-hand turn lanes into the development from southbound Jenkins Road. Signalization of Jenkins Road and Graham Road will be done at the 100th building permit or they will provide a proportionate fair share contribution if the signalization is not warranted at that time, that will be determined by the County. And also, a proportionate fair share contribution will be given by the developer to the County for the future widening of Jenkins Road to four lanes.

It should be noted that no left-hand turn lanes from the development from northbound Jenkins Road will be permitted by the County into the entrance locations as they are designed. The developer has accepted this condition. In order to prevent something that happened in Harbour Isle, a development schedule provided in the PUD documents indicates that development will be constructed in three phases. Construction of the amenities will be completed prior to the occupancy of greater than 50% of the residential units in the first phase. In addition, construction of the commercial strip center will be commenced prior to the occupancy of the last of the phase one residential units and will be completed prior to the occupancy of the last of the phase two residential units. Here they are tying in the commercial development to the residential development, and they can withhold Certificates of Occupancy until the developer does as promised. The other two commercial parcels are intended to be built when tenants have been secured or sold to others for construction. However, these parcels will remain sodded and available for public use until construction is started on these parcels. A total of 40 notifications of the rezoning application were mailed to those property owners located within 500 feet of the proposed development. As of today, 10 responses have been received - 5 of which approve of the rezoning and 3 of which oppose the rezoning, and they have 1 undecided and 1 no comment. At their meeting on June 12, 2007, the Planning Board voted unanimously to recommend approval of the plan and the rezoning with the condition that site-obscuring natural barriers be installed along Canal 37 and those single-family lots that abut off-street residential properties. Since the Planning Board meeting, the applicant has revised the plan to include a vinyl-coated chain link fence with a hedge along Canal 37. However, this does not satisfy the condition of the Planning Board which indicated that the barrier be natural, not include a fence. In addition, the revised plan does not include a natural barrier along the single-family lots that abut the off-site residential properties. However, the applicant indicates that the plan will be further revised to satisfy that Planning Board condition; and the applicant has met with the surrounding property owners, including owners of those properties abutting to the south, and pledges to install a wooden fence and landscaping at their request along that border. The applicant is here to provide those details. All affected City and County Departments have approved the Preliminary Development Plan and Rezoning. As the Preliminary Plan and Rezoning meets the requirements of the City Code, staff recommends approval of the Preliminary Development Plan and the Rezoning with the condition the applicant revises the plan to provide site-obscuring natural barriers along Canal 37 and a barrier along those single-family lots that abut the off-site residential properties which is acceptable to the Commission.

Commissioner Nelson said when he first looked at this, he thought they had one person opposed. He sees this jumped up to three. Does he know to what extent their objections were?

Mr. Buchwald said those residents are located on the north side of Graham Road which is in unincorporated St. Lucie County.

Commissioner Nelson said not the location of the residents. The problems they posed, why they objected.

Mr. Buchwald said they objected because they believe there is too much development as there is for Jenkins Road including the K through 8 school and all the proposed developments that has been approved to date that are in the County that have not been annexed into the

City. They indicate a general opposition to the development that has already been approved and think that this additional development is just too much.

Commissioner Nelson said Mr. Buchwald mentioned the single-car garages and the stacking of cars in the driveway or in the garages.

To what extent was that addressed with the developer on that issue, i.e. having double garages as opposed to single-car, in view of the fact that they anticipate that each unit is going to have at least two to two-and-a-half cars and that they have to park them someplace?

Mr. Buchwald said rest assured, Staff brings that up at the pre-application meeting to every developer that walks in the door, the Commission's concern with not providing enough garage parking.

So that has been identified to them from the onset. But there are some things to consider. They are providing some carport areas in the single-family homes and in the twin-homes as well. But in addition, there is additional parking with regards to the townhomes.

They have over-parked the townhomes and have several parking areas there and parking on the street. But in terms of the single-family homes providing only space enough for two cars, that is all they are offering at this time. The other thing to consider though, if they do add additional sized garages, that does mean they will occupy more of the property, there will be less open space between the cars.

And the last thing he will point out with regard to that, it is market-driven. Those people who have that number of cars, simply the market will determine that this is not the place for them.

Commissioner Nelson said he lost him on that one. Does he realize that virtually every household now has two or three cars, whether or not it is a townhouse or a condo or whatever the case may be.

Mr. Buchwald said at some point the market has to dictate that type of thing. There are developments that have three car garages. Bent Creek has three car garages. If having a place to store their car is that important, then the market should have a selection for those people who do not want to park their car outside or on the street.

And that is what the market has to drive some of this in terms of developers selecting to put in two car garages or three car garages, they have to allow the market to dictate that. A developer certainly does not want to build something that is not going to sell.

Commissioner Nelson said he can certainly understand that. It is costly too and it cuts down the number of units they can have. He reviewed this, they appear to be having more parking spaces than required under present circumstances.

Mr. Buchwald said they do around the townhomes and all around the community park, those are certainly within walking distance of the duplexes.

Mayor Benton asked what is the total amount of open space? Is it 45%?

Mr. Buchwald said let him look at the plan he has here. The reason is because there is actually an open space depiction that not only identifies the amount of open space but clearly delineates the differences between common open space as defined by the Code.

Mayor Benton said 45% is what he was looking at. He just want to verify that number.

Mr. Buchwald said the required open space of 40% is 21.72 acres. They are providing 25 acres of open space. But more importantly than that he thinks is the common open space. Because there are certain criteria in the Code that indicate what can be open space and what cannot be open space. And as they can see here, those shaded areas are common open space. What the Code says, they cannot include parking areas, they cannot include right-of-ways, a certain portion of it has to be useable by the public. So that is another good factor that they have here is that they are meeting that requirement as well in terms of providing 75% of that 40% has to be common open space.

Mayor Benton said he thought he saw 45%, but he will ask the developer. He does not recall ever seeing a project in front of them with almost half of it open space.

Mr. Buchwald said 45.8%, he is correct.

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

**Mr. Mike Cosculluela**, Cosculluela & Marzano, P.A., said he is the representative for the developer, Orlando Land Company. He really does not have any comments as far as the presentation. He would like to think that the presentation by Mr. Buchwald speaks for itself. If they have any additional questions, he brought Stefan Matthes with Culpepper & Terpening. He also brought Jim Zade of the Gecko Group, the architects that came up with the good-looking plans they saw.

Commissioner Becht asked do they have everything they need from the County - road improvements, proportionate fair share agreements, and that stuff? Because they are lucky enough to have a County Commissioner with them tonight who could probably expedite that if they do not. That would be County Commissioner Grande.

Mr. Cosculluela said in response to that, Stefan Matthes who is their engineer can speak in more technical terms; but he knows they have given a letter in writing...

Commissioner Becht said he knows Mr. Cosculluela can handle that part, what they have given the County. What he is asking is, do they have everything back from the County that they need? Because if they do not, all jesting aside, he would like for the County, and particularly the County Commissioner that is here with them tonight, to know if they do not have everything back. And if they do, he would like for them to know they do have everything back.

Mr. Cosculluela said his understanding is they have not entered into a final fair share agreement, but they have made the written representation that they are willing to contribute their fair share. The County has accepted that general term, but they have not finalized the fair share agreement. He hopes that satisfies his question.

Commissioner Becht said yes, it does.

**Ms. Sallie Tiwari** said she is the owner of the property two lots south of this proposed project. Her biggest concern is the noise level. Recently with the school being built smack in front of her residential home, being a residence is defeated and she is

tremendously affected with the noise and the building that has been going on for the last year. So she would like to know how is this project going to enhance her property and what is being done with the traffic?

Mayor Benton said as far as the traffic, the developer is making their commitment to the County for road improvements. Just so she knows, those thousands of residential units that have been approved on Jenkins Road, the majority of those were not approved by the City Commission but by the County Commission. There was a couple projects across the street from this development that were approved by the City. There will be road improvements out there; but that area is growing and the quality of life that she is used to out there, almost the country life, unfortunately is gone. That was not the City's fault, that land use and the zoning was in place many years ago, back in the 1980's. It was just a matter of when the market came and it has.

Ms. Tiwari said she guess she was not informed of the school project in front. She decided to purchase, moving from South Florida six years ago. She feels like she is forced to move so she has a For Sale sign right now. With this project, she is wondering how is it going to affect her property? Because she does not think anyone would purchase this property as a residence. So what would be the future zoning for all the properties that are abutting this village that is going to be built there?

Mayor Benton said he could not answer that because she is probably in the County right now and she would have to ask County Planning staff. But he knows most of the property out there has a high residential zoning, probably R-2 or R-4. She would have to call St. Lucie County and check on that.

Ms. Tiwari said hers is currently zoned R-2. So with this village, what zoning would be given to them to go ahead with the project?

Mayor Benton said this will be a Planned Unit Development. It has mixed-use commercial and residential. Just under six units an acre and he believes that is equal to... What would the zoning be with six units an acre?

Mr. Buchwald said R-1 is four units per acre. But the R-2 is typically two units per acre in the County. So that would come in at their least dense residential zoning, which would be R-1. Until they adopt the Comp Plan and make the changes in the Land Use Development regulations, then they have some lower zoning categories. But at this time, if it came in today, it would at R-1.

Ms. Tiwari asked if someone was going to purchase her property if she has an interested buyer...?

Mayor Benton said he cannot answer those questions, that would be up to the proposed buyer or a realtor might be able to answer those questions or maybe the County Planning staff.

Ms. Tiwari said she was speaking briefly to someone from the developer; and what he said was it is going to be four lane traffic on Jenkins Road and each property will have to surrender four feet.

Mayor Benton said that is another County issue. It is a County road and the County Engineering Department would be making those decisions.

**Mr. Jeff Jenkins** said he lives on Graham Road. He is one of the three opposing this development. Just south of there about three or four miles on Edwards Road and Jenkins Road was a development that pushed some orange trees down and put up a sales trailer. He did not catch the name of it because the trailer was not up long enough before they left. KB Homes where Neills Produce used to be on Okeechobee Road (SR70) and Jenkins Road came and knocked the barn down and moved some dirt around, they are gone. Bent Creek started and got some homes built, he thinks Mercedes Homes has bought half of it or something. Now just north of Jenkins Road towards Orange Avenue was Whispering Oaks, which he does not know why they call it that because they tore all the oak trees down so there are no oak trees in Whispering Oaks. They got all these developments that started and did not go too far. He is wondering how is this going to go anywhere? Maybe this is not the time. Maybe twenty years from now after he has left would be a good time for it as far as the residential homes go. As far as the business goes, there are a lot of vacant businesses in the Orange Blossom Business Center and the Outlet Mall by I-95 and the Turnpike, there are some places where they can go to open a business, one of those vacant places there. He did not hear anything about the four lanes, he just heard there is going to be a bunch of turning lanes on Jenkins Road into the development. Right now the traffic is really bad down Jenkins Road from the school. He does not understand that either. That is just his thoughts, he does not know how it could go anywhere. Everything else that is started in that area stopped before it got started or even halfway through, and that is as far as it has gone. There were some nice looking homes, the models are nice. And he is sure some of the other places that started had nice looking homes too when they made the presentation. He just wants to leave them with that.

Mayor Benton said he feels his frustration like all of them, because those empty homes are hurting them. Because it might help as far as impact fees by putting lines in the ground, but they just do not pay all the bills when it comes to the wastewater treatment plants and water plants and also the roads. But people have development rights when they buy this land. It has a land use or a future land use. Most of what has been approved along Jenkins Road was out of their hands; and the minute it has the water and sewer, it becomes part of the City. All they have been asking the County to do for years is make improvements to that road because it will be the City's one day.

Mr. Jenkins said when he comes out of Nobles Road onto Graham Road, he likes to see the one nice oak tree left there. But if the development does not go and it is not finished and something happens, then he has to come out and look at that.

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve the Preliminary Development Plan for Old Florida Village submitted by Orlando Land Company IX, LLC, subject to the condition that site-obscuring natural barriers be installed along Canal 37 and those single-family lots that abut the off-site residential properties which are consistent with the Homeowner's Association Covenants and the City Code.

Mayor Benton said the other developments that the City did approve across the street, he did oppose. This one, because of the quality of the architecture and the huge amount of open space and knowing that this is what is going up all over Jenkins Road and with the school across the street, this is probably one of the better developments out there. As much as he would like to see Jenkins Road lined with one acre or two acre home sites, unfortunately he does not see that happening. He thinks this is better than the others, so he will be supporting this one.

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

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Ordinance No. K-498 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **REZONING** SEVEN PARCELS OF APPROXIMATELY 55.45 ACRES LOCATED AT THE SOUTHWEST CORNER OF JENKINS ROAD AND GRAHAM ROAD, NORTH OF OKEECHOBEE ROAD, FROM R-2, SINGLE FAMILY INTERMEDIATE DENSITY ZONE, TO PUD, PLANNED UNIT DEVELOPMENT ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only. (Applicant: Orlando Land Company IX, LLC)

Mr. Peter Buchwald, Zoning Administrator, said this is the rezoning portion (for Old Florida Village mixed use development), from R-2 to PUD, Planned Unit Development.

