

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE ST. LUCIE COUNTY COMMISSION CHAMBERS, 2300 VIRGINIA AVENUE, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON MONDAY, JULY 17, 2006.

Mayor Benton called the meeting to order.

Dr. Willie Russ, Miracle Prayer Temple 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.

The next item on the Agenda was Approval of Minutes of the Regular Meeting on July 3, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, and unanimously carried, to approve the Minutes of the Regular Meeting on July 3, 2006.

Mayor Benton proclaimed August 7-11, 2006 as FLORIDA WATER, WASTEWATER, & SYSTEMS OPERATORS WEEK.

Mayor Benton presented a proclamation in remembrance of WILLIE B. ELLIS, JR. Mr. Reggan Ellis was present to receive the proclamation.

Mayor Benton said this is a very sad anniversary. Mr. Ellis was the first Police Officer to ever die in the line of duty in the City of Fort Pierce, so they want to remember that day. They are very sorry about this. He and Reggan Ellis will be making a presentation to the City Commission at their next meeting for a crime prevention program they are looking to set up in the name of Willie B. Ellis.

Mr. Reggan Ellis said it is indeed an honor to know that this community still remembers his father after 40 years. To show how it hits home, on this day which is the exact day 40 years ago that his father was killed, his mother still mourns on this day, and this is after being married two times after his father died. She still goes into a recluse or some type of mourning, so she is not here. Knowing his brother as he does, he is over at the City Hall. He should be here. He told him where it was, but that is his brother. Seriously he wants to thank all of them. As he was preparing himself for tonight, he looked up in the dictionary one of the definitions of history; and it is a record of events in time as it relates to past events of the human race. His father certainly hits the mark with that. They are all asking and thanking right now this whole community for unity in remembrance of his father.

Mayor Benton proclaimed August 1, 2006, as 23RD ANNUAL NATIONAL NIGHT OUT. Mr. Christopher Dzadovsky was present to receive the proclamation.

Mr. Christopher Dzadovsky said he would like to accept this proclamation on behalf of the Hibiscus Park as well as the

Oakland Park Crime Watches and all St. Lucie County Crime Watches. Together they can fight crime. With this proclamation identifying August 1, 2006 as National Night Out, they wish to welcome all of their neighbors in Fort Pierce, St. Lucie County, and all residents to join them in Glidden Park at the corner of South 10th Street and Parkway Drive from the hours of 4:00 p.m. to 8:00 p.m. They also



ask that evening that they turn their lights on against crime, showing criminals that they are not going to take it any more. That night they are going to provide some information about community policing, crime watches, and how to organize. They are also going to bring together in solidarity the neighborhoods and they are going to show an increased opportunity to fight crime. They will be having music by the Coffee Beans, children's activities including a bounce house, as well as a variety of food and beverages. If they remember last year, they had the dunk crime tank, so they are going to have that back by popular demand. They also have a special presentation by the City Police Department K-9 Unit about 7:00 p.m. that evening. It is always a hit with the crowd. He just wants to finally say, in community policing it is the continuing dialogue between community activists, law enforcement agencies as well as local governments, and the support of businesses and individual volunteers that make it all work. They want to thank the Commission and the citizens of Fort Pierce.

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

Letter from Sandra Ingram, Muscular Dystrophy Association, thanking the Fort Pierce Police Department for their support.

Letter from Charlie Crist, Attorney General, State of Florida, in recognition of the accomplishments and professional development of Fort Pierce Police Officer Cheryl Glenn-Reed.

Letter from Pam Gillette, Main Street Fort Pierce, expressing appreciation to Bob Hood, Director of Public Works, and commending the Public Works Staff for their service and support.

The next item on the Agenda was Letter from David Earle, representing Yale Developers, LLC, requesting Applications for the following be withdrawn:

a. Public Hearing on Application for Site Plan Review submitted by Yale Developers LLC for Yale Development mixed-use development (80 townhomes and 52 single family lots) on property generally located at the 2800 Block of South 35th Street; said property currently zoned R-1, Single Family Low Density Zone. (Postponed from February 6th. Postponed from March 6th. Postponed from April 17th. Postponed from May 15th.)

b. Ordinance No. K-402, Rezoning seven parcels of land containing approximately 24.55 acres generally located on the east side of South 35th Street and the east end of Douglas Avenue and Kirby Loop Road, south of Cortez Boulevard and north of Edwards Road, from R-1, Single Family Low Density Zone, to PUD, Planned Unit Development Zone. (Applicant: Yale Developers LLC) (Postponed from February 6th. Postponed from April 17th. Postponed from May 15th.)

Commissioner Coke asked could staff please clarify for the public that has attended here purposely for this item yet again exactly what the next steps will be here?

Mr. Peter Buchwald, Zoning Administrator, said at the May 15th City Commission meeting, the project was postponed so that the concerns raised by Staff and the Planning Board could be addressed. As they have worked through with the applicant, those concerns still have not been addressed at this time. They indicated at that meeting that this would be heard unless the applicant withdraws; and the applicant has withdrawn his request for these applications to be heard. They will have to go back through the public hearing process when they meet the requirements of the code and they have adequately addressed the concerns of Staff and the Planning Board.

Mayor Benton asked does that mean it would have to go back to the Planning Board?

Mr. Buchwald said as he understands it, it would have to go back through the Planning Board.

Mayor Benton said through the complete process again.

Mr. Buchwald said the Planning Board and Public Hearings in front of the City Commission.

Mayor Benton said they can go back to the drawing board and try again.

Ordinance No. K-430 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING ORDINANCE NO. K-385**, CORRECTING SCRIVENERS ERROR IN DESCRIPTION OF PROPERTY ANNEXED BY SAID ORDINANCE SO AS TO PROPERLY DELINEATE THE PROPERTY TO WHICH SAID ORDINANCE APPLIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only. (Bent Creek Subdivision)

Mayor Benton declared a Public Hearing on Ordinance No. K-430 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 Nelson, that Ordinance No. K-430 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-430 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-431 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE A PARCEL OF LAND LOCATED ON THE **SOUTH SIDE OF OKEECHOBEE ROAD, BETWEEN SOUTH 35TH STREET AND SOUTH 37TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE

DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Mission Coneca)

Mayor Benton declared a Public Hearing on Ordinance No. K-431 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 Alexander, that Ordinance No. K-431 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-431 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-432 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE A PARCEL OF LAND LOCATED ON THE **EAST SIDE OF PLEASANT ACRES ROAD, NORTH OF MARKET AVENUE AND WEST OF SOUTH U.S. #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Adrian Mora)

Mayor Benton declared a Public Hearing on Ordinance No. K-432 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 Nelson, that Ordinance No. K-432 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-432 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-433 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3955 SOUTH U.S. #1 AND TWO PARCELS ADJOINING TO THE WEST AND NORTH OF THE PROPERTY**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Finlay Development)

Mayor Benton declared a Public Hearing on Ordinance No. K-433 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.

City Attorney Schwerer said in one of the legal descriptions it has been brought to his attention, Parcel 3 he thinks has an incorrect property I.D. number. He thinks there is one extra number. If they could have the motion made that it would be corrected to the parcel identification number that is on the property record card in their attachment, that would suffice so they could pass the ordinance with that correction.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-433 be amended to correct the property identification number in Parcel 3; and that Ordinance No. K-433, as amended, be passed on first reading.

Commissioner Coke said she would like to disclose that she met with this applicant today.