Mayor Benton declared a Public Hearing on Ordinance No. K-498 in session and asked if anyone in the audience wished to be heard.

**Mr. Mike Cosculluela**, Cosculluela & Marzano, P.A., said as a matter of housekeeping and for the sake of the two homeowners who spoke previously (Ms. Tiwari and Mr. Jenkins), he just wanted to make a general comment for the record. He did meet with three of the directly impacted property owners - Mr. Jackson Courtright, Mr. David Williams, and Mr. Wilfredo Gonzalez. All three indicated their support. Mr. Courtright and Mr. Williams, he has a Gentlemen's Agreement, he wants to formalize it for their protection and as a good faith gesture to them, that he was going to provide a wood fence on their perimeter along with a landscape buffer on their side of the property line. He just wanted to put that into the Minutes for their sake.

Mayor Benton said he thanks him for meeting with the neighbors, he knows he met with several of them out there, he does appreciate that, trying to ease the pain. Because he knows Mr. Jenkins just moved back to Fort Pierce several weeks ago and he grew up on that street. It has just been a lot for the property owners to digest. It used to be the country out there, but that is the past.

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-498 be passed on first reading

Those voting in favor of the passage of Ordinance No. K-498 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Public Hearing for Application for Waiver of Distance required in Section 3-7 of the Code of Ordinances

submitted by Jim Schlitt to obtain a 2-COP license in order to sell beer and wine for consumption on premises at **Salty Dogs**, 109 Fisherman's Wharf; said property zoned C-6, Marine Commercial Zone.

Mr. Paul Williams, Urban Forester, said Section 3-7 of the City Code prohibits the City from granting approval for the sale of beer and/or wine by retail for consumption on premises where the establishment is located within 1,600 feet of other licensed restaurants, bars, liquor stores, churches, or schools, unless a Waiver of Distance is granted. From this aerial photograph, they can see that no churches or schools are located within 1,600 feet. However, two existing licensed establishments are located within 1,600 feet of the proposed establishment. The first is called Muther Tuckers and is located to the south approximately 521 feet. Also, Catch 22 is approximately 822 feet to the southeast. The subject property is approximately .22 acres in size and is zoned C-6, Marine Commercial, with a Future Land Use of CM, Commercial Marine. The surrounding properties are zoned C-6, to the east, west, and south, and I-2, Marine Industrial, to the north. The applicant intends to renovate the space, which formerly contained a convenience store called Instant Mart, into a restaurant where beer and wine will be served to patrons. The site plan shows proposed parking and landscaping per code. Three new landscaping strips will be installed to create driveways of 36 feet in width as required by Code. These will be planted with Coco Plum hedges and Sabal Palms and Silver Buttonwood trees. Additional landscape will be installed by the applicant around the restaurant consisting of Coconut Palms, flowering shrubs, and ground cover. The applicant has provided a seating plan for 35 patrons as required by Code. The hours of service for the proposed new restaurant will be from 5:30 a.m. until 10:00 p.m. Notifications were mailed to the property owners within 500 feet - 34 notifications were mailed, 8 responses have been received to date, 8 of which approved and none opposed the Waiver of Distance. At their June 12, 2007 meeting, the Planning Board unanimously recommended approval of the Waiver of Distance for the proposed establishment. As the proposed establishment does not appear to adversely affect community health, safety, or general welfare according to the criteria specified in the City Code, Staff recommends approval of the Waiver of Distance for a 2-COP Alcohol Beverage License for the proposed establishment.

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

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve the Waiver of Distance requested by Jim Schlitt to obtain a 2-COP license for Salty Dogs at 109 Fisherman's Wharf.

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

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Ordinance No. K-496 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CREATING ARTICLE XV.5, **EMERGENCIES - DISASTER**; CREATING SECTIONS 2-282 THROUGH 2-290; PROVIDING FOR INTENT; PROVIDING AUTHORITY OF MAYOR TO DECLARE A STATE OF EMERGENCY AND FOR GENERAL AND EMERGENCY POWERS OF THE CITY MANAGER; PROVIDING EXPENDITURES MADE DURING EMERGENCY ACTIVITIES BE DEEMED TO BE FOR DIRECT PROTECTION AND BENEFIT OF THE INHABITANTS AND

PROPERTY OF THE CITY; PROVIDING FOR A HOLD HARMLESS AGREEMENT IN ORDER TO ENTER AND REMOVE STORM GENERATED DEBRIS FROM PRIVATE AND GATED COMMUNITIES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

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

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. K-496 be passed on second and final reading.

Commissioner Alexander asked understanding that as far as being private roads and gated communities, what are they saying about the Mayor going to be able to impose a State of Emergency so that it can be done and taken care of?

Mayor Benton said yes.

Commissioner Alexander said at one time he thought they were not allowing any developers to come in with gated communities.

Mayor Benton said they already have some in the City limits now. This is so if they have a hurricane this year or next year, they can get in there and get it cleaned up.

Commissioner Alexander said he is not speaking of the ones they had previous, he is speaking of the ones that are coming. It is just a question he heard and he was not aware of any. When he read this, he just thought to make sure he asked. Is Bent Creek putting up gates?

Mayor Benton said they have walls up. That is a gated community.

Commissioner Becht said the City did not approve it, they annexed it.

Those voting in favor of the passage of Ordinance No. K-496 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-497 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING CHAPTER 22, ZONING, SECTION 22-59, **DESIGN REVIEW**; AMENDING SECTION 22-59(a), PROVIDING THAT DESIGN REVIEW RELATED TO ANY CHANGES TO HISTORIC STRUCTURES OR ANY NEW CONSTRUCTION ON AN HISTORIC SITE OR IN AN HISTORIC DISTRICT SHALL BE REVIEWED BY THE HISTORIC PRESERVATION BOARD; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Ms. Christina Croxell, Historic Preservation Urban Designer, said she is presenting the second reading of the proposed amendment to Section 22-59, Design Review Guidelines and Procedures. As discussed before, Staff identified a conflict between the procedures outlined in the recently enacted Design Review Ordinance and procedures specified in Chapter 23, Preservation of Historic and Archaeological Sites, Structures, and Districts. The proposed amendment is in the applicability section which places all

construction on historic sites and within historic districts under the review of the Historic Preservation Board.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-497 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-497 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Mr. John Donahue, LBFH, Inc., to give State Road A1A Status Update.

**Mr. John Donahue**, LBFH Inc., said he just wanted to update them on the progress of the design of A1A. They are under construction on Phase 3. 90% plans were submitted as promised to the FDOT and to the City. The City should give them comments in a couple of weeks and FDOT probably in the second or third week of August, then they will proceed with final design plans and permitting to get that section going.

Mayor Benton said Phase 3, he noticed that they started, they put a bunch of barricades out, but he does not see a lot of action. He did not see a lot of workers out there in the last couple of weeks.

Mr. Donahue said he believes that FPUA is working with the Engineering Department on their part of that construction phase. He has to defer to Jack Andrews on that.

Mayor Benton said hopefully it is because they are waiting for approvals that were given last week. Are they ready to move forward?

Mr. Jack Andrews, City Engineer, said yes. He believes at the next U.A. Board meeting they will be bringing Dickerson's contract for the utilities.

Mayor Benton asked is he telling them that it is sort of on hold until the FPUA Board makes a decision?

Mr. Andrews said no. They are also doing work with their unit price contractor, so the work is proceeding.

Mayor Benton said they definitely do not want to hold this up, they have been waiting too long. He does have one question just for the record. He had talked to Stefan Matthes (of Culpepper & Terpening) about the roundabout in front of Harbour Isle and he told him about a couple holdups that had to do with a palm tree in the middle. That is absurd. Who would like to explain that to them?

Mr. Donahue said he has not heard about any palm tree in the middle. He did talk with Mr. Matthes tonight as he was leaving. There were some comments on the lighting plans. Those should be resolved, he thinks Mr. Matthes is expecting them tomorrow; and then he is ready to resubmit to FDOT. So then it is just waiting for FDOT to issue the permits. He thinks it is finally going on that one.

Mayor Benton said Mr. Matthes also mentioned that there is a certain decision about a coconut palm in the middle of the roundabout. As they know, coconuts could be a hazard. But he would hope something as simple as a different type of tree would not hold this project up any longer.

Mr. Donahue said he can't see that happening.

Mayor Benton said it that does come up, please call him. They know what a couple of mangroves did because of a sidewalk; it was what, six months?

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The next item on the Agenda was Mr. Don Root, AGCR LLC, to give update on formation of Fort Pierce Public Economic Development Agency.

**Mr. Don Root**, AGCR LLC, said he is here to give them an update on activities that he has been doing. The last time he was here was in March and so he wants to go through the various projects he has been working on and give them an update and allow them to certainly ask questions and hopefully he will have their answers. First thing he wants to address is the status of the Fort Pierce Public Economic Development Agency. It was established on April 3, 2006, by Resolution No. 06-29, designating the City Manager's office as the Fort Pierce Public Economic Development Agency. That was done last year. What he has done since then is to put together a set of what he would characterize as by-laws for that agency dealing with the purpose, the mission, the activities of the agency, structure of the board for that agency, how they would be selected, their term in office, and pretty much describing what the agency would do and how it would get those things done. As an example, the mission. In economic development it is a question of are they competitive or are they not? And the objective of the Economic Development Agency is to put Fort Pierce in the most competitively advantageous position for the recruitment of both tax base and the creation of jobs. That is what this is set up to do. The chief activities are to develop industrial property that is ready and available at the right price, certainly participate in recruitment of prospects in working with the EDC of St. Lucie County, particular incentive packages the City might want to offer. The agency would do that. It would look at how the City invests in industrial property or partners with developers in the development of industrial property. It would do those types of things. It would also do business retention and expansion visits and discussions with some of the Commissioners. Perhaps educational offerings for businesses, describing to them how they can particularly take advantage of some of the things the City is doing like the Sunrise Theatre and other things. That would be working strictly with Fort Pierce businesses. The other thing is to develop an overall strategy plan for Fort Pierce along with action plans to implement the strategies. That document report has been submitted to City staff and is under review at this point. As they work through that issue, then the next things to do is to get those by-laws adopted, activate the agency, select board members, get their initial meeting under their belt, and get started. Once the by-laws are all agreed to with staff, he assumes it would have to come to this Commission to be accepted, and then the agency could be set up. That is where they are at on that issue.

Commissioner Nelson said he failed to follow Mr. Root. He would like to go back in time wherein they had the contract awarded to him, he thinks in the sum of about \$50,000. And at one point they asked the City Manager whether or not he thought that Mr. Root was

in fact living up to the dictates of the contract and his level of satisfaction. He does not recall what charges Mr. Root was given with respect that what he wanted to do and to what extent he has in fact fulfilled those charges. Can he tell him specifically and categorically that he set out to do these ten things, he did these five or eight or whatever the case may be? And once that will have been established, he would want Mr. Root to tell him what did he proposes to do in the future? Did he get so many jobs, did he get so many businesses? He does not know, he does not put his hands around a measurable entity there. To give another example, they had a guy who they had as a lobbyist for the courthouse. They paid some \$30,000 one time, then they paid him another \$30,000. Looking back, from all indications they are going to have a courthouse right across the street over here. He would look to Mr. Root to have something like that for his efforts. Can he fill him in on that area?

Mr. Root said that is part of the presentation tonight is to go through the different things he has been doing so that they can get a feel for what has been accomplished.

Commissioner Nelson said he thought Mr. Root just did. He is sorry he got ahead of the game, but that is what he is looking for.

Mr. Root said he understands. If they want to talk about this particular one, the accomplishment is to put these by-laws and rules structured together for the agency, which has been submitted to staff and waiting their review; and then once that is agreed to, then they can activate the agency and select a board and begin to operate. He was asked to do that piece of work and it has been completed.

Commissioner Coke asked can he tell her at what junction that will be presented to this Commission?

Mr. Root said he cannot answer that. It has been submitted to staff and he has not had comments back from staff as to...

Commissioner Coke asked but at some juncture before it is put together and it is formulated as a separate agency, it will be coming back in front of this Commission?

Mr. Root said it will have to, yes.

Commissioner Alexander said he has been receiving a lot of communication and comments about that Taylor Creek area, so obviously someone is being delighted to take an interest inasmuch as he has been reading in the past communication about the interest in that area. By them putting this Economic Development Agency together, they will be right on time when the point comes for anything to be done. Something is being done and being prepared?

City Manager Beach said he understand it from the Director of Planning, the proposal or at least the product that was contracted for under this agreement has been submitted to his office and that is currently under review. He is assuming that the answers to their questions are in that report.

Mr. Root said one of the things they talked about when he originally addressed to the Commission last July at their workshop, what they talked about was how to be really competitive. And one of the phases they came up with is they needed to have ready real estate at the right price through industrial land development. So he wants to

go through that and talk about the two areas they looked at. There are two different types of industrial parks. The first one was the marine industrial park. They looked at the Taylor Creek area to develop a marine industrial setting. It can be industrial and commercial as well. That work has been ongoing. In order to do anything on Taylor Creek, they have a series of bridges that need to be addressed. The first one being the railroad bridge. Part of his work was to get with FEC (Florida East Coast Railway Company) and get them on board in terms of could they modify that bridge. They have brought FEC to the party. He went to Mr. McPherson who is the President of FEC and said this is what they want to do, it is for the best interest of the City; and by the way, they understand they will have to pay for the bridge. His only comment to him is they would love to work with them, just need to figure out does that mean more business for FEC? And since they had that conversation, the FEC has come on board, they attended the Taylor Creek Charrette.

They have talked about a vertical lift bridge at Taylor Creek that would provide clearances of about 55 to 60 feet vertically and 100 feet horizontally, which would give plenty of room for vessels to go up and down Taylor Creek. They have gotten a cost estimate from the FEC, their cost estimate is \$25.5 million for that bridge. It does not include any dressing up of the bridge as proposed by the Treasure Coast Regional Planning Council. It also includes \$2 million for the contingency and also money for a temporary bridge while that one was modified. So that is their cost estimate at this point from the FEC. The other issue with that bridge is, who will maintain it and operate it? Clearly FEC needs to do that, but FEC would like the City to pay for the maintenance of that bridge. He does not have a maintenance cost, but that is one of the issues he is working on with them, to find out what would be the yearly maintenance cost and to negotiate with them as to how long this would go on that the City would be paying for it. Eventually he thinks it should be transferred back to FEC. The other issue they have to be very careful about, FEC has been purchased by Fortress Investment Group LLC. That sale will close probably in the third quarter of this year, so they may have a new cast of players at the FEC to deal with, he does not know; but they need to keep their eye on that. Besides the railroad bridge, there is the bridge over Old Dixie Highway that in his opinion can be eliminated. And then they come to the U.S. #1 bridge. There they have maybe three possibilities and they have looked at those three. In order to get the same clearances on U.S. #1 as they have with the railroad bridge, they would be looking at probably a fixed span bridge that would give them those sorts of clearances, which would be he thinks a huge bridge in the middle of town which does not make sense to him; or a drawbridge, a bascule type bridge on U.S. #1, which does not make a lot of sense to him either. So what he has been pursuing is the idea of using a tunnel for U.S. #1, similar to what has been done down in Fort Lauderdale a long time ago and what the City of Miami is looking for several of their roadways where they have the drawbridges which disrupts traffic terribly. He has gone back and worked with those folks. They have an estimate for doing the tunnel, it is around \$40 million for the tunnel. Big numbers, but that is what it would be. The life cycle cost of a tunnel versus a draw bridge is about the same. In fact, he thinks the tunnel would be a little bit cheaper.

He thinks it would be something to consider, a unique feature for Fort Pierce and it would preserve the land along Taylor Creek for the public or for development or whatever the pleasure of the City would be at that point. So they have two bridges there. They would use the Old Dixie Bridge while the bridge was being modified on U.S. #1. Those are done. He picked an area for the industrial park. This is an area north of Juanita Avenue on the Fort Pierce Farms

Water Control District's Canal #1. He will tell them in investigating this, they have spillways on both the C-25 Belcher Canal and on this canal. The spillways pose a serious problem for them, there is no real way around those spillways, a lock system will not work because they would end up draining the canals. He looked at this area as a possible area for industrial development, it represents 43.5 acres. The City of Fort Pierce is contiguous with the area. He included the WR Grace property and some other properties in here. He thinks this would be the best they can do in terms of industrial development along the canal and they can achieve their original objective. What has to be done here is certainly there is some annexation that would have to be done. To redevelop this area they are going to have to utilize the Redevelopment Agency he would think. In fact, for all of what is going on on Taylor Creek, he thinks the Redevelopment Agency is going to be key, probably along with a special assessment district to get that done. This would be the area he would recommend. Perhaps in the future this could be expanded northward, but right now there is a trailer park there. So this is the area he would recommend for that particular industrial park. In going forward, they would have to do the annexations, look at the financing mechanisms, and agree that this would be their target. He does not know if this satisfies their desire for an industrial park.

Mayor Benton said he has been looking to get numbers on what it would take to deal with those bridges and he thought it might be some type of partnership. But \$60 million is definitely not in their budget, probably not in his lifetime. Hopefully one day something can be done there, because especially the railroad bridge will have to be replaced at some point. And he thinks with a little imagination, something could be done with the one on U.S. #1 because it is a pretty old bridge. For them to have to absorb the cost completely, he thinks they are going to have to wait until the day that some of these bridges need those repairs or replacement.

Mr. Root said he thinks they need to look at the bridges and the industrial park in terms of the overall Taylor Creek Charrette and that should be joined together and meshed together. The question is, how do they finance that entire redevelopment that the Regional Planning Council is talking about? What they are trying to do here would fit in with that overall proposal.

Mayor Benton said they are still waiting to get at least a report from the Regional Planning Council from that Taylor Creek Charrette. They still have not seen the results of that, other than what they saw that day. Hopefully in the near future, they will be making a presentation to this Commission.

Mr. Root said he is recommending that these things from the City's point of view be incorporated into that Charrette as the wishes of the City that they can accomplish here. And the overall combined effort, they are going to need a heck of a lot of money to redevelop that entire area as proposed.

Mayor Benton asked was there any response from the County about using this parcel up here for the dredging of Taylor Creek for the spoil?

Mr. Root said he did not receive any.

Mayor Benton said he had given them the map and said this would be a better location than Harbour Pointe. He was hoping they would...

Mr. Root said they have not responded to him.

Commissioner Nelson said he was at HarborTown at that Taylor Creek Charrette for the presentations and the study session beforehand.

Did Mr. Root make a presentation, did he actively participate in that Charrette?

Mr. Root said he made presentations to the Regional Planning Council.

That weekend they were working between the two presentations. He made presentations to them at that point. They brought the FEC representatives in to make presentations. He attended several meetings with the Regional Planning Council during that week.

Mayor Benton said lets hear about the other industrial park.

Mr. Root said let him talk about the Cargill Park. They are also looking at a more traditional industrial park. They original talked about the City buying the property, developing the property, and then selling or giving away the property in exchange for a tax base.

The first opportunity that came to them was on the Cargill site, the 170 acres. The original idea here is to create a permit-ready park. He would propose to do something similar to what Martin County has done out in Indiantown with a permit-ready park where they can get their permits in a very short period of time. He proposes they do that here, he has had discussion with staff on that. Brian Mantis, who is here, is going to be the new owner of the property shortly.

Mr. Mantis and his partner are purchasing this site. They had a developer originally involved with this, no longer involved. Mr. Mantis and his partner are going to close on the property and do the developing themselves. It is 170 acres between Selvitz Road and 25th Street. This is Fort Pierce Central down here with Selvitz Road up top. They are proposing an east/west road from Selvitz Road to 25th Street to handle traffic. Their opportunity here is to partner with the land owner. What they have done there is work Mr. Mantis and his partners to put together a Developers Agreement. The idea here is to provide facilities either ready to be built on or facilities ready to be occupied and provide single digit triple net lease rates here. They are asking the City to make an up-front partnership investment with the developer. They are looking at the financing mechanisms for doing that. This is an area that needs to be redeveloped and they are looking at the possibility of using the Fort Pierce Redevelopment Agency out in this area, which would take some imagination and they are working on how that might happen.

A Developers Agreement, they have not seen it yet because they needed to develop a financial tool that would allow them to look at the investment and the rate of return for the City. This would create 2,500 jobs once it is fully built out, about two million square feet of industrial space. This would be a tremendous employment center right off of 25th Street, it would provide a lot of jobs for people in Fort Pierce, and they are looking forward with that. The things that they need to do, certainly Mr. Mantis needs to close on the property. They are doing a traffic impact study that looks at the phasing. The model assumption for the financial, what the City will put in and how they would get it back, is in process, the model is in place. And they are working on Developers Agreements with the City and an Improvement Agreement with the County. Those are all things that are going on at this point in time.

Mayor Benton asked has St. Lucie County come to the plate as far as a partnership also in this?

Mr. Root said no, not at this point. They have had discussions with all the Commissioners. They have not found a mechanism for them to participate at this point. They have talked to them about impact fee credits and they are willing to participate from that point of view because there are some off-site traffic impacts and intersection improvements and those things that have to be done. They have agreed to look at that; but other than that, no they do not have a commitment from the County.

Mayor Benton said something like this is so needed. He knows they have all met with certain investors or business people that have come into St. Lucie County or Fort Pierce, this area in particular, and they have left. One just opened his business this week he believes in Okeechobee he saw in the paper. He knows several boat builders that are looking to expand. And he knows the obstacles that have been put in front of people. For instance, up near the Airport Industrial Park is a guy that has several acres up there and he is in to it for thousand and thousands of dollars and over a year and a half; and now they are saying they found a scrub jay, so he is going to have to donate 25% of his property for environmental lands. This is part of the industrial park at the airport. They have to make it easier to get these type of businesses in here. People are not going to spend a year or a year and a half just trying to permit their business. So this is something that is needed. He just hopes they can get a partnership going with the County. They can all see the need and make it a little bit easier to get this type of business in here, similar to the way they worked to get Torrey Pines in here.

Commissioner Nelson said he shares the Mayor's enthusiasm for having this type of facility or enterprise in their midst. But it leaves him cold at this juncture as he met with the developer and Mr. Root regarding this piece of property. He does not see any indication that there is going to be or has been any type of businesses that have indicated that they are willing to come here. They give the City Manager a certain amount of autonomy so he does not have to reveal the identity of these people and he is confident that Mr. Root and his people also have that. They were not able to tell him the type of businesses that they are going to bring in there that is going to create these 2,500 jobs. They are asking at this juncture, as he interprets what Mr. Root is saying, to have them enter into some type of agreement now before he brings to them a concrete proposal that this is going to happen. He cannot see that, he cannot see committing themselves to help purchase or finance or whatever the case may be on these properties and there is no concrete plans to make it work. How do they all plan to do that?

**Mr. Brian Mantis** said he and his partner Mike Swatt are purchasing the old Cargill site off of Selvitz Road. It is sort of a chicken and an egg situation. The first thing is, they are purchasing the property for a significant amount of money, close to \$20 million.

They are not asking the City or anybody else, nobody is financing the acquisition of the property. They have done all the legwork.

Companies are not making a commitment nine months to eighteen months ahead of time, they just do not do that. When they had something that is up and ready, within three to five months of them needing it and when it is ready, they will be prepared to move. They do not make plans eighteen months ahead of time. In addition to that, what they want to do is build a building of 100,000 square feet that is ready for people to occupy, whatever space that they want.

Commissioner Nelson said that he understands that this land, because of its prior usage, has some potential environmental hazard associated with it.

Mr. Mantis said absolutely no environmental hazards. They had a Phase 1 done, a Phase 2 done, and an Environmental Assessment.

Commissioner Nelson asked how was this property used before?

Mr. Mantis said it was a spray field for an orange juice plant.

Commissioner Nelson asked what effect did that have on the land itself?

Mr. Mantis said none. To make it very simple, the manufacturing plant there produced frozen concentrated orange juice. The water coming out of the plant was about 880,000 gallons a day, he was told. They sprayed it up in the air and there was 170 acre irrigation field.

Commissioner Nelson asked there is reportedly no adverse effect on the land?

Mr. Mantis said no adverse effect. They have done all the environmental studies.

Mr. Root said those are the two industrial parks they are working on now. There are other areas within the City that they are looking at in terms of a fresh site where the City could, if they so choose as was suggested, buy the land and develop the park. They have not quite gotten to that yet. But this was the opportunity that presented itself to work with the developer on this particular piece of property. For either industrial park, they have to be concerned about the financing mechanisms. They have a way to evaluate how much they should invest versus what they are going to get back. The financing mechanisms need to be looked at, whether it is an additional usage of the FPRA - which the County is not a big fan of them moving their Redevelopment Agency around - or some other mechanism. There are provisions in the Florida Statutes for the Economic Development Agency to be able to issue revenue bonds to buy property, construct buildings, do all the things that are required to develop an industrial park. He is going to make some recommendations on what he thinks they should do in those areas and how they should go about that to finance these things. That is pretty much what he has been doing in terms of the different industrial parks. They had been working with some prospects and some prospects for this park. It would be good if they landed a prospect because they can get some grant money from the State to do part of the connector road between Selvitz Road and 25th Street. Most of the prospects are in the marine industry they are looking at right now. In fact, they meet with one on Wednesday, so hopefully they are going to show him some things in Fort Pierce. The agency is kind of running because they have prospects they are showing around at this point.