Those voting in favor of the passage of Ordinance No. K-433, as amended, on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-434 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE WRITTEN CONTRACTS AND AGREEMENTS ON BEHALF OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO THE **SUNRISE THEATRE**, PROVIDING CERTAIN POLICIES TO BE FOLLOWED TO APPROVE AND EXECUTE SUCH CONTRACTS OR AGREEMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-434 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 Alexander, that Ordinance No. K-434 be passed on first reading.

Commissioner Alexander said he is seeing here that the City Manager would take care of any of the related agreements. He had a disturbing dinner disruption at a local restaurant, which he won't call the name, but they are having vehicles towed of those who are patronizing these restaurants downtown from the Sunrise Theatre parking lot that is not being utilized in the day time. That really kind of spoiled his dinner when he understands people walk out there and their car is being towed during the daytime when that property is not being used. He doesn't know if it is the right time to bring this up, but it is relating agreements. He wants to know who put towing signs in

the Sunrise Theatre when they are short a tremendous amount of parking spaces.

City Manager Beach said there is a report due from the Sunrise Theatre Director on that subject. This has been going on for some time now. And there are some very specific problems that everybody needs to be made aware of relating to parking in that facility. They are going to continue to monitor this and review it. He expects that report within the next week from the Director explaining what the purpose of that is and why they are compelled to do that.

Commissioner Alexander asked compelled to do that? That is upon whose request?

City Manager Beach said it is the theater management themselves. If they are familiar with the back of that facility, there are loading docks there. Those loading docks are very confined in regards to the amount of space that is available. They have very large semi-tractors that come in there with very large trailers and they are unable to negotiate getting into the loading docks if there are cars parked in the facility. That is the root of it. It is something they have to explore further. He does understand his concern and he wants them to be aware that somebody is working on that concern.

Mayor Benton said just for the record, he has been working with that person in that certain restaurant for several months because it has been a problem. He felt that as soon as the City took over ownership of the theater, they might have a little more say, if that can be arranged that they can park there.

Commissioner Alexander asked they are at that point now, right?

Mayor Benton said they haven't got the keys yet. It is just the employees, right?

City Manager Beach said correct.

Mayor Benton said they still have a few more weeks he believes before certain items are finished at the theater. But he agrees with him.

Commissioner Alexander said he doesn't see running customers, clientele, or whomever out of Fort Pierce when they have taken up all the on-street parking with construction and whatever, road closures and everything. They are going to punish the people who come visit in the City? The Chief knows he is not crazy about their issuing tickets down there; but do it with a smile, not with a boo.

Commissioner Nelson said he is somewhat concerned about the contract in itself. They used the City of Sarasota ordinance as a template or guide to go by. This contract they have here siting this ordinance is somewhat a departure from those that are dictated in the Sarasota contract ordinance. Could either the City Manager and/or the City Attorney give some explanation as to why the difference at this time?

City Manager Beach said he would be happy to. As a result of a request from Commissioner Becht, all of the Commission was provided the ordinance from Sarasota that allows the purchasing procedures to take place as they do. If they notice, that ordinance was far more extensive than the ordinance they have here because Sarasota had to include a number of other issues. Sarasota, unlike Fort Pierce, their purchasing practices are defined by Charter; and when they start to change what those purchasing practices are, they have to submit to the voters of Sarasota a proposal as to how those would be changed. When they had to set this up for the Van Wezel Theater, they went ahead at that time and changed a whole host of the Charter provisions of their purchasing practices. When the City Attorney's office reviewed that document, and the staff of the Sunrise Theatre, the Purchasing Agent, and the Finance Director reviewed that document, they pulled out those provisions of the ordinance that were applicable that they needed to administer at the Sunrise Theatre. That is what they see in front of them is just the submittal of very specific issues that they thought were of concern.

Commissioner Nelson asked they can assume that all the stones have been turned and they are on solid ground here? Does the City Attorney have any input on this at this time?

City Attorney Schwerer said no, other than just the ordinance and his memorandum that directed it to them. This simply changes the standard procedure where they have the City Manager limited by contract to a \$10,000 limit. This gives him the ability to execute contracts for those very specific four items when it pertains to the theater, but provided only after the necessary budgeted funds and appropriations have been confirmed by his office to be available for the draw against that approval.

Commissioner Nelson said that is the point he was looking at. He envisioning that a lot of these contracts with these various performers are going to exceed the authority that is currently granted to the City Manager.

City Attorney Schwerer said yes, and it is intended to. It is intended to exceed that \$10,000 limit, because these contracts will in most instances be in excess of that \$10,000 limit. But as they did in Sarasota with the Performing Arts Theater, that is a typical standard type of practice. What they do is they set up a budget type of allotment for the theater; and as long as the draws against that budget - whether it is \$10,000, \$20,000, or \$30,000 contracts - as long as it meets budgetary standards, then it is approved by the City Manager by signing without having to wait or delay to get that contract signed at a regular Commission meeting which may take weeks to get on the Agenda.

Those voting in favor of the passage of Ordinance No. K-434 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. James McCarty, representing Gallery 34949, Inc., request thirty day extension of its current Site Plan for the St. Lucie Court project at 301 South Ocean Drive.

Mr. James McCarty of Melville, Sowerby & McCarty, P.L., said concerning the St. Lucie Court project, when he first appeared before this Commission in August 2005, he was here for a major Site Plan amendment. The amended Site Plan had received unanimous approval from the Planning Board and came before this Commission with the recommendation from the Planning Department of the City of Fort Pierce. At that meeting in August 2005, an issue arose as to whether the original Site Plan had expired or had not expired. His client was under the impression that there were approximately 35 days left on the initial Site Plan, which would have allowed him to go ahead and submit for building permits on the original Site Plan had the major amendment been denied. But there was no real reason to expect the major amendment would be denied because it had received approval and recommendation from the Planning Board and the City staff. In fact, in that August 2005 meeting a majority of the Commission actually said that the amended Site Plan was a better one than the original Site Plan. Nonetheless, the matter was tabled for a review whether the initial Site Plan had actually expired. By a letter from the City Engineer, it was his opinion it had expired; and thus his client appealed that to the Board of Adjustment, seeking a review of that decision. On April 28th of 2006 the Board of Adjustment ruled that the Site Plan had not expired and was not expired at the time of the Commission meeting back in August 2005. They immediately requested that the matter be put back on the Commission Agenda for the vote that they expected to happen in August 2005. However, because of advertising concerns, it could not get back on the Agenda in a timely fashion before expiration and the 30 or 35 days would have run on the initial Site Plan. It was suggested and they did in fact at that time file for a 60 day extension of the Site Plan. That was heard May 2006 before this Commission and it was approved by a unanimous vote. At that meeting Commissioner Coke asked him on behalf of his client to look for possible compromises to issues that were in that Site Plan that ran contrary to the South Beach Owners Association recommendation for the 4, 8, and 45 on the height, density, and units per acre. Immediately after that meeting his client met with Mr. Buchwald from the City and also made contact with the South Beach Association seeking to have that meeting that Commissioner Coke had asked for. His client sent plans and had telephone conversations with the President of the Association. And it was not until July 5th about 2:00 o'clock in the afternoon that his client received a voicemail from Walter Fauth indicating that no meeting was going to happen, that the Association was not interested in any compromise, and so they were not even going to have a telephone call with his client to discuss it. That happened on July 5th. They immediately the next day renewed their request to have this matter put on the Commission Agenda. Now he asks them to recall also that they had never withdrawn their request from back in May to have this put on the Agenda, but it had not happened yet. So they requested immediately that it come back on the Agenda. Again they were caught in the

advertising delay to get it back on the Commission Agenda for the major Site Plan Amendment. So he came the next day...

Commissioner Nelson said he doesn't mean to cut him off here, but the recommendation of staff is to approve his request for a 30 day extension. His request is for a 30 day extension, is that correct?

Mr. McCarty said yes.

Commissioner Nelson said he would recommend that he hold the rebuttal at this juncture and let them determine whether or not the public has any objection and of course if the Commission has any objection, and it would save them a lot of time.

Mr. McCarty said had he known that it had been recommended for approval, he would have said five words.

Commissioner Coke said not to be argumentative - and she does appreciate his showing up here this evening - however, she guesses they all have a different outlook on things. She is looking at this. There was an approval on this over three years ago. His client has had three plus years to get the original Site Plan ready. They have had almost a year to get the revised Site Plan ready. They are not moving forward with it. She thinks what has happened in the interim period of the three years and to date or even to last August when they came and requested the extension was, they as a Commission have requested that they raise the bar. They as a Commission have looked to insure that they have a better quality of life, especially on the beach where extreme densities can only jeopardize people's safety over there. They have had another incident where someone's Site Plan was expiring and they denied that when the applicant asked for an extension and she was very irate with the Commission; however, a week later the lady sold the property and now they have a project that she believes they all are going to be very happy with. So she for one wishes him well in his endeavor and she is only one vote. But she does honestly believe he has had over three years to get Site Plans submitted and worked on and dirt turned and nothing has happened. Whether there has been a problem with a hurricane or an advertising problem, whatever it has been, it has been three plus years. To her, that is more than enough time. So she won't be supporting this.

Mayor Benton asked who is the architect for this project?

Mr. McCarty said Mr. Don Bergman.

Mayor Benton asked on that appeal to the Construction Board of Appeals, did Mr. Bergman vote on that?

Mr. McCarty said no, he recused himself. He signed the order which was the vote from the Board, but he did not appear at that hearing, he stepped off the dias.

Mayor Benton said he expected that, but for the record he just wanted to know for sure.

Mr. McCarty said he doesn't know at this point whether he needs to respond and talk about what has happened during the three years or not, in deference to Commissioner Nelson. He will respond to other questions or he can clearly explain what happened during that three year period and why this has not gone before. Much of it has to do with coming up with a better Site Plan at the request of the City planning group at that time. That was what was done. They understand the concerns and they have tried diligently to work with the Association to come up with some compromise.

Commissioner Coke said she does understand that his second Site Plan is probably better than his first Site Plan. However, again, they have had over a year to fine tune all of those things and it hasn't been done. At this juncture, she would like to see them go forward with the will of the people with 4 stories, 45 feet, 8 units per acre.

Mr. McCarty said he certainly understands and respects her position.

Commissioner Becht said Staff has recommended a 60 day extension of the old Site Plan.

Mr. McCarty asked that was the initial 60 day extension he is erring to? This is a 30 day extension.

Commissioner Becht asked the new one is a 30 day extension which takes it from when to when?

Mr. McCarty said it would take it from approximately August 7th, 30 days out. Really the only intent for this last 30 day extension is to put his client in the same position it would have been in and was in in August 2005 when this Commission decided to table the major amendment. Had the Commission turned down the major amendment, his client would have had approximately 30 or 35 days to go ahead and get a building permit in place to build the original Site Plan, which everyone agreed was not the preferable Site Plan. So that is all this does, this leaves them with that same 30 day period.

Commissioner Becht asked are there building plans drawn pursuant to the first Site Plan?

Mr. McCarty said he knows some have been worked on. He doesn't know what detail they are in or whether they are ready to go or not. But at least there is a 30 day window to do that, which is all there was back in August 2005.

Commissioner Coke said it is her understanding that during the time frame that this City Commission postponed this that the clock stopped running so that there was an additional time frame added on to the end of this extension to compensate for the Appeals Board time, etc. The Commission didn't table it. The time they postponed it until the time the Appeals Board made their ruling, it is not as if the clock just kept running and they let time expire.

Mr. Peter Buchwald, Zoning Administrator, said that is correct. The time it refers to is the time between when the item was postponed and when the original permit had expired.

Commissioner Coke said so in her view, and again it is only her view, that granting a 30 day extension is not in essence making him whole, it is giving him yet an additional 30 days.

Mr. McCarty said no, he wouldn't say that at all. He respectfully disagrees with that. Again, this leaves them in exactly the same position. He would ask perhaps to look to the City Attorney. Because they asked for this matter to be put on the Commission Agenda, their request was in May of this year, and it was not put on the Commission Agenda. That is not to be critical of anyone, because it was certainly a confusing situation. They asked for it to be put on the Agenda and they also asked for an extension because it couldn't be put on the Agenda at that time, but it never was put on the Agenda. Now they had to come back and renew their request last week asking that it be put on the Agenda; and they are faced with getting it on the August 7th Agenda, which leaves them no time after that meeting if there is a negative vote on the major Site Plan amendment, which truly is not fundamentally fair to his client.

Commissioner Becht asked the major Site Plan amendment that he intends to file, is it in the City offices in its final form?

Mr. McCarty said it was ready for an up or down vote before the Commission in August 2005 with unanimous Planning Board approval and recommendation of approval by the City staff.

Commissioner Becht asked so there is not going to be any further tinkering in the next 30 days?

Mr. McCarty said that is their position entirely.

Commissioner Becht said they are still running down parallel paths as they have been for the last year or whatever it has been, 60 days, so they are still running down parallel paths, they are just going to be running down parallel paths for another 30 days.

Mr. McCarty said the only path will be, if the major Site Plan amendment is approved on August 7th, then they will have a chance to build that plan which everyone agrees is a better plan. If on the other hand that is denied, they will have 30 days to go back to the original Site Plan, which he understands seems nonsensical, but really protects the rights of his client. It has not been his delay in this matter that has caused this. Because had this been voted on in August 2005, then with an up vote they would have had the major Site Plan amendment to build on, and with a down vote, they would have had 35 days to submit plans for his old Site Plan. That is all they are asking here, August 7th will be an up or down vote; and he will have either time to build a new Site Plan, or he will have 30 days to build the old Site Plan. That to him is fundamentally fair.

Commissioner Coke asked can she have some clarification? When someone requests to be put on their Agenda, can Ms. Steele please explain the process to her?

City Clerk Steele said in the case of a Site Plan or Site Plan amendment, it would have to come from the Planning Department. At the time she gets it from the Planning Department, the advertising requirement is 15 days advertising in the newspaper plus she needs a few days to prepare the ad and the newspaper has a three-day deadline, so about 18 days. So it depends on when she gets it from the Planning Department as to what Agenda it is scheduled for. She thinks that is what he is referring to. It never got out of the Planning Department.

Commissioner Coke asked she received this request when?

City Clerk Steele asked which one?

Commissioner Coke said she guesses this request.

City Clerk Steele said July 7th.

Mr. McCarty said July 6th the amendment was faxed in, he believes. The renewed request to put it on the Agenda.

City Clerk Steele said the letter that says request for 30 day Site Plan extension is dated July 7th.

Mr. McCarty said that is correct. The other one would have been July 6th, the day before.