Mayor Benton said he wishes Mr. Root the best. He has been working with those marine industry folks too. He sure wishes they had not lost the expansion with Maverick Boats to South Carolina. It would have been nice to have kept them here. They cannot lose that type of business in the future.

Mr. Root said so the going-forward activities is to pursue both parks, the financing mechanisms, how they are going to do that, and basically

get into actually doing the parks and making it happen. Those will be the things in the future.

Commissioner Nelson said if there is an extra copy of that report floating around, he would certainly like to peruse it.

Mr. Root said he is preparing a report that will reflect what he is telling them tonight and give them a lot more details.

Commissioner Nelson said he is looking for staff to give a recommendation as to what the report says, but he certainly would accept...

Mr. Root said he will be submitting that to staff.

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The next item on the Agenda was City Commission consideration of Management Plan for **Heathcote Botanical Gardens**.

City Manager Beach said unless there is some compelling reason to move this forward this evening... At the Department Head meeting this morning, they found several departments that had not had an opportunity to review this management plan who should review the management plan before it is accepted by the Commission. Is there something occurring as it relates to this FCT (Florida Communities Trust) Grant that they need to be made aware of? Or can they prolong this until their August meeting?

Mr. Paul Williams, Urban Forester, said he is the City of Fort Pierce representative on the Heathcote Board of Directors, also he is on the Interlocal Team with Matt Margotta and Christa Razem. The Management Plan is part of the Interlocal Agreement. It has been approved by the Heathcote Board of Directors and also FCT has also approved it. So this is really housekeeping. If more time is needed, that would be fine. There is no time limit associated with this. They were just trying to get both the City Commission and the County Commission to approve it this month because they are expecting next month for the grant to awarded.

City Manager Beach said his preference is that they have this on their August 6th meeting. He has a couple of other departments that need to get familiar with this plan. If it is okay, he would like to reschedule it.

Commissioner Becht said he too would like it rescheduled. The Management Plan states that it is prepared by St. Lucie County Environmental Resources. For those who are fortunate enough to have it, it is 24 to 30 pages. What he was given does not have all the Exhibits to it. He does not know if anybody else got the Exhibits.

But there are references to bike paths, pedestrian paths, running trails - the location of which is not identified in the material he has. So he is thinking there are graphs or pictures or schematics that are somewhere that would show him where these things are. But he also thinks that if this is prepared by the St. Lucie County Environmental Resources team, that they should come and make the presentation so the Commissioners can ask them questions, unless Mr. Williams thinks he know the answers to all his questions.

Mr. Williams said he probably does. But he does respect that Steve Fousek, who is the Special Lands Coordinator for St. Lucie County, has spent many months working on this Management Plan. He did want Mr. Fousek to be here tonight, but he is in Ohio. He does recommend

what the City Manager has asked, to postpone it so they can Mr. Fousek, himself, and any other staff members before them.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to postpone the consideration of Management Plan for Heathcote Botanical Gardens until the August 6, 2007 Regular Commission Meeting.

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

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The next item on the Agenda was City Commission review of site plans for the redevelopment of **Jetty Park** and the **Linear Pedestrian Park** on the Army Corps of Engineers property along the Fort Pierce Inlet.

Mr. Matt Margotta, Director of Planning, said over the past year there has been an interest in creating a linear park. They purchased the Rollins Property and they also had some opportunity to re-look at the Jetty Park out there. Staff looked at combining the thought of the Jetty Park being reconfigured and an opportunity that came about for the Army Corps of Engineer property along the Inlet, along South Beach parallel to Seaway Drive. The Army Corps of Engineers basically owns a property that is about 20 to 50 feet wide, it varies a little bit, all the way from Mangrove Matties to the Jetty. And then from Jetty Park they are looking at making some changes inside there. Staff conducted public workshops at the Commission's request and they got a lot of feedback. Generally speaking, they wanted to know what they public would like to do, what kinds of things are best in the park, what kinds of things they would like to change, what are some important issues that need to be addressed. And if they got into a linear park along the Army Corps of Engineers property, what kind of things would be best in there to make it a nice linear park. First he would like to talk about the Jetty Park itself. Orientation, this is Seaway Drive, it continues on into the park right now. This is where South Ocean Drive comes in. Mariner's Inn is here, Jetty Lounge, and Chris Hurricane Wings are generally in this location. This is about where the Rollins Property is. So the current Jetty Park is on Seaway Drive, then they have the road that comes in and the circle with the parking off of it, and there is three existing pavilions and a fish cleaning table. Input that they received the public indicated a very strong interest in making this a passive park, keeping that kind of flavor, adding some more parking for sure. The public very much wanted to have access to the ocean and the inlet and be able to see and interact with those.

So the only thing they propose for Jetty Park is kind of increase what goes on there. There was an interest in basically closing off Seaway Drive here and making a large pavilion, kind of a big pedestrian area. In retrospect, after they had looked at it, it was best if they go ahead and keep the circulation going, it makes for a much safer situation on the circle.

Commissioner Coke said they talked about the possibility of closing that portion of Seaway Drive and having it as a pedestrian area where there could possibly be gazebos for rental of surfboards or an extension of the sidewalk café. She understands from what Mr. Margotta is saying that there is not really the room to close off the drive in its entirety and that there were some problems previously with access to those restaurants if they close that road off. Was there any consideration given to, rather than closing the road entirely, just making it one way going down and into the parking lot and then people would have to come out the other way?

Mr. Margotta said yes, there is some consideration to all that circulation basically. To design the park right now they want to design it to its largest or maximum amount of flow and circulation and so on, and they can scale back from there. They can control the amount of access that delivery vehicles would have in that area, close it off during the day for pedestrian activities and such. But the redesign already allows for a larger sidewalk than is there and they feel that is a nice step and lets see how that works before they go to some full blown big pedestrian area. That allows for them to create the circulation around the park and see how that circle reacts.

Commissioner Coke said her concern is, she was at that public meeting and she thinks that was the most positive and most enthusiastic idea that came out of that meeting. They had several members of the public there that had some negative comments on different aspects of what they were looking to do there; but that is the one thing that she thinks to a person everyone agreed on, that they wanted to find a way to close that street and have pavilions there and extension of commerce and restaurants. For example, the Riverwalk in Savannah, the street is closed from 9:00 in the morning until midnight; so if delivery trucks are going to make deliveries to the Riverwalk, they need to be there at 4:00, 5:00, 6:00, 7:00, or 8:00 o'clock in the morning, and it just becomes a way of life for them. Her concern is that the number one thing she heard from the public was that was what they wanted. And not only didn't they incorporate that into here, they did not even try to incorporate half of that, like cutting the street size in half and extending for a promenade kind of area for half of it. So she does have concerns about that, that people took time out of their lives to come down and voice their opinion; and she does not know that other saying that they are going to keep it a passive park and put some parking in this plan is any different from what she saw prior to them having public meetings.

Commissioner Alexander said in the beginning when they brought the conception to him about turning this \$6 million piece of property into a parking lot, he told them the only reason he would consider it - and which he does not see any consideration here - is any kind of water sports to keep the kids... Maybe not all kids have to be in the ocean or those currents and so forth. He sees it not even considered. Just maybe one or two little pavilions and that is it. So they know how he is going to feel about that.

Mr. Margotta said he hears both of those concerns and they are also melting those with the input that they did get from the public. That is about the Jetty Park. About the only other thing that they are looking to expand for it is, if they remember the original concept still has the watchtower and this general location to bring some of the historical significance back to the site. An expansion basically of the restroom facility that is currently there, there is some considerations with that for how they can locate it with the setback line off of the ocean. And also there was an idea of having a community center in this general location, that is now essentially becoming a gazebo. As a matter of fact, about half an acre of green open space was created in an L-shape, whereas right now that is all a road. They flipped the road for the parking lot and created a larger open space on the inlet and the ocean. A very unique site. Switch to the concept of the linear park. As he mentioned before, it is on the Army Corps of Engineers property that forms the southern side of the inlet from Mangrove Matties up to the Jetty Park area. It is generally about 50 feet wide, it does

scoot down to about 20 feet in some areas. But it is between properties that are from Mangrove Matties all the way up to the Mariner's Inn. They may recall Island Village incorporated the notion that the Army Corps of Engineers property is out there. What the Linear Park does, it is a first step towards making a connection all the way from Jetty Park to the Causeway Park, then from the Causeway Park the concept would cross the bridge and go into downtown Fort Pierce. It is something that is fairly unique to Fort Pierce.

They do have the ability within this area to put a 10 foot wide pedestrian way, a designated four foot wide bike lane, and also what amounts to some pit stops along the way for people to sit and enjoy or otherwise be part of this linear park - benches, trash receptacles, things that create some shade like trees and landscaping, and also low level lighting. When he says low level lighting, the idea is something that does not put a whole lot of light, but is maybe a bollard type of setup that just casts it out on a very pedestrian scale. This whole linear park will then be able to be enhanced by the properties that get developed near it, they would be able to take part in it; but it also counts for a public access to the water along this whole length. He has some depictions that might bring this down to a human scale. Of course, a large part of the Jetty has rip-rap or rock along it from that edge of the water. They have come up with somewhat of a barrier so people just are not walking on to it. Then a 10 foot wide pathway and generally on the inside would be a bike lane. Benches and trellises, the general idea is just something for someone to sit down and shade and trash receptacle.

This is all very low impact type of amenities; but added up, it makes a nice long park for people to enjoy the water. This would be the plan view looking down on to the site - a bike path, this is the water, the rip-rap, and then a big wide pedestrian walkway.

That is the basic concept on the Linear Park. He wants to hit on the items that the public told them about to put particular weight upon. When staff asked them what they liked best about the park, nobody really went into great detail about water sports or access to water activities in the park. So the very lack of discussion of water sports or features led staff to believe that there is more interest in the passive aspects of a park; that they were looking for ambiance and tranquility, a place to take people that is not a whole lot of activity going on. Access to fishing and picnicking was very important. When asked what they would like to change about the park, almost overwhelmingly the response was security, there is a concern for nighttime security. Important issues that need to be addressed in this plan and those are the things that they took forward, certainly the security and maintenance. This is a wide area and the lighting should help with the security. But the ability to create the promenade that Commissioner Coke was talking about and possible sidewalk cafes, they can actually still do that, maybe not close off that entire street, but it can be relooked at. Right now, they are somewhat focusing on the inlet park and the linear park. There is a need to have some patrols and for the parking in that area to be designated for the park goers as opposed to the business goers. There was a consideration as far as the Army Corps of Engineers property that there is some security, the lighting, and that there is some sort of a monitoring system, and make sure that the walkway is just wide enough. They feel like they have done all of those things. The next steps for staff is to take this plan...

They have already done some coordination with the Army Corps of Engineers to see what they needed to improve this concept or not, and they told them they wanted a dimension plan that would be feasible.

This is certainly very feasible. They will package this and send it to them to get their approval of the concept. And that is what

they need then go and develop actual site plans and make a project out of it, fund it, and build it.

Commissioner Becht said first thing he wants to do is thank staff.

He will remind the Commission that they somewhat put a gun to staff's head to get something done by tonight, which is July 16th, and he does want to thank them and compliment them for that. Can Mr. Margotta put up on the screen the linear park and he would like to start at the west end. On the west end the terminating point is just a terminating point, there is no... They are creating a very beautiful ten foot wide walkway, a four foot wide bike path, and they just kind of dump there at the end. A thought he had was, if they move that terminus point back to the east a little bit, they could put a cul-de-sac in there or a roundabout that they are famous for here with maybe a little water feature in the middle of the roundabout, just an idea. Is Mr. Margotta prepared, can they get a status report tonight on the progress of securing the easement on the western edge of the Bernstein property? Have they received any comment back from either Bernstein or his attorney?

Mr. Margotta said he has not received a comment back from Mr. Bernstein or Island East, the developers of Island Village. He sent out a notice by regular snail mail to put him on notice that was one of the conditions of their approval.

Commissioner Becht said moving to the east. He would remind everybody that this is like 1,400 feet. Has he or his department received any communication from the owners or contract buyers of the Days Inn?

Mr. Margotta said he does not have any certainly official discussions with somebody on that site, he just has some hearsay that has been floating around.

Commissioner Becht said he did not know if they contacted Mr. Margotta, but he thinks they contacted a couple of Commissioners. But nothing concrete yet. As they move into the Jetty Park proper, can anybody tell him and show the two County Commissioners that they have here tonight where the County's property is, the 1.21 acres that they are designing for them tonight? They do have the advantage of having two County Commissioners with them tonight, so if they can show them where their property and what they are trying to do with it.