Commissioner Coke asked can Mr. Buchwald confirm when he had finalized Site Plans on the amended Site Plan to be brought in front of this Commission that is now going to be August 7th. According to this gentleman, they have been trying to get him to put it on since May. Can he confirm, deny, explain it to her?

Mr. Buchwald said if they recall, the Board of Adjustment ruled in favor of the Appeal and that was April 28th. According to the City Attorney, several days have to be granted to them to allow them to receive the actual Appeal. Typically, that is five days. At that time the applicant wanted to be put on the next available Agenda. So that is looking at the beginning of May and the next meeting date would have been May 15th. At that time he indicated to them that the City Clerk did not have enough ample time in which to publicly notice the meeting for that. So at that time the applicant requested the 60 day extension, which they then granted on May 15th. Since that time the applicant was asked to meet with the residents of South Beach to see if there was any type of further improvements they can make to the plan. He was waiting to hear from that prior to scheduling it for the next meeting.

Commissioner Coke said she just wanted clarification that it was not their staff that did not put it on, that they had requested an extension. Because a minute ago it was her understanding what Mr. McCarty was saying was the reason that he has not had his up or down vote on the amended Site Plan was because the

staff had not done their due diligence and scheduled it properly. Now staff is telling her that Mr. McCarty had requested a 60 day extension on that. Had he gone ahead and had it on the May 15th Agenda, then if it had been voted down, he would have had ample time to proceed with the original Site Plan.

Mr. McCarty said the day before they requested the extension, they asked that this major Site Plan amendment be put on the Commission Agenda. That was his first request. When they were told there was not time to do so, on suggestion of staff they requested the 60 day extension. The request for it to be put on the Agenda has been in the City Clerk's office since the first week of May, the same week that they received the order from the Board of Adjustment. There was no delay on their part whatsoever on this.

Commissioner Nelson said he appreciates the history they are going through here now. He would like to have confirmation from staff that they still recommend approval on this and they should proceed to get other comments and move this action forward.

Mr. Buchwald said this is all before his time. It was approved before he started here, so he has not reviewed the plan to evaluate whether or not it meets requirements of code or in order to provide a recommendation. Should he merely provide copies of the report that was in front of them in August 2005, that can be done. But he is unprepared to provide a recommendation because he has not reviewed it to insure its compliance with the City code.

Commissioner Nelson said maybe he talked to the wrong person. Does their Director of Planning - a completely new man on board - have any comments regarding this? It is his signature that says recommend approval.

Mr. Matthew Margotta, Director of Planning, said staff recommends approval.

Commissioner Nelson asked based on?

Mr. Margotta said based on the fact that the applicant has gone through the motions of trying to meet the approval from the Board of Appeals and then going forward. He thinks there has been a couple of mis-steps, either in communication or whatever; but they have made the movement forward with the same plan that they intended, there has been no changes. He also believes that they have gone forward to the residents to see what else needs to be changed. No changes to the plan. In other words, it is still basically the same type of thing they expected to see. He believes they do have some rights based on their earlier approvals, even way back to the original one. The crux of the whole decision or what may be worth deciding is trying to hold them to this second Site Plan which everybody seems to like more. He believes the applicant has the right to press for the earlier approval and continue with that. Unfortunately, it is a bad plan or a plan that is less favorable, but it meets the code.

Mayor Benton said he would hope that their staff has a chance - if this is brought back in 30 days - to take a look at this, because he would like to know if it meets code.

Mr. Buchwald said if the Mayor is asking for the current staff to provide a recommendation, then it will be necessary for them to evaluate it to confirm that it meets requirements of the code.

Mayor Benton said he thinks this Commission would feel comfortable if they heard from their current staff on this. Is he speaking for everyone?

Commissioner Nelson said he thinks the Mayor has a point there.

Commissioner Coke said she has a hard time with 7 units on a half an acre plus retail and not sufficient parking provided other than on street parking. However, she is just one vote.

Mayor Benton said he would just feel comfortable if their present staff would take a look at it. They have time he thinks.

Commissioner Nelson asked did they get the public input on this?

Mayor Benton said he doesn't believe there is public input until it is brought back.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to grant the request for a 30 day extension of the current Site Plan for the St. Lucie Court project at 301 South Ocean Drive.

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

The next item on the Agenda was Mr. Donald Bergman, Peacock & Lewis Architects & Planners, Inc., request one year extension of approved Site Plan for the **Human Development & Resources Centre** project on the northwest corner of Avenue D and North 29th Street.

Mayor Benton asked when is he is going to start on this project?

Mr. Don Bergman said the project has been completed. It has gone to the contractor, The Weitz Company, for them to work on the GMP which is the Guaranteed Maximum Price. He is not sure where their contract stands with the City, but he knows the plans were delivered to them about three or four weeks ago. The plan was to go ahead and try to get a foundation and utilities permit in the works initially so they could begin all the underground work on the project while they are completing the construction documents for the whole building. That has all been completed and is in their hands at this time.

Commissioner Nelson asked he thinks the City has a code that

requires them to put a picture or artist rendering of the structure out there. As much as he would like to see the building coming out of the ground, he also thinks it is important that they give a current rendering in compliance with the code. Is any effort being made to accomplish that?

Mr. Bergman said that is being completed as they speak. He was expecting to have it for them last week; but he thinks the computer was down when they were working on it, they have been having some server issues in their North Palm Beach office. So that should be done and will be forwarded to a sign company, that The Weitz Company they use, to post a 4 by 8 foot sign on the site of the facility, the Phase II part of the building.

Commissioner Nelson asked so he is going to have it done when?

Mr. Bergman said it should be done now. He will get him a copy of it as soon as it is.

Commissioner Nelson said he doesn't want to see a picture. He wants to see it on the ground. More steps toward seeing the shovels actually moving out there.

Mayor Benton said they have already broke ground.

Mr. Bergman said the sign is being done. It is a 4 by 8 foot format, standard plywood size for on the site.

Commissioner Nelson said the Public Works people assured him they are ready to assist him in putting it in the ground if he can't get the contractor to do it.

Mr. Bergman said the contractor he is sure will be more than happy to take care of it.

Commissioner Alexander asked when is this project supposed to turn the dirt?

Mr. Bergman said he is not sure. They were supposed to have a meeting last week and some of staff got tied up in other meetings so they had to cancel that. But he believes they are looking at, once they get the GMP to the Fort Pierce Redevelopment Agency for their approval, he thinks they are talking about the end of August is when they are going to be turning dirt.

Commissioner Becht asked is that August of 2006?

Mr. Bergman said that is next month. The reason they are applying for the extension is there was a grant that was applied for by the City for the Fort Pierce Redevelopment Agency to get hurricane funds to make this a shelter. That was a delay probably of about two and a half months to go through and redesign the building to withstand 180 mile an hour winds. That is currently how it stands. That work has been completed and has all been passed on to the contractor. They were just concerned that if the permitting phase delayed getting

construction started, that they would lapse into their one year time frame on their Site Plan approval. So he didn't want to take a chance and pass it on to the Building Department, he wanted to make sure they have plenty of time to review the plans and they weren't stepping on anybody's toes.

Commissioner Coke asked so if they give him a year, he is not going to utilize the whole year?

Mr. Bergman said no.

Commissioner Coke asked he promises?

Mr. Bergman said that is the word from the contractor.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve one year extension of approved Site Plan for the Human Development & Resources Centre project on the northwest corner of Avenue D and North 29th Street.