Mr. Margotta said what the County owns is essentially this right-of-way right here.

Commissioner Becht asked where the roadway is?

Mr. Margotta said that is correct.

Commissioner Becht asked they have sent a copy of this plan to the County staff?

Mr. Margotta said they have sent it to Ms. Deborah Brisson and to Mr. Doug Anderson. They have not received comments back from them yet. He lost his main point of communication with them, so he has to redirect that.

Commissioner Becht said he had received he thinks an e-mail communication that on the eastern side of the Days Inn property and perhaps the western side of what he will call the Jetty Park, there was a cross easement in there. Has anybody seen that document?

City Manager Beach said he has not seen that document. He thinks the details about the ownership of this property is something that would need to be a subject of a different discussion. Clearly, there is some ownership on the Jetty relating to St. Lucie County; and they would need that ownership map specific other than just a general understanding of what they own and do not own.

Commissioner Becht said this is separate from that. He has seen it, he believes there is an easement or cross easement between the Days Inn and the Jetty with the old Rollins Property.

City Manager Beach said he is unaware of that. Is Mr. Schwerer familiar with that easement?

City Attorney Schwerer said he is only familiar in that it has been referred to in several documents, but he has not seen it yet.

Commissioner Becht said he will try and get a copy of it.

City Attorney Schwerer said if someone has it in a chain of title search, it would be very helpful for him to take a look at that. He does recall references to it.

Commissioner Becht said he would rehash the fact that they have created 77 parking spaces. The portions of the public interview that he attended, this is a compromise number. There were people that wanted fewer parking spaces, there were people that wanted more parking spaces. And he likes the idea of the promenade if there was a way to make it happen; and in that promenade they could create water features, he thinks as Commissioner Alexander was talking about, where the kids could interact with water features. The County actually in one of their parks has explored a fairly sophisticated and expensive water feature. The City does not have their money, so they will not be able to do as grand a design as that. But the County does have information on what is involved with an interactive water feature.

Commissioner Coke said the City has an interactive water feature at Jaycee Park, not that they would want to put it here.

Commissioner Nelson said Mr. Margotta mentioned that the next step was to try and get this ready to submit to the Army Corps of Engineers in Jacksonville. Did he consider possibly making a personal visit with them so as to get their input as to what they will allow and possibly save some time there?

Mr. Margotta said no, he did not consider a personal visit, but he would love to take a trip up to Jacksonville.

Commissioner Nelson said it is a nice city. Sometimes when they touch the flesh of people, and being a formal military man himself, he thinks Mr. Margotta can appreciate the fact that personal interface with these guys is very important.

Mr. Margotta said it is a good idea.

Commissioner Coke said she loves what they did with the Linear Park idea. But her concern is, long before the concept of linear park, Island Village, and Army Corps came into play, they had a commitment to the Rollins Property and what they wanted to do. She guesses staff has confused her, she is easily confused these days. It was

her understanding that the Charrette that they all went to on that Saturday out at the Jetty Park was to discuss the Rollins Property.

It was her understanding that they were supposed to get various renderings of that presented to them tonight, so that the public would have an idea of some of the different options available to them. She understands the need to move forward quickly on the Linear Park. But she would pose two things. Number one, the linear park can actually be treated as a separate issue, even though it runs concurrent to the Rollins Property. And number two, she does not believe that they have fulfilled what she thinks would be their commitment to all the people that showed up and spent a lot of time and effort on voicing their opinions and bringing ideas to the table.

There were a lot of good ideas. She is glad to see that they incorporated an emergency call box and other things. But she really does not see that this plan is any different from what was presented to them prior to having those meetings. And she hates to think if they do not react properly to the public and give them options and show that they are responsive to their ideas, then people are going to stop caring. What she has always said about the City of Fort Pierce and St. Lucie County, is this community is one of the most involved communities she has ever seen in her life. They get more people show up to participate at things than any place else. She does not care if they agree or disagree, they all walk away in the end and they have grown a little bit from it. But her concern is, if they are not going to be responsive to the general public - and she does not think these are - they are going to lose that sense of commitment from the public, and she does not want to see that.

Mr. Margotta said if he understands, she believes that promenade idea is not prominent enough in this plan and expand on that particular thought. He feels like staff was very responsive and they very much appreciated the input they had into this plan. There are some slight changes in the design and the circulation since the first conceptual plan. He felt that this was quite responsive. They might have missed the mark on the promenade idea.

Commissioner Coke said she thinks it was more than just the promenade.

They had talked about more areas being accessible right in that passive park area, with more places for people to sit and get shade and that type of thing. She was expecting to have been presented with some detailed options, not about the linear park because she knows that is going to be a linear park and a walkway and that cannot change. But as far as the Rollins Property itself, she kind of was hoping they would get some options so that at this juncture they can start talking to the public, seeing what they like, what they do not like, what is going to work, what is not going work. And that is what she really needed.

Mr. Margotta said staff obviously wanted to bring these forward to the Commissioners to get their guidance on some next steps. If everybody is comfortable with their idea on the Linear Park, they can lift that piece and send it to the Corps because they need their coordination. For whatever is going into the Jetty Park, it wasn't staffs understanding that they were coming back with a whole lot of options, they thought they were trying to refine things and get them closer to a development plan. If they have some more work to do there, they have some more work to do.

Mr. David Recor, Deputy City Manager, said this is a first draft.

If there is feedback from the Commission, if they want to see something different, they are under no obligation to take this draft

of the plan. Lets talk about it and they will revise the plan before they have that face time with the Corps.

Mayor Benton asked when they were there that day, didn't they have a couple of plans that they showed people? He and Commissioner Coke were there. He had to leave early, it was Memorial Day weekend and he had some services to go to. Didn't staff also meet with some of the public at City Hall after that? He is not sure what came out of those meetings. But normally when they two or three different plans, they put them together in one. And that is what he thought they were getting here is what everybody sort of agreed to. He knows there is issues with the two businesses because he definitely did not want that park to be a parking lot for the few businesses there.

So to eliminate the on-street parking, he thinks that is what is going to happen. How could they very well eliminate that parking and say the parking area at the park cannot be used for those three businesses there?

Mr. Recor said please do not look at it as a missed opportunity, there is still ample time for additional feedback and further revisions before they make that trip to Jacksonville.

Mayor Benton said they were looking for a grant to cover half the price of that property. Is there a time frame on that grant with these plans?

City Manager Beach said that grant application has been made.

Mayor Benton asked it did not have anything to do with these plans being approved?

Mr. Margotta said actually it did. But the main component of that grant that is tied to this plan is actually the watch tower, it adding some historic significance to the site. It was talked about as kind of an overall idea of the land use being passive as opposed to being an active park where they put a baseball diamond out there or something along that lines. Staff is just trying to further define or refine the guidance that they are getting.

Mayor Benton asked can they ask any Commissioners or members of the public that would like to make some changes, if they can have something back in front of them? Because he thinks they all want to see something get done over there so they can better utilize that property too.

Mr. Margotta said absolutely. He would only ask that they make a distinction between the Linear Park and the Jetty Park.

Mayor Benton said if they can try to meet with the public and try to have something in front of them at their next meeting.

Commissioner Becht asked for clarity, are there any changes that the Commission wants to make to the Linear Park? Because the goal is to try and get this finalized so it can be submitted up to Corps. The rest of the design, the Jetty Park, does not have to go to the Corps, does it?

Mr. Margotta said other than normal permitting process, no.

Commissioner Becht asked are they going to make any other changes to the Linear Park?

Mayor Benton said as long as they have drinking fountains for the runners and maybe for the dogs also.

Commissioner Nelson said do not forget the bathrooms.  
Commissioner Becht said that will be in the Jetty Park.

Commissioner Coke asked how many of those seating bench trellis places do they have on that?

Commissioner Becht said he thinks it was every 500 feet.

Mr. Margotta said he is not familiar enough with the plan to say a definite number. Off the top of his head, he felt it was like four or five, but it might be more than that. The general idea was to just separate them by about several hundred feet.

Commissioner Coke said she sees security call boxes to be placed at 500 foot intervals. But she only sees two of those bench seating things with trellis. Is she missing them some place?

Mr. Margotta said there might be some other benches along the area; but as far as the trellises, he thinks there are only a couple.

Commissioner Coke said she was just curious if that is going to be deemed enough. Because if they really want people to utilize it, it is not just going to be the healthy people like Commissioner Becht, they are going to get some people who go out there and utilize that for their physical therapy that are going to want to stop and be able to sit down more often than that.

Mr. Margotta said there are other benches, little cut outs for benches and things. And that is kind of an opportunity thing when the actual development comes forward to say this is a good spot or that is a good spot.

Commissioner Coke asked is there an access to this on the western side to go back out to Seaway Drive?

Mr. Margotta said yes, that is one of the things that the Commission foresaw and made part of the approval for Island Village, is that they have a ten foot wide easement being donated.

Commissioner Coke asked would they not then continue that ten foot wide sidewalk going north to south on that easement? She does not see that in this drawing, but she just wants to be sure that it is there.

Mr. Margotta said the easement gives them the land to connect from Seaway Drive to the Army Corps of Engineers property. They have not designed that actual walkway through there.

Commissioner Coke asked he does not need to submit that as part of this?

Mr. Margotta said no.

Mayor Benton said if everybody could sit down with Mr. Margotta if they have anything, any changes they would like to make, or if the public would like to get with him, so they can have a final product back here so they can get moving on this. Is that agreeable to everyone? He has to say thank you for doing an excellent job out there that day. He knows some people got off base with some of the

other issues in some of the other parks, but they got them back on track, and he thinks staff did an excellent job.

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The next item on the Agenda was City Commission discussion on proposed **Outside Storage Ordinance** limiting height and visibility of cargo containers and stacked boats.

Mr. Matt Margotta, Director of Planning, said this is a continuing item that has been discussed several times. Specifically starting at their June 18, 2007 Commission meeting, the Commission directed staff to draft an ordinance limiting the stacking of cargo containers and boats to three high or 30 feet. The proposed ordinance is now before them for comments prior to Planning Board considerations soliciting public review.

Mayor Benton said they have the ordinance in front of them, if they have questions. He just knows they have been working on this for years.

Commissioner Becht said part of this proposal talks about outside racks where more than one boat is stacked vertically. Does their current code allow for boats to be stacked more than one on top of another?

Mr. Margotta said yes, it does.

Mayor Benton said they are doing it anyway.

City Manager Beach said let him make a run at that. What their current code does is deal with height restrictions. There is a 15 foot height requirement. And that in the past has been applied to boat storage as well. Over the years they ran into a number of issues with the Taylor Creek Marina. Taylor Creek Marina went through several ownerships over a period of years and each owner did things differently. It started out with one site plan with a number of parking spaces, the next owner added two boat racks outside, the one after that added two more, the next one then added additional racks on top of that. And it has been a code enforcement issue for that entire time period. His last recall of it was about four years ago when the City Attorney's office got rather heavily involved in that and they worked out some type of compromise agreement that he cannot even describe to them. But his suspicion is that the only ordinance that they have that relates to boat storage is that 15 foot height limitation that is currently on the codes.

Commissioner Becht said okay. He for one has not heard from the boat owners or the boat storage yards yet. But he really has a problem with outside storage of boats more than one high. He does not want to pick on anybody, but Cracker Boy... He understands where he has to have his boats outside; and if it is a large boat or a sailboat with a 60 foot or whatever mast they put on a sailboat these days, that he is going to be up above 15 or 20 feet, depending on how high the mast is or how big the boat is. He would be against drafting an ordinance that allows and/or encourages the outside storage of boats in a rack system. Back to Taylor Creek Marina, the last time he went up there, it seems to him they are totally out of whack with their site plan and that those boats ought to be moved back inside, and they ought to diligently pursue that. The next hurricane that comes through, it is going to be a nightmare. He for one is not going to be in favor of outside storage of boats. He does need to hear from the outside, anybody that would be engaged in that business,

and they need to explain to him why that is necessary or how they could do it in such a way that it is hurricane safe and aesthetically they can reduce the impact on it. But he does not see a need for that.

Mayor Benton said he will be number two, because he met with staff today on that and that was his issue with this writing was they saw a facility that was partially enclosed go down in a hurricane. So to him, it is a public safety issue. And to stack them, he has seen up in Eau Gallie where they have stacked them four and five high without anything around them. To him, it is just a public hazard.

He thinks if a boat dealer wants to have a row of boats out there single story high. Instead of on a trailer, they have them on blocks, that is one thing. But to stack boats outside... If they can put them in a building, that is fine. What Cracker Boy is doing, they just have one high, they have one boat, they do not stack small boats three or four high on steel. So he would agree with Commissioner Becht that has to go out.