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

The next item on the Agenda was Mr. Les Lasenby concerning insurance benefits for widows of slain police officers.

Mr. Les Lasenby said during his career in law enforcement, he has had six of his personal friends shot and three of which have died. He can't even begin to imagine the grief and the pain that the widows have gone through losing their husbands. He has requested before and there was some questions raised as to the reasons why the City is not supplying insurance or ways for the City to supply insurance for these widows. At this time he would like to request that they all be brought up to date as to what stages they are in procuring this insurance for them.

City Manager Beach said he knows there was an assignment given to their Human Resources Director as a result of a previous meeting that they had. Commissioner Coke had made a suggestion that, because of the complications of trying to place individuals who are not employees of the City on the City's insurance program, they may consider looking at a different insurance program, it wouldn't be part of the City's insurance program. David Recor has researched that subject to some degree and he understands will have some pricing on the insurance and the availability of it during the course of this week. They still can't tell the Commission whether or not these individuals will be eligible for the insurance based on any number of factors. Each time this discussion comes up, there is a fairly extended discussion about whether or not this is something the City has the ability to do and whether or not these widows are eligible for insurance based on a number of factors. But he thinks they will have the pricing available if it is determined legally that this can be done. Then they can provide the financial repercussions of that and then the Commission can make a decision about whether to proceed with it or not.

Mayor Benton said for the record, he met with Mr. Lasenby and one of the widows the other day, he thinks the only widow who would qualify the way they have been talking about doing this. His suggestion might be - what he mentioned to them - is just to pay... She is currently on the City's insurance program. It is somewhere around \$400 a month.

Mr. Lasenby said \$485.23.

Mayor Benton said so if they can't go anywhere, his suggestion would be just to cover that \$485.23 a month for this widow, because he thinks she is the only one who hasn't been remarried.

Commissioner Coke said she and Mr. Lasenby have also been talking about this and she knows this came before the Commission several months ago. She thinks they all agreed that although there was a new Florida Statute in 1993, they didn't want to omit these four women from being taken care of. She thinks it is important that they move forward. On May 1st they discussed finding out which women were eligible for this insurance policy. She is very grateful to Mr. Recor today for taking it upon himself to go ahead and give them privatized insurance policies. It was her understanding it was the will of this Commission that they proceed wherever they could legally to take care of these women. And personally she would like to see if they couldn't agenda this for the August 7th meeting with a final answer on everyone who is eligible and the final cost on it, and be able to make a final decision then. She appreciates all of Mr. Lasenby's efforts and she is sure everyone else does. She hates to have him keep coming back. In the same vein, these poor women have been going since 1993 without the City's insurance. Although it does take a long time, she would like to see a resolution to it if they could at the first meeting in August.

Commissioner Becht said he met with Mr. Lasenby this afternoon as well. Some of the things that they were able to find out through a quick call to a local agent is that one of the four widows is over 65 and she is going to have to make an application for Medicare supplement. The ballpark figure on that, and this is a very rough ballpark figure, is about \$210 a month. One or more of the other ladies may have a pre-existing condition. If they have a pre-existing condition, there is not a group they can put them on. And even if they do qualify, they are going to qualify at... Depending on the type of pre-existing condition, the rate could be substantially higher than the \$210 that he just mentioned. The pre-existing condition will be excluded from coverage because it is not a group plan. They just need to figure out a way, if they can, to make this happen. He doesn't know how Mr. Recor is going to figure it out. But he wanted him to know that their initial inquiry with private insurance through separate individual policies is probably not going to work for one of the four widows.

Mr. David Recor, Deputy City Manager, said he spoke this afternoon with Blue Cross/Blue Shield of Florida regarding a secondary group coverage policy specifically for the three widows who were not eligible for Medicare coverage. They would technically be identified as employees. He provided the

personal information provided by their Human Resources Department. He expects they will have some cost estimates that will simply be based on their age as opposed to pre-existing conditions. He should have that this week. He will follow up with them by the August 7th meeting.

Mayor Benton asked so they will have this back in August at their first meeting?

Mr. Recor said they will have the information that he has.

Mayor Benton said so they can make the decision then.

Mr. Lasenby said if Mr. Recor would like any assistance gathering any information or any help that he can be to get it, he will be more than glad to do so.

The next item on the Agenda was Mr. John Donohue, LBFH, to give presentation on **A1A and Harbour Isle Roundabout Projects.**

City Manager Beach said he was advised by Jack Andrews (Assistant City Engineer) that Mr. Donohue will not be here this evening, he had a previous commitment. They can handle this one of two ways. They can either talk about it among themselves; or they can have LBFH at their workshop. This item is on the Agenda for their workshop which is next Monday. So if that is okay with the Commission, they can handle it that way.

Mayor Benton said it is very important. He just wanted to hear some of the excuses, because this has been the most frustrating project in the City since he has been around. He is tired of being made a liar to the community, because he has said for years it was going to be started in June. That was three years ago. They have done everything in their power. But it is very important that this project get back on track or they make some changes.

Commissioner Coke asked are they going to have a representative from FDOT (Florida Department of Transportation) there to give their rebuttal to whatever excuses they are going to receive?

City Manager Beach said in his discussions with the Engineering Department, they are saying that the consulting engineers are not shifting this blame to others. What they have talked about doing was, anyone who gets the finger pointed at them, bring them to the meeting so they can have an open discussion about what really is going on. Just to brief everybody. They entered into this contract with this company three years and four months ago. Their time frame for completion of the design of this entire project was 18 months. They are now twice that figure. They have gone through this discussion previously, as all of them know. So it will be an interesting discussion next week.

Mayor Benton asked can they also have somebody from Culpepper & Terpening there who can answer questions about the roundabout?

City Manager Beach said they will invite Stefan Matthes, who is the design consultant for that project. As he is sure they are aware, Mr. Matthes is actually employed by Harbour Isle, he is

not employed by the City to do that project.

Mayor Benton said he would like to ask the City Commission if they would be willing to let Mr. Beach read this letter that he had handed to them before the start of the meeting.

Commissioner Nelson said he thinks it is appropriate that they do that. This deals with a myriad of items, primarily the big investigation that everybody is so concerned about.

Commissioner Coke said she agrees with that. But not to put off the public, but County Commissioner Craft is sitting here waiting to address the City Commission. Is this not going to be a lengthy...?

Commissioner Nelson said this shouldn't be but five or ten minutes.

Mayor Benton said Mr. Beach is just going to read this letter. Any public discussion will be at the end of the meeting.

City Manager Beach said at the request of several Commissioners, today he wrote a letter. And this was based on a lot of the media coverage of this event of alleged racial discrimination acts on the part of some members of staff. There was a concern expressed about having an independent evaluation of this. So he will read into the record the letter that was sent to the State Attorney today and they will go from there. This is to Bruce Colton:

July 17, 2006

The Honorable Bruce H. Colton, Esquire
State Attorney
411 South 2nd Street
Fort Pierce, FL 34950

Dear Mr. Colton:

Attached is a report from a member of my staff describing the results of an investigation into allegations of racial discrimination by certain members of City staff. Within the content of that report, there is reference on page five, third paragraph, that describes the shredding of documents related to certain employee evaluations. The reason for the shredding is explained in the report.