Mr. Margotta said how staff looked at the stacking and outside storage, they tried to address the various things that they see in the industrial areas and then they drilled down to very specifics on containers and boats obviously in this draft ordinance. Included in the ability to stack was the need to screen. When they look at this, if they want to take it as an aesthetic issue, then it is a matter of screening. And they can almost virtually not screen everything, but if they can set a height limitation on it, then at least they know that is the way it is all over. So all they are trying to say is that they tried to make a connection between aesthetics, screening it, and the height, and make a difference between material - the things that are aggregate material or stock piles of stuff. They recognize that there is a difference in their interpretation of this Code. There is a difference between equipment and things that move around and do things in industrial sites, they are not subject to the height requirement. But when they have things that are just sitting there and they want them screened, that is what this ordinance is trying to do.

Commissioner Nelson said he was concerned about the container heights of 30 feet. Are they saying that they can get three containers stacked on top of each other in that 30 feet area?

Mr. Margotta said the rationale there is based on information that was provided to them that a typical container is nine feet high, give them ten feet. That seems to be an industry standard, he does not see a whole lot of deviation from that. If they want to make a distinction between 30 feet high or three high, that is important. But the general idea was that it was three high for this ordinance.

Commissioner Nelson said containers are used in international trade and they can do nothing to usurp that right of the federal government to use its facilities, a lot of military cargo goes through those ports as well. So if it is three containers high and they fall within that 30 feet, then he is satisfied with it. Because they have to have cranes to be able to go and lift them and all that. These roll on, roll off type containers that have this mechanism underneath where they can slide out. So he wants to make sure they are within the realms of international commerce when they address that issue.

Mr. Margotta said they used the information that was provided to them, granted verbally. He has not gone out there with a tape measure.

Commissioner Nelson said just ask the guys who operate the ports over there and the cargo. If he wants to go out there and measure one, that is fine.

Mr. Margotta said they said those are basically 9-feet by 20-feet, but he believes it is 10-feet wide, if he is not mistaken.

City Manager Beach said this is being presented to them this evening to verify that the wording is consistent with what the Commission has been talking about and discussing on this subject. If it is not consistent - and he believes at least they have heard from two Commissioners regarding the boat stacking - just give staff some direction on what to advertise; or if there are changes in this, those need to be made before the advertisement.

Mayor Benton asked is there a third Commissioner that feels...?

Commissioner Nelson said he will join that boat thing.

Mayor Benton said he thinks if they keep it to boats stacked, one. Instead of outdoor stacking of boats being illegal, he guesses they come up with the legal language. But 30 feet as far as containers, three high, he is good with that. Is there three people that go along with that? (The Commissioners indicated they agreed.)

City Manager Beach said he thinks what may be appropriate, and he will let the City Attorney make this determination, but they may remove any reference in this ordinance to the boat storage issue.

Commissioner Nelson said that might be better.

Mayor Benton said lets bring it back, because he knows they have been talking about this for years.

Mr. Margotta asked bring it back, or send it forward to the Planning Board?

Commissioner Becht said although there are some representatives from the industry here, he would like for when the draft is final that it be sent to - and he is going to make it incumbent upon them - anybody that contacts Mr. Margotta or calls his office and says please send them a copy of the draft. Should they contact him or who should they contact in order to get a copy of the draft once it is finalized?

Mr. Margotta said they can contact him or anybody in the Planning Department; and he will make sure that it is funneled to him.

Commissioner Becht asked he will mail it out to them or they can give him an email address, or how does he want to handle that?

Mr. Margotta said absolutely. It was his intention to find out the guidance from tonight, create the next draft going to the Planning Board long before he finalized any sort of a staff report or anything, and get that dialogue going.

Commissioner Becht said he is not making his point. What he is trying to do is make sure the draft Mr. Margotta is proposing is disseminated to as many affected property owners as possible as soon as he has gotten it in a form where he is going to submit it to the Planning Board. He does not want them to have to go to the Planning Board to get their first copy of the draft, is where he is coming from.

Mr. Margotta said he will do that. That is exactly how he will do it.

Commissioner Nelson asked what are they going to do?

Mayor Benton said they are going to redraw it up without boat language and it is going to go to the Planning Board.

Commissioner Nelson asked only containers?

Mayor Benton said with containers, yes.

Commissioner Nelson asked are they going to be combined, all in one or separate?

Mayor Benton said they are going to delete the language about boats.

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The next item on the Agenda was City Commission consider request by Treasure Coast Regional Planning Council to endorse and participate in a Charrette to develop a new Master Plan for the Port of Fort Pierce.

Mayor Benton said they have a request, it has been brought in front of them from the Regional Planning Council, and they are looking for their support on that.

Commissioner Coke said she just cannot in all good conscience support this request. The citizens of St. Lucie County and the City spent hundreds if not thousands of man hours working on a Port Master Plan. It has been voted on. They had, for a very rare time in life, five County Commissioners and five City Commissioners agree on something. And to look to muddy the waters now or to take up anymore of everyone's precious time to reiterate what has already been decided is just nothing that she can support.

Mayor Benton said for the record, because some of them were not here at the time, Commissioner Nelson and himself were, but back in he believes it was July of 1996 they had their first charrette with the waterfront center, and then later a few weeks later they finished that up with Dover, Kohl, & Partners, which was an architectural firm out of Miami. So they did almost a full month of planning back in 1996. And that is how long it took the Port Master Plan and Comprehensive Plan to acquire the language from that Charrette, he guesses they could say. Since then, he knows they have all seen literally maybe a half-dozen sets of plans. He knows Mr. Large made a presentation to the County some time, he has a new organization. But they had Haskell, who is building their parking garage, made a presentation to the County. They had Benji Brumberg, Governors Ombudsmen that was working for Mr. Bell, come through with several sets of plans from different developers. So he thinks they have planned this. He saw a woman with Ritz Carlton. He can go down the list of at least six different groups of people that have put a lot of money into trying to plan something over there and no response from the land owner. To him, he is not going to say he is tired of talk, but he is ready for some action. He thinks they all are.

When he says action, a site plan submitted with something really ready to go.

Commissioner Nelson said he sort of concurs with the Mayor's comments. The Terpening Group put on a Charrette over there recently (for

Taylor Creek) and he thinks the Bell Company was there to make their input. He attended two of those sessions and find that the presentation was heavily attended and it appeared that the people that were there were enthusiastic about what they wanted over there, to include Mr. Bell and company. Everybody had an opportunity to make their input. They have passed the Comprehensive Plan. They have a general Master Plan. At some time it is important that people just look at what is available and take advantage of it. They can't always get exactly what they want in life or what they want in general.

Sometime it is important to partake of what is available to them.

He just feels they have come a long way with that port. And somehow or another they need, as the Mayor indicates, stop the talking efforts and let's do something. And of course if appropriate, what is wanted over there by Mr. Bell and company possibly could be incorporated into what is going to eventually be developed over there. Certainly they want to by all means respect property rights and move this project forward. So he basically thinks that the Treasure Coast Regional Planning Council and the Terpening Group and all with the participation of the general public have already done a commendable job and they should move forward with that, rather than try to continue to study this project and all this. He has to oppose this because has the respect of the Treasure Coast Regional Planning Council, he knows the people, he has participated in one over there, and he is basically satisfied they are on the right track.

Commissioner Becht said he could go either way on the charrette issue.

He thinks at this juncture, he is tilting toward the idea of not encouraging it at this time. If Mr. Bell is desirous of knowing what can be done with his property through the charrette process, he thinks all he has to do is get a copy of the one that was done on the HarborTown property and move it south 50 yards, then he will know what a new charrette might do for him. Additionally, the County has got an RFP or an RFQ out and they will know hopefully in short order what the private sector is willing to do with the Harbour Pointe property, and that should give them another clue as to what new conditions might exist that might somehow differ from the old Master Port Plan. In light of the financial constraints they are getting hit with from Tallahassee, he is not excited about burning their staff time in whatever it would take of them to participate in the charrette process at this time when he weighs that against the possible benefit of a brand new charrette immediately adjacent to the HarborTown charrette (Taylor Creek Charrette) which he thinks is less than six months old. So he is not in favor of it. But he is going to go one step further. He is also not in favor of their staff - whether it is City staff or FPRA staff - being involved in negotiations between Destin Beach and potential buyers. He has gone on record several times that he thinks it is a waste of time. If Mr. Bell wants to sell his property to a public entity or a private entity, he can sign a contract on terms that are acceptable to him and deliver it to the buying entity. To engage in extensive unproductive negotiations where he professes an interest in selling it has proven to be a waste of time for the last five years. He would say when he is ready to sell it, he will sign a contract showing the terms upon which he is willing to sell it. He for one would not want any more of their staff time involved in that process.

Mayor Benton asked does everybody agree that they are not in support of this?

Commissioner Coke said absolutely.

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The next item on the Agenda was City Commission nominations for the Florida League of Cities award.

Mayor Benton said they have had several submissions after the discussion at their last meeting.

City Manager Beach said if these are acceptable, staff will move them forward. They do have to make one decision.

Commissioner Alexander said on one. The rest of them can follow suit, right?

City Manager Beach said that is correct.

Commissioner Alexander said as the Citizen of the Year, he is looking at Mr. Jack Cahill. They asked staff to bring back a list of names and he knows everybody on this list. It is just behooving of him to ask Mr. Jack Cahill to accept that as just one individual, the nomination for the Citizen of the Year.

Mayor Benton said he mentioned the other day that they were submitting names to the League of Cities possibly for citizens that have done a lot of volunteering and working very hard to make this community a better place and he mentioned that Mr. Cahill's name was on the list. So that is why Commissioner Alexander asked him to come on up.

**Mr. Jack Cahill** said thank you very much.

Mayor Benton said Mr. Cahill is going to be their nominee. They had four or five people on here, but he has done a lot for this community and they appreciate it.

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The next item on the Agenda was Commissioner Becht discussion on providing Office Space for State Representatives.

Mayor Benton asked does Gayle Harrell not represent Fort Pierce? It is not out of her district?

Commissioner Becht said he asked the City Manager to give him the districts for Gayle Harrell and it does not appear that her district intrudes into Fort Pierce at all. What triggered this was that the City of Port St. Lucie had for whatever their reasons are, and he does not think they need to get into that tonight, decided that they did not have room for her. He questions the wisdom of that from Port St. Lucie's perspective if it is motivated by her past votes, because he has been in politics long enough now to know that it is not the past vote that worries him, it is the next vote that worries him. So if they had the ability to curry favor with Representative Harrell, then he would have wanted to provide her with an opportunity here. But Fort Pierce is not in her district, so it is not her that concerns him. But if there were any other Legislative Representatives, no matter how they had voted in the past, he would want this Commission to understand that it is their next vote that can help them or hurt them. That is all he really had on the topic.

Mayor Benton said they represent the public, just like the Commissioners do. So if they do their job, they cannot condemn them.

Commissioner Becht said so he does not see a need to offer Representative Harrell the space. But if there is anybody else that

represents their district or any portion of the City, he would want to make certain that, to the extent possible, they extend office space to them.

Mayor Benton said he would agree and he is sure everybody else feels the same way. (The Commissioners agreed.)

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The next item on the Agenda was Director of Planning submittal of comparison between the proposed **Fort Pierce Impact Fees** to the current impact fees in Port St. Lucie, Vero Beach, and Stuart.

Mr. Matt Margotta, Director of Planning, said the City Commission had requested a comparison of the impact fees that Fort Pierce is considering with the neighboring communities - specifically Port St. Lucie, Vero Beach, and Stuart. They prepared some tables to try to depict the difference and hopefully that illustrates how much in line or out of line they may be with some of their neighboring communities. The information is certainly useful and factual. But the overriding thing that he would want them to walk away with is the notion that their impact fees would be for improvements that they expect; and therefore, the dollar amounts that they are looking for should be tied to specific projects eventually. So comparing themselves to other cities should not be the only consideration, it certainly something he thinks is helpful, but their impact fees are for things that they believe that they need.

Commissioner Coke said she sees they have City of Vero Beach and their total impact fees. Does that include Indian River County impact fees? Also, the Stuart impact fees, do those include the Martin County impact fees?

Mr. Margotta said these are just the impact fees from those municipalities.

Mayor Benton said it appears Fort Pierce is considerably lower than everyone else, the impact fees they are looking at. They have not implemented any, they are just talking about it for the record.

Commissioner Coke said the reason she was asking, do they know how other county impact fees compare to their county impact fees? Are they comparable, higher or lower? What she does not want to happen is have a developer look and see they can go to Vero Beach and it is going to them \$3,000 in impact fees between the city and county, or he can go to Fort Pierce and it is going to cost them \$4,000 or \$5,000, and have that be a deciding factor. She understands his point of view, that they need to collect the impact fees in order to supply a service. But she thinks what they all need to keep in mind is, although it is going to be nice to have impact fees in the city to assist them in paying for these future services, they have not collected any for 100-something years, so they have kind of lived without it and struggled along. Not that she wants to live without it and struggle along any longer, but she also does not want to price themselves out of the market.