This is a request for the State Attorney's Office to review this report and the public records law to determine whether or not the public records law was violated by the shredding of the documents. Please be advised that the documents continue to exist and copies are attached. There is a perception in the community, generated by the Fort Pierce Tribune, indicating that these documents were shredded in an attempt to cover up evidence of racial discrimination. It is my opinion that the community in general is not going to accept a report from the City regarding this subject and, therefore, we are requesting an independent assessment be conducted by your office.

Regarding the complaint of racial discrimination, this report reflects that the writer concluded that the incidents reported did not rise to the level of either racial discrimination or the creation of a hostile working environment. If this is within the purview of the State Attorney's Office, we request that you evaluate those complaints as well. The reason being that we do not believe the community is going to accept as truth reporting by the City staff or anyone associated with the City.

If I can provide additional information, please contact me at your convenience. I look forward to hearing from you.

Sincerely,

/s/ Dennis W. Beach
City Manager

DWB:jdr
06-031
Attachments

c: Mayor & Members of City Commission
David Recor, Deputy City Manager
Robert V. Schwerer, City Attorney

City Manager Beach said as the Commissioners know, they have reviewed the issue of the document shredding. They have concluded through their own City Attorney's office and through the Attorney General's office that does not constitute a crime or an illegal act. They have reported that. However, that is still contested, he thinks primarily by the media, they have been into interpreting the law now for the last several months; and that information being given to the community on a steady diet, creates these perceptions and puts the City in a position of simply not being believed about whatever it says. So he thinks this was a good suggestion by the Commission. He thinks it is important that an independent assessment of this occur. And hopefully this will bring about some resolution.

Mayor Benton said they all agree, they think that is a good idea. They just want to let the public know that they are not sweeping anything underneath the mat. They want to make sure everything is done right. They will wait and see what the State Attorney has to say.

Commissioner Nelson said he would just like to echo the fact that he concurs with this action. It is appropriate. It is the type of thing that they need to do. And he hope it quells to some extent the problems that a lot of people might have shown up to this juncture. The State Attorney is representing an independent entity, completely detached from the City's executing the laws of the State of Florida. And he hopes it pans out the way it is just and fair to all concerned.

Commissioner Alexander said he is one of the Commissioners who did speak to Mr. Beach with a very concerned heart because he truly doesn't want to take part of anything that is not

rightfully so. In this community they have come a long way and they have a long way to go. He still as he has heard conversations from the Commissioners, they request a report from Mr. Beach and he is still looking forward to that report.

The next item on the Agenda was Resolution No. 06-37, Appointing a Member on the **Historic Preservation Board**.

City Clerk Steele said this is a resolution for an appointment to the Historic Preservation Board. In order to present the resolution, she will need a suggestion for a name. They have applications attached to their package.

Commissioner Nelson said he would like to bring in one of their former Commissioners from way back when, the historical guy, Bob Burdge.

City Clerk Steele asked do they want her to read it with that name?

Commissioner Alexander said no, that is not what he requested. There wasn't a second to that, right? For the lack of second. He would like to again speak out for diversity on these boards. He would like to replace Mr. Gaines with an applicant who was placed in here, Marjorie Harrell.

Commissioner Coke said she would second that.

Commissioner Alexander said due to the fact that they do have a problem with quorum on these Boards, he is making a suggestion that maybe they have an alternate added to this.

Commissioner Coke said she thinks that would be a great idea. Do they need to rewrite the procedures for the Board?

City Attorney Schwerer said yes. They had discussed this at an earlier meeting. He had tasked his staff to create an ordinance that covers alternates for all Boards. There are some that are already in place for some Boards. They are he thinks in the final stages of proposing that ordinance and having it to the Commission in draft form very shortly. So when that occurs, they can then appoint these alternates, not only this Board but the other Boards that are in need of them as well.

Commissioner Becht said he would like to thank all the applicants who have put their names in. Maybe they should be sent a list of those Boards that are having openings in the near future and see if they are interested in that. This is one of the first times they have had more applicants than open positions, so it is a great position to be in for a change.

Mayor Benton said not to get off the beaten path, but he would ask that during their Workshop next week if they could have a brief discussion on people sitting on several Boards. They have had that discussion before. He thinks it is something they need to look into.

Commissioner Coke said they might also target term limits on

Boards.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-37

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **MARJORIE COOK HARRELL** TO THE **HISTORIC PRESERVATION BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 06-37 be adopted.

Those voting in favor of the adoption of Resolution No. 06-37 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-40

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ADOPTING THE **ST. LUCIE COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN.**"

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-40 be adopted.

Those voting in favor of the adoption of Resolution No. 06-40 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-41

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ENDORSING SUBMISSION BY THE LINCOLN PARK BUSINESS ASSOCIATION, INC., OF AN APPLICATION TO THE FLORIDA MAIN STREET PROGRAM IN ORDER TO DEVELOP THE **LINCOLN PARK MAIN STREET PROGRAM.**"

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, that Resolution No. 06-41 be adopted.

Commissioner Nelson said this represents a very positive step forward with respect to trying to upgrade the Lincoln Park business community and the Lincoln Park area in general. They are applying for the Main Street status. The State of Florida organization that grants these certificates or charters only put out three a year. He is wondering whether or not they could at this juncture, because they are in this infant stage, try to give them some type of encouragement and some support monetarily. They give about \$80,000 a year to the Main Street Fort Pierce. He is thinking somewhere along the line these guys

are going to need monies. Whether or not they should do it now or during the budgetary process, he thinks a \$25,000 stipend would be a minimum that they should put behind the effort because they need a lot of help to get off the ground.

Mayor Benton said the other night after Commissioner Nelson had left the meeting at the substation, he made a commitment at that meeting that if they were given this designation, the City would be financially supporting them the same way they do the other Main Street. He told them right now it was budget time, so they should submit something. But he thinks it would be appropriate once they get the designation.

Commissioner Nelson said there is a possibility, and they always have to deal with these possibilities when they are dealing with the State - he did it for ten years on the Human Development & Resources Centre - it could be cut out. Even without the designation, they need to make sure. And he thinks they are somewhat committed to move forward with this program. Of course, if they don't get a designation this year, they will be getting it next year. The stipend he is talking about today would help them greatly to do things for years to come. So he stands by that commitment and assertion that they need to do something now, their designation to be notwithstanding.

Mayor Benton said he had asked them to put that in because they won't hear whether they get that designation until after their budget workshop, so they should have something in for their budget workshop.

Commissioner Nelson said even now they are soliciting input from everybody and anybody supporting their effort in the application. If they could say that the City has in fact pledged \$25,000 toward the effort, it might be of some impact with the approval process.

Commissioner Coke said first of all she wants to say how very happy she is. She has discussed this with members of the Lincoln Park Business Association for a couple of years now. And it is wonderful to see it finally coming to fruition. She is going to disagree with Commissioner Nelson - they shouldn't give them \$25,000, they should give them exactly what they give the Main Street Fort Pierce downtown.

Commissioner Nelson said she is his kind of lady. She is going to make him happy.

Commissioner Coke said that is her goal in life. So she would like to see the City do that. She would like to see them make that commitment to them, irregardless if they get their Main Street designation this year or next year. The only request she would like to see them look into is, she is not quite sure now the Main Street downtown handles their finances, but she believes they do it in-house or they have a part time accountant. Her concern is when they talk about having a fiscal agent, quite often fiscal agents will charge them a percentage of the monies that they receive. She would not like to see any monies, whether it is granted from the City to the Lincoln Park

Main Street - which is going to sound so nice to say that - or if it is money that is raised from events that they have throughout the year, she wouldn't want to see somebody who is handling their finances taking a percent or two off the top because that is not what this organization should be about. So if they are having that kind of question, perhaps they can come back to the City and they can explore some avenues to assist them where they can get somebody to handle that for them at no charge. She is sure they can get a volunteer to do that.