City Manager Beach said the request that the Commission had made was for a comparison of the impact fees and he understood the intent of their request. And if this document does not include the combined impact fees of Martin County and Stuart, and Vero Beach and Indian River County, then they do not have a comparison that is going to help. From his review of these, they do not. Is that accurate? So they really need to redo this, if that is the case.

Commissioner Coke said she hates to put it off, but she really does not feel comfortable making a decision without that.

Mayor Benton said he would agree. Especially when he looks at one of the last pages, when it comes to business community, Fort Pierce versus Port St. Lucie, here is one graph where they are higher than Port St. Lucie. And he has some concerns, because they are trying to bring business into the community. When this comes back, if he can have a legal opinion whether the business community can be exempt and this just be for residences.

Commissioner Coke said lets see first if maybe they would have three of them that would support that. Because she certainly would not support putting the total burden on the residents rather than the businesses that come in here.

Mayor Benton said his thinking on that is that businesses put people to work that are here, they do not put people in libraries, they do not put people in parks. Businesses bring in revenue and create the tax base. That is why at least he would like to have legal opinion, if it only takes looking in the book or asking what other cities do. But he would hope that would be an issue that they would be concerned about. They do not have much for retail here now.

Mr. Margotta said that is certainly a very valid point, the impact of this on businesses. The graph includes the combined Fort Pierce and St. Lucie County impact fees. One of the things that he would definitely want to draw to their attention is the fact that a single family home in and of itself, even if they get several hundred of them wrapped together, do not really equal one 50,000 square foot shopping center. The impact of those commercial developments when they come in is much larger than homes.

Mayor Benton said most of the roads belong to the County, so they collect commercial impact fees now, unless they want the City to annex the roads too.

City Attorney Schwerer said he could bring the research back to the Commissioners, but he already pretty much knows what the answer is going to be. The impact fees by their very nature have to be across the board and have to be levied according to a very defined methodology which was done by their consultant. And they cannot exempt one group of individuals or any category from the impact that they have. He will certainly verify that, but that is his understanding of the law.

Commissioner Becht said they were provided a map (showing Fee Suspension Areas) that is somewhat tough to read and he thinks more difficult to comprehend. He does not know if staff can explain it to them. But it appears that various areas of the City have a differential treatment of currently, vis-a-vis the imposition of County impact fees. It appears that different areas of their City already has a different impact fee imposed on them, it is not equal, if he is following the map correctly.

Mr. Margotta said actually the difference is, the areas were taken under special consideration for certain impact fees. It might be road impact fees...

Commissioner Becht asked can Mr. Margotta explain this specific map to him or is somebody else going to have to explain it? There is

a pink area, a blue area, a white area, and it looks like a grey area.

City Manager Beach said he can explain it. Each of those areas are distinguished from the other based on the impact fees that are charged by St. Lucie County. As they know, Fort Pierce currently does not have any impact fees. The City of Fort Pierce some ten or twelve years ago approached St. Lucie County about the impact fees that the County was charging within their already developed older community and built a case that the imposition of impact fees in those areas was a disincentive for development of those areas. St. Lucie County acquiesced on that and created these deferment areas that they are looking at. Each of these deferment areas defer different types of impact fees. Some of them relate to single family residences, some relates to roads, some relates to...

Commissioner Becht said what he is looking for is the specifics. If Mr. Beach or someone with staff can get him the specifics as to which area has the...

City Manager Beach said the specifics are in writing and those can be provided.

Commissioner Becht said because what troubles him, contrary to what the Mayor was saying and Mr. Schwerer said they cannot do it legally anyway, is that the imposition of an impact fee on a single family residence is going to delay, impede, or disincentify someone from building on an infill lot. With the aggressive condemnation and demolition program they had after the hurricanes that came through, they have a lot of empty lots that he thinks, rather than charging someone money to build on with impact fees, he would almost be wanting to go the other way and incentivize them to build on some of these lots they already have in the City, creating another person or family to visit the local businesses and add another salary or two to the local economy. He does not know how they are going to accomplish all of his goals with the imposition of an impact fee. He agrees with Commissioner Coke that he would like to compare apples to apples with both Vero Beach and Stuart. But fundamentally, if they are not lower than Vero Beach and Stuart and Port St. Lucie, they lose.

Because there are other factors that a business is going to choose when they decide to relocate to Fort Pierce. And there are factors, some of which they have control over, others of which they do not.

The cultural assets like their theatre, waterfront, museums, libraries. Shopping, they have very little control over what shopping is available. Their schools, they have recently gotten a hit with some of the grades that their schools got because of FCAT scoring. Their millage rate, even though they have exercised some control over their own millage rate, other taxing districts like the County that have some control, they impose a tax on their citizens and perhaps they have not been as frugal as the City has. He knows the County has not gone back to roll-back rate. He does not want to be critical of the County. But what he is saying is, as a business decides to relocate to an area, these other factors are in his opinion equally important as an impact fee. So what he needs to do is get the City at least an edge with impact fees where they are lower than the surrounding communities. And with their infill lots, he really would like to come up with some creative out of the box ways of encouraging those infill lots to have homes built on them. He does not know how to do that, he just knows that would be a goal that he has.

Commissioner Nelson said he has to endorse the comments made by City Manager Beach. He would encourage staff to go back and look at the period when they did in fact say that they were not going to have impact fees in the City of Fort Pierce, that they were virtually built out. That was during the Eddie Enns regime. If they have not looked at the discussions they had in general on it, he thinks they should. They have set in motion the fact that they want to increase their boundaries, increase their tax base, etc. When and if they have someone who wants to come here and build a facility, he has a choice between going to Port St. Lucie, Vero Beach, go out in the County, or whatever versus coming into Fort Pierce. In addition, those schools, hospitals, etc., they look at impact fees and those are sizeable amounts. If they would please go back and look at the record of that time. For example, the big Wal-Mart Distribution Center out there.

Mayor Benton said the one that does not pay taxes.

Commissioner Nelson asked they do not pay taxes?

Mayor Benton said very little.

Commissioner Nelson said that is because of those County guys. QVC in Port St. Lucie, he knew some of the people who were making site selections down there during that time; and they told him that they came to Fort Pierce and refused to even discuss with even the elected officials the selection of a site for that QVC, and there is a reason behind it. Even though they did not have the exorbitant impact fees, some of those factors that they mentioned in terms of schools, they simply would not even talk to them about it. So they have to come up with something now - an impact fee is one of them - that would entice these people to come here. Because they have the broad goal of saying they want Fort Pierce to grow, they want its base to get bigger, the population to increase, and all this kind of stuff, and this is how they do it. There are other ways they can in fact extract monies from these developers. Because they are built out, there is certain impact fees already associated with various properties that are infill, there are vacant lots. He thinks in the event they have a vacant lot and a house was on it before, they get credit for a certain amount of impact that is going to be there.

Mayor Benton asked can they get that additional information that Commissioner Coke has asked for?

City Manager Beach said staff will provide that information. Interesting enough, the guy that created those deferment areas is in the audience tonight, Dennis Murphy.

Mayor Benton said Mr. Beach can bring that information back, a comparison with the other counties too.

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

Commissioner Nelson said he would like to remove Item 22d (Purchase Order for Police Uniforms).

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

a. Approve request for Public Funds in the amount of \$1,000 by Cecelia DeFilippis, Hibiscus Park Crime Watch, for advertising 3rd National Night Out Event being held on August 7th.

b. Approve contribution by the Fort Pierce Police Department of \$2,000 from the Law Enforcement Trust Fund to the Pilot Club of Fort Pierce for Project LifeSaver.

c. Approve contribution by the Fort Pierce Police Department of \$1,000 from the Law Enforcement Trust Fund to the National Organization of Black Law Enforcement Executives (NOBLE) for education, training, research, and community outreach.

e. Approve request by Lisa Fiore for a four-month extension to pay the administrative costs of \$2,000 for 2015 South 3rd Street.

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The next item considered was Item 22(d), which had previously been removed from the Consent Agenda: Approve Blanket Purchase Orders for the purchase of Police Uniforms from Uniforms by Butterfield as a single source, not to exceed \$20,000 for the period 7-18-07 to 9-30-07, and \$40,000 per year thereafter through FY 2010.

Commissioner Nelson said he has no problem with the \$20,000 for the period of 2007. But to go out to FY 2010 for \$40,000 poses a problem for him. Why are they doing that basically with a sole source contract with \$40,000 for three or four years?

Captain Frank Amandro, Fort Pierce Police Department, said the reason why they went out to year 2010 is because they are concreting the prices for this current year. Uniform prices go up from year to year, so it was prudent to lock them into this years pricing.

Commissioner Nelson asked do they normally competitively bid for these?

Captain Amandro said yes, they do. They went out to bid and Butterfield's was the only one to bid within City of Fort Pierce.

Commissioner Nelson said he has some concerns with it. He would much rather have a bid on it every year.

Commissioner Becht said it is a bid and it is located within in the City.

Commissioner Alexander said home-grown.

Commissioner Coke said she would like to commend them for utilizing a local firm, keeping their tax dollars here, keeping businesses thriving.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve Blanket Purchase Orders for the purchase of Police Uniforms from Uniforms by Butterfield as a single source, not to exceed \$20,000 for the period 7-18-07 to 9-30-07, and \$40,000 per year thereafter through FY 2010.

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

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**Ms. Marcia Baker**, 1753 Seaway Drive, said she would like to thank Commissioner Becht for trying to pick up on her suggestion that they

impose performance bonds on site reviews. And she would like to call to Mr. Schwerer's attention, Section 22-58 of the City Code.

City Attorney Schwerer asked Section 22-58(c)? They can have a discussion off the record as to why he rendered the opinion he did.

He would be happy to talk with her about that. He is aware it says the City Commission may do something, but there is a reason for that.

Ms. Baker said also in Section 22-77 under Conditional Uses. She had also wished to remind Commissioner Becht and Mr. Schwerer that she had sent copies of the deeds on that easement between the Days Inn and the Rollins Property, she had sent copies of the deeds to both of them by email. She also sent copies of the documents on the additional north/south right-of-way, the Army Corps of Engineers right-of-way on the east side of the Mangrove Matties property. That can possibly be used, utilized for the walkway, in the event that the 10 foot easement is not granted by the owners of the Island Village property. Along that line, she does not really feel like beating a dead horse, but she is rather confused. Because as she understands it, if an approval is made, a conditional approval based on certain conditions, that there is some time limit. She went through the Minutes of the approval of the **Island Village** and she understood all of the conditions that were set, but she did not see anywhere in there any time limit. So that in effect, the conditions do not have to met. If she is incorrect on this, she would like to be corrected on it. Because if they never give the easement, if they never change their plans to coordinate with the South Beach Overlay District, if none of their requirements are met, there is no rescision. There is no rescision possible, except when it lapses in a year. If she is incorrect on that, please let her know because she does not see any way out of that.

Mayor Benton said when they put those conditions on there, when the developer brings in a finished site plan for the Planning Department and the Building Department, if the conditions are not met, those plans will be rejected.

Ms. Baker said but up until that point, he has an approved site plan. Mayor Benton said with conditions.

Mr. David Recor, Deputy City Manager, said immediately after the approval, he tasked the Director of Planning with determining the mechanism for determining compliance with conditions of approval that the City Clerk wrote Inlet East, and he believes Mr. Margotta has done that.

Ms. Baker said okay, as she sees it, the property can be offered for sale with an approved site plan?

Mayor Benton said with conditions. No matter who buys that property, if they do it within the time frame, that first year, they can build it with those conditions.

Mr. Recor said otherwise the site plan will expire at the end of the year with the conditions.

Ms. Baker said that property, those units, and that hotel/condo hotel have been offered for sale for two years on site, they probably sold out by now. So she does not understand really what effect the conditions had in terms of their marketing, being able to say that they have a site approval.

Mayor Benton said somebody will get their money back if they do not have enough units.

City Attorney Schwerer said he can't build it.

Mr. Recor said that is the effect, he can't build it unless he complies.

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**Mr. Mark Norton**, 6190 Emerson Avenue, said all opinions expressed here are strictly his and not in any way attached to Mr. Bell, his property, or any other entity that is involved with that. He is desperately trying to put forward a site plan and has been for a couple of years now. He and Mayor Benton have met, he and Mr. Anderson (County Administrator) have met. The site plan was part of some of the original stuff that was done back with Haskell when the original three plans were put together. The problem he is having is he is kind of stuck between a rock and hard place. He is being advised not to go any further with any kind of site plan because they cannot even decide over property rights the owner has currently. There seems to be problems between opinions of who has the rights to the Submerged Lands Lease or not. They are away in Tallahassee for the umpteenth time now and they have another Cabinet meeting coming up.