Commissioner Alexander said he just wants Commissioner Coke know that she took the words out of his mouth. But serving on that Main Street Board, not only did he promise those individuals serving with him that he would do everything in his power to get treated the same regardless whether it is Fort Pierce Main Street or it is just something that they do as a Commissioner on their own. Again, he thanks Commissioner Coke for taking those words out of his mouth, they sound better coming from her.

Commissioner Becht said he thinks they are all going to be happy up here tonight. There is a person with bookkeeping skills on the Downtown Main Street Board who keeps the day to day books and there is an annual report or a return done by a CPA at a substantially reduced rate. He is not going to advertise her name, because she would probably be flooded with requests to do it by all non-profits are at a reduced rate, Linda. Are they going to appoint or have they appointed someone from this Board to serve on the new Main Street?

Commissioner Coke said Commissioner Alexander already does.

Commissioner Becht said all right, so he will be on that Board and they will have somebody from this Commission who is designated in the same fashion as they all gave him the distinction of serving on the Fort Pierce Main Street downtown.

Commissioner Nelson said they also have a member of staff from the Finance Department also on that Board.

Commissioner Becht said so they have a lot of controls, a lot of assistance there, not meddling, but assistance. This is good.

Mayor Benton said also he knows they are applying for the 501(c)(3). Right now the money they are accepting is going into the Treasure Coast RC&D account. He prefers that it goes specifically into Main Street and not that account.

Commissioner Nelson said so they are asking that the Lincoln Park Main Street submit the necessary data so they can address this during their workshop.

Commissioner Coke said might she suggest, in order to expedite that 501(c)(3) status, that this Commission consider paying the accountant who does Main Street's books or another accountant to file that for them so they can get that done in a timely fashion and they can become an independent agency.

Commissioner Becht said he is not sure that an accountant did

it. It might have been Doris Tillman who did it on her own.

Mayor Benton asked it has already been filed, right?

Ms. Elise Ann Rollins, President of Lincoln Park Business Association, said they cannot file the Main Street 501(c)(3) until they are actually the Main Street, which will be after August 24th. They were using Treasure Coast RC&D so they would be able to collect the funds and still give the tax exemption to their donators. But they can work something out. That is no problem.

Mayor Benton said they will work something out.

Ms. Rollins said they can definitely work something out. They are still willing to work with them regardless of whatever. They do have the highest level qualified accountants in the State. But that is all right, they will be ready to comply. They also have Gloria Johnson as their Treasurer, who is the Chief Accountant for the City. Also assisting her will be Ruby Smith who is a retired Supervisor of payroll for St. Lucie County School Board. So they have the right people in place to assist them with what they need to do financial-wise.

Mayor Benton said good luck. They are rooting for them all.

Those voting in favor of the adoption of Resolution No. 06-41 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Commissioner Becht proposal for a Joint Workshop or a Charrette with St. Lucie County to focus on: (1) Mixed use development on the corner of North 7th Street and Avenue D; and (2) Future development of property after decommissioning the Wastewater Treatment Plant on South Beach.

Commissioner Becht said he has asked and County Commissioner Craft has so graciously volunteered his time tonight to come up and answer questions that they all might have about the County's intent and what they are offering to do with the City. There were two projects that he had discussed with certain County Commissioners to try to see if there is any consensus at the County Commission level and there were on these two issues. The mixed-use development at North 7th Street and Avenue D where the County owns property. He thinks the Juvenile Program is there and then there is the Fire Station there, and then they are trying to acquire some property with the City's assistance through FPRA for the Community Transit Center. So it is a corner that has a lot of governmental activity on it, some of which is going to be County. So they have offered in concept to fund half of the cost of a Charrette that would focus on the development of that governmental center in coordination with a private enterprise as well. He was quite excited that they could get County money invested in the City. The other issue was a Charrette that would focus on, not just South Beach in general, but on the decommissioning of the wastewater treatment plant property. He understands that there have been other Charrettes done and he has attended some of them. They more

generally dealt with South Beach as a whole, but they did not do what he envisioned for this most recent proposed Charrette, which is to focus on what is the vision of the community if this property is to be decommissioned. And that Charrette he would hope would take into consideration again the County's investment on the inlet, the Causeway Park there that they are right now fixing up. And perhaps if they can get the private owner of the former trailer park in attendance, Ashton DePeyster, then they have a major chunk of very unique real estate where they are going to have the County dollars, the County property, and they could have a meaningful Charrette coming out of that that would help them understand what it is that the community's vision is for that unique piece of property. That is what he had in mind and he needs them all to tell him what they have in mind.

Commissioner Coke asked when he is referring to the County property, can he specify what that is?

Commissioner Becht said the County owns the waterfront along the inlet where Chuck's Seafood Restaurant is.

Commissioner Coke said yes, absolutely. She thought he was talking about the opposite side where the wastewater treatment plant is now.

Commissioner Becht said to clarify, it is the whole peninsula that he is talking about focusing on. This Charrette would focus on that end of the peninsula where South Bridge lands. That would be what he had in mind for focusing a Charrette on what does the community have in mind for that piece of property. The other Charrettes have been more all-encompassing, so he just wanted to focus on this.

Commissioner Coke said she just didn't know if he was aware of the fact that the County has already been working with the City and they have already put together from notes of Charrettes gone past the entire Causeway Park. They are scheduled to start construction October this year, she believes.

Commissioner Becht said he has seen those plans. But what he is talking about is a coordinated development with that plan and everything else, all together resources they have there.

Commissioner Nelson said he does have some comments, but he would like to reserve them to hear from the County on what their thoughts are at this juncture.

Mr. Chris Craft, St. Lucie County Commissioner, said first he would like to welcome the City Commissioners to their home here. It was a pleasure to be able to provide a home for them while the City Hall Commission Chambers is being retrofitted so they can go live on T.V., so welcome. As they know, he is pretty persistent. When he got into office, he started making waves immediately about the removal of the wastewater treatment plant. On that issue Mr. Boudreaux has been saying for years, if they find him the money the FPUA will remove that plant, but it has to be a neutral cost to the ratepayers of the existing customer base for FPUA. He couldn't agree with that comment more. As

they further look into it, and they realize what values are out there on the Island and the cost that is going to be associated with the relocation of the wastewater treatment plant and the number is somewhere... Commissioner Becht and he have been trying to figure out whether the number is \$65 million or it is \$165 million. It is somewhere between there. That is about the closest they can get at this time. Facing the economic reality, the State stepped up to the plate this year and offered a little over \$6 million to go toward the relocation of that facility. That is still a drop in the bucket as to where they need to be. Every year, every hurricane season they go through, they are putting Indian River Lagoon in jeopardy. Not only do they have an obligation to their constituents as elected officials, they also have an obligation to the environment. He doesn't know where the rest of the County Commission is and he doesn't know where the City Commission is, but that is the reason he has asked for a public workshop. It is his intent to move that as quickly as possible. There may be a trade-off for something they may need in St. Lucie County and Fort Pierce to help them with their ultimate goals for economic development. As St. Lucie County moves to the future with their Research and Education Park, they need a showcase to be able to bring people to this community. The people who are going to make investments in that park, they need to be able to bring them here to Fort Pierce, capitalize on their waterfront, the pristine waterfront that they have. To bring the real good jobs to their community that his eight year old daughter is going to want to come back to Fort Pierce and live; as he has grown up here and come back, he wants her to want to come back. The jobs just don't exist today. As property values increase, as the taxes keep going up with those property values... And by the way, thanks to the City last year for their rollback and he is sure the City residents are looking forward to the rollback this year as well. Good luck in that process.

Mayor Benton said he thinks the County should also.

County Commissioner Craft said the County has .65 mill. But as they move forward and they try to do this, they have to really capitalize on the few pieces that they as government actually have control over. The wastewater treatment site there of 18 acres, as well as the power plant in downtown Fort Pierce, the King Plant, the City Commission sitting there have control over what happens on those properties. If they are able to tie the development in to what happens with it, and if it is a hotel/resort/conference center, whatever the case may be, if they can tie that in to the big picture, a 4- or 5-star resort to be able to promote the Research and Education Park that St. Lucie County invested their dollars in, the City's tax dollars as well, \$10 million into, then they need to be able to move forward. But if it is the public's will not to move forward with that, then let it be. But he wants to be able to move it to a public Charrette and explain the economic reality. If they don't have some sort of a sale or purchase - in his humble opinion - tied to that, even if it is a long term land lease or whatever the case may be, they have to generate dollars from that piece of property to remove that wastewater treatment plant, if they plan on doing it in his lifetime. If they go to

the State next year and they give them another \$6 million, that is \$12 million; but the costs are compounding every year. So that was his goal in that. Let's set that piece aside and deal with the first one that was on the list, and that is 7th Street and Avenue D. As they know, he has been pretty critical of their judicial system. The problem that he has brought up isn't so much their law enforcement, law enforcement is doing their jobs. But they have to be able as government to make solid investments into their core community. Congratulations to the Lincoln Park Business Association for moving forward and starting the Lincoln Park Main Street. That is extremely exciting. He has been on Main Street Fort Pierce now since 2001, the City's Centennial. It is a great program. If they are going to make a solid impact in the Avenue D corridor, the Lincoln Park area, they need to bring jobs there. So the County, the City, and the State owns a large chunk of property in that area. As it sits today, they have some government buildings that sit there and in his opinion are blight. They need to move forward with a plan to redevelop those. If that means they need to bring a bulldozer in and tear them down and start over, then they need to do so. As they move forward with the judicial system and it has to expand, they are having to look daily at what are the future needs of the State Attorney's office, the Public Defender's office, the Clerk of Court, the Judges - they are wanting to expand those systems and their goal is to move out west of town and build a judicial complex. It is his goal not to allow that to happen. It is his goal to make sure they use the judicial system for the economic engine that it can provide. And when they talk about the expansion of the judicial system in St. Lucie County, they need to be talking about two areas. One, the Lincoln Park area in Fort Pierce. Two would be the CRA district in Port St. Lucie, because they obviously are going to need additional services down that way. So as they look forward and move forward with the space needs study, they are going to have to decide where they are going to spend those dollars. It is his goal to spend those dollars where it makes the most economic sense. Where is he going to get the biggest bang for his buck? Where is he going to be able to spend those dollars so that when people are at lunch break, they can walk down the street and eat lunch at a restaurant that is in the Lincoln Park area? That is the economic engine he is speaking of. These two projects, in his opinion, mean more for Fort Pierce and the future of Fort Pierce and St. Lucie County than any other thing he can think of as far as bricks and mortar. These two Charrettes, these two planning areas, can do more to change the economics of this area than anything else he can think of. That is why it is extremely important to him and it is why he keeps pushing. When he gets pushed away from it, he is going to come back. He is extremely pleased that they put this on the Agenda and asked him to come in this evening to answer any questions.

Mayor Benton said he is very excited to hear a County Commissioner come here, willing to make some changes and bring life back to the Avenue D and 7th Street area. Coach Fenn is in the audience and he knows for years he tried. When they were kids growing up in Fort Pierce, the court system was there and the police department was there. They had parades there on the

4th of July. Why it left, they don't know. But now it appears they have at least a couple of County Commissioners supporting their efforts and maybe they can get the majority. This is one great step in the right direction. He thanks Commissioner Craft very much for being here. He has his 100% support.

Commissioner Alexander said he just wanted to add his two cents to that. He welcomes Commissioner Craft, because he has been trying to get a Charrette in that area from the City of Fort Pierce for quite a while. So if it takes him to come and step in, that is fine with him, as long as they get it done. In that corridor there alone, they speak about jobs. People are still proud of that area, their hometown and all. It is their children that don't want to come back here. They should be raising their heads and raising the bar for their children, because they supercede what they are speaking of. Again, he welcomes his comments. He knows Commissioner Becht and Commissioner Craft have been working on this. He told him before and he will tell him in the future, he will support those efforts.

Mayor Benton said he thinks there is agreement. In his opinion, the one on 7th Street and Avenue D should be their top priority. He doesn't know if Commissioner Craft has had a chance to take a look at the minutes of the last Charrette they had on South Beach. This was only a few years ago at the Fire Station. It was basically talking about the County park and it encompassed the Wastewater Treatment Plant.

County Commissioner Craft said he knows exactly where the Mayor is going and he appreciates those comments. It goes back to the conversation he had with the Sheriff during budget talks. Economic realities is what they have to work with. And when they are talking about public safety, is it possible for them to put a law enforcement officer on every corner in their community? It is not. They would love to have it. And the same philosophy needs to be looked at with this project. Would they like to see that whole peninsula completely green? He is sure they would. But the economics are going to prevent that from happening, unless they get creative with the financing. What they need to do is talk to the public, find out what it is they need. Do they need public access to that property for the entire property? Do they need it for only the perimeter? What is the give and take here? Is there an opportunity to actually have the private industry to come in and handle the cleanup of the Wastewater Treatment Plant? It is all great to say they can build a new plant because they can, that is relatively cheap. It is the cleanup of a brownfield site that is going to take quite a few bucks. So what he is asking is to have a public Charrette which fortunate or unfortunate they would probably be able to move forward more quickly with than they would with 7th Street and Avenue D, because they have to set up the Space Needs Committee to discuss the future expansion of any judicial system on 7th Street and Avenue D, which is really important and they need to do that; but they are looking probably at January before they would even be able to move forward with that.

Mayor Benton said what he would ask is if this does move forward

that he bring the grant writers, because if this is a brownfield site, there should be a lot of grant money out there. They heard last year that with regionalization there was \$50 million given to South Florida Water Management District for a project on the west coast. That \$50 million is a lot. They got \$1 million the first time they asked. As most people know, that has been a priority for him for 11 years. The word he got from his neighbors out on the Island is, they don't want condos there.

County Commissioner Craft said he echos that.

Mayor Benton said what they need to do is put their heads together and really push this grant writing. But if the Commission feels they should have another Charrette out there, by all means they will be there.

Commissioner Nelson said he certainly appreciates Commissioner Craft coming tonight. He likes his remarks and the spunk with which he gave them. He is not sure that he totally concurs with him with the juvenile system or the court system solely as an economic engine in that area. They have a need for the health of their citizens in that area and perhaps some other social service type organizations that need to be addressed in that area. He spoke to the County Administrator about this some time ago and he spoke to Commissioner Craft about it as well. Let us not limit it to that sphere of operation, because they have that corridor that needs very much attention to