He would encourage everybody to please lets get that small portion under the table and decided so that they can move on to the bigger plan. The Submerged Land Lease in Berth 4 is a minute issue compared to the complete development of the property. They really need to get off this issue and on to bigger and better things. He knows everybody would like to see that property developed, get it going. Unfortunately, they are stuck in a very small issue with property rights. Lets get on to the bigger picture and that is the developing of the **Port property**.

Commissioner Becht said he does not understand what he is talking about. The Submerged Land Lease at Berth 4 is a dead issue. The appeal was withdrawn, so that is no longer an issue. Does he own this Destin Beach property or is he a principal in Destin Beach?

Mr. Norton said no.

Commissioner Becht asked is that what he is talking about or is he talking about a different piece of property?

Mr. Norton said the development of the 67 acres and the County piece.

Commissioner Becht asked is he talking about the development of the Destin Beach property?

Mr. Norton said correct.

Commissioner Becht asked does he have a contract to buy it?

Mr. Norton said no, he is working with the entity that does.

Commissioner Becht said until the owner decides to sell it or until he decides to submit a site plan... And to the best of his knowledge, there is no pending site plan that the owner has submitted to the City of Fort Pierce.

Mr. Norton said they are not going to get a site plan until they get this other issue resolved.

Commissioner Becht asked what other issue? He does not understand what issue he is talking about. Mr. Norton is on TV and he is giving the impression that the City Commission is doing something to delay the development of that property. What he is trying to do is clarify.

What is it that Mr. Norton thinks they have done or not done that is delaying the development of that property?

Mr. Norton said they still have an issue to resolve at the Cabinet.

Commissioner Becht asked what issue does he think he has?

Mayor Benton said the time frame is over for the appeal.

Mr. Norton said again, they are stuck in that disagreement there.

Commissioner Becht said there is no disagreement. The appeal has been dropped by Destin Beach. So if Destin Beach has represented to Mr. Norton that they are continuing with the appeal, they have misrepresented things to him. So that issue is dead. Is there anything he thinks the City is doing to delay the development of that property?

Mr. Norton said he feels that issue has not been dealt with yet in Tallahassee and it is still pending.

Commissioner Becht said he would respectfully tell him he is mistaken on that issue.

Commissioner Coke said they all flew to Tallahassee and were there at the Cabinet hearing with the County.

Commissioner Becht said if there is nothing else, then he thinks Mr. Norton is mistaken. He is sorry, he did not mean to embarrass him, but he is on TV and he wanted to clarify to the public that the City is not doing anything to delay the development of that property. There are no pending site plans before the City to develop the property. The submerged land issue is dead.

Mr. Norton said that is where they disagree.

Mayor Benton said just for the record, in the last ten years he met with twenty people - realtors and developers - all with a set of plans in hand and a lot of those plans he liked. None of them could get to base one with Lloyd Bell. If Mr. Norton can get Mr. Bell to sign a contract, good luck. But he is just the same, just another body out there trying to develop that property.

Mr. Norton asked are they happy with the way the port looks now as compared to the way the port was?

Mayor Benton said he has been trying to do something with that property for going on 17 years, long before Lloyd Bell came along.

Mr. Norton said he is speaking about the current improvement of the property from what it was to what it is now.

Mayor Benton said it has a lot of potential, that is all he can tell him.

Mr. Norton said he is the guy that cleaned up the property. He is the guy that took all the trees away, he is the guy that took away

the bums, and he is they guy that planted all the palms and everything. He is also the guy that was instrumental in getting the County acquisition of the property for the regional park on Emerson Avenue. He can get things done, if he can get some cooperation.

Mayor Benton said the door is always open, as he knows. Call his secretary and they will work with him. But it has been an obstacle course for the last ten years.

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**Mr. Mike Jacquin**, Jacquin & Sons Construction, said he would like to pick up the baton that Commissioner Coke just handed off about local businesses. One of the reasons he is here this evening was Commissioner Nelson had mentioned about getting with Tony Barnes and working with the **local minority subcontractors** in the area. As part of their process in construction, they have local minority workshops that they do on some of the projects for construction management and design/build. Anything they can do to help facilitate that, they are available.

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**Mr. Mike Jacquin**, Jacquin & Sons Construction, said they have been working with Mr. Recor and Mr. Margotta in regards to trying to reinstate the **Technical Review** process as part of the planning process at which they get all the various departments inside the City and hopefully the County to come to a meeting that allows all of them to get some face time to resolve some of the issues because some of the comments that they receive basically have some conflicts between the Planning Department, the Engineering Department, etc.

So they feel they get them resolved in one arena and then they end up having another issue. Some of their projects have been underway for 18 months. It is not all on one side of the fence and he is not here to say that it is. But reinstating that, allowing them to have a meeting with them once a month, he does not think is overdue even though they are going through some budget crunches and some other various aspects. He thinks it is very beneficial, it allows some of the people that they want to come in to develop to have that face time. Anyhow, he did get a half dozen or so letters from various engineers and planners that are also requesting the same thing, so he guesses he is the spokesman.

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**Mr. Charles Wilson** said he wanted to step up today to introduce himself. He has been contracted by an organization called the St. Lucie Association to represent them before this Commission in future meetings. He signed up with the City Clerk so he is completely legal to be able to represent them here. They have asked him to keep an eye on what is going on with different ordinances and some political considerations. He just wanted to introduce himself because they will be seeing him over the next few months up through the December elections.

Mayor Benton said he remembers meeting him back... Didn't he run for County Commission some years back?

Mr. Wilson said no, it was the State Legislature, and he is trying to forget that.

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Commissioner Alexander said he received a couple calls concerning take home of commercial vehicles in a development. He is understanding that the Code Enforcement or the City Police Department or someone is tagging, having these individuals not to bring home vehicles. And they say they look out their door and they see the police cars in the same subdivision. They want to know why is it

that police cars are not considered commercial vehicle versus a take home car?

Mayor Benton said if they have a truck with their business name on it in a residential neighborhood, he thinks the Code says that is illegal. And he knows it is done, unless somebody complains.

Commissioner Alexander said but the homeowners association giving these individuals authority to bring home their vehicles. It is not a gigantic truck, it is a panel truck or something like that.

They were upset the fact that they can walk out and see two or three city police vehicles parked in the same subdivision. Why is it good for police department? He is not trying to make a gripe about it.

It is just if they have a take home vehicle, some people leave their door going straight to their job sites; and he just thought that why they allow their police department to do the same.

City Manager Beach said he has had a couple inquiries about that recently and he will provide him the information on that in regards in what the ordinance currently provides for.

Commissioner Coke asked is he talking about homeowners associations having rules against...?

Commissioner Alexander said no, they gave them the authority to bring home these vehicles in that homeowners association.

Commissioner Becht said he thinks he got the same call Commissioner Alexander got. In a revengeful nature, someone called on their neighbor and said they brought their panel truck home. For five years it did not bother them, then something happened and now it bothers them, so they called Code Enforcement in. Code Enforcement came into the neighborhood and they can't just come in and cite that guy, so they cited ten property owners in there. Now the one property owner that started this is not very popular. But the code apparently exists where they are not allowing folks to bring their panel trucks or their pickup trucks home if it has an emblem on the side of it.

Commissioner Alexander said this is citywide.

Commissioner Becht said there are tickets. He has received copies of the tickets.

City Attorney Schwerer said Section 22-60 of the Code, he drafted this. They had quite a bit of controversy when it was adopted many Commissions ago. Section 22-60(f), Parking in Residential Neighborhoods, says that the term commercial vehicle shall mean every vehicle designed, used, or maintained primarily for the transportation of property with a gross vehicle weight of 10,000 pounds or more. That is a large truck. It also prohibits any bus, van, or truck with a gross vehicle weight in excess of 10,000 pounds, or which is designed, used, or maintained primarily for the transportation of unrelated persons for hire or in connection with any commercial enterprise including transportation for employment and business related activities. What that did was get the big buses out. He is not aware of any ordinance that says anything about having a sticker on the side of the truck. That is ordinarily a deed restriction issue. That is the Code as he understands it to be.

Commissioner Becht said this is not a homeowner situation. It is an actual ticket from a City official. He thinks in this particular instance, it may be misapplied.

Commissioner Alexander said they just need to revisit it. Make sure the public is not being punished, especially when they see a City of Fort Pierce vehicle there.

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Commissioner Nelson said a couple of them were not at the **FPUA** workshop the other day when they talked in terms of moving the water treatment plant and the deactivation of the electric plant. They put forth at the suggestion of Commissioner Coke the idea that an RFP probably should be in the works relative to coming up with what they want to put on this property. The King Plant is going to be deactivated in May 2008. So they should be working on this RFP as soon as they possibly can. Another point was the fact that the FPUA did not include in their budget any funds to facilitate movement of that wastewater treatment plant off the beach. He is not sure that is a good approach. They indicated they were going to work on grants to take care of that. He wants to advocate that the Mayor and the City Manager who sit on the FPUA board, in addition to what grants might be available, to in fact put something in that budget, to set some funds aside somewhere to indicate that they have an interest in relocating that treatment plant. Because when people see they are trying to help themselves, then they will help them. They have key people in key positions right now to help them. The South Florida Water Management District over there, all appointed by the Governor, just appointed a person down in Stuart who was just awarded a \$1.65 million contract to do their marina over here. They can call on those people to try to help them. They should be mindful of the fact that Vero Beach has also got a plant that is situated similar to theirs and they are trying to move theirs. They have term limits on some of their people. Ken Pruitt, Stan Mayfield, Richard Maychek, Gayle Harrell, and all those people are in key positions now. And now is the time to make some type of effort to get additional funding for the movement of that plant. And to put it in the budget, whether it is \$25,000, he thinks something. Again, if they try to help themselves, somebody will help them. So he is advocating to have FPUA come up with a fund and let's work the grants in or whatever they can do in that regard.

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Commissioner Nelson said he is worried about his **Veteran's Park**. November is coming up pretty soon and he cannot get anybody to tell him that they are on track as to what they are doing about Veteran's Park.

City Manager Beach said they should have some updated information for him by their next FPRA meeting (July 25th).

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Commissioner Nelson said the TPO (Transportation Planning Organization) is going to be discussing a key issue relative to **U.S. #1** from Edwards Road to Taylor Creek and specifically Virginia Avenue, relative to six-laning that versus four-laning it. The Commission has been asked informally or formally its position relative to six-laning or four-laning that road. They had a quasi-formal discussion on it in the past. But they need to be formulating a position that they can send back via the TPO to FDOT as soon as possible, perhaps by the next TPO meeting sometime in August. They need to be able to go formally with that and it is important that they do that because they have some good cooperation out of them. Just recently they got a red light installed at Weatherbee Road and U.S. #1, which is based on their request to do so. The Director or Secretary said he would do certain things on that road. So they

need to decide what they are going to do about the six-laning or four-laning of U.S. #1.

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Commissioner Becht said he wants to compliment the **Planning Department**. They went through a couple of pretty big projects tonight. The public may think they have not given those adequate attention, they did not ask them a whole lot of questions; but they did not need to ask the questions because the information was contained in their packet and in the initial presentation given by staff. So he does want to compliment them on that. If there is any way they can accommodate the development community, their practitioners, architects, engineers, and contractors with one big TRC (Technical Review Committee) meeting, he would appreciate them working towards doing that.

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Commissioner Becht said he likes what Commissioner Nelson was talking about including in the FPUA budget a line item for relocating the wastewater treatment plant. He does not like his idea for an RFP on the King Plant because they should be having a charrette coming from the Treasure Coast Regional Planning Council. He would ask that at their next meeting that staff give them an update on where they are on with all of those charrettes, because there are multiple faceted charrettes.

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Commission Becht said he thinks they got a memo from Anne Satterlee (Assistant to the City Manager) that she has a fairly large package of **annexations** that she has sent down to the Planning Department. He would hope that they will have those the first week in August back on their table. Is that possible?

City Manager Beach said no. It is okay to hope. Hope is good.

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Mayor Benton said he would just like to comment on the **Wastewater Treatment Plant**. Twelve years he has been sitting here trying to move that plant, he finally has a seat on that board. They do have a decommissioning date, which is about eight years away. They set a ten year decommissioning date about two years ago, that is how many years it took all those people they appointed to that board. Their intent is also to move it. That budget has not been approved yet. But the Federal and State agencies that permitted that facility where it is are the ones that are going to have to come up with the majority of the cost because their ratepayers - they were here when this room was full - they cannot afford to pass that cost onto them at this point between their taxes, their insurance, and their rates. Somehow they have to show the federal government. When they went to Washington, that was one of their top three items, moving that facility. They all know it, they will be there, and that will be number one. And the State, that will be number two. Getting money to finish A1A will be number one next year.

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There being no further business, Mayor Benton declared the meeting adjourned at 10:00 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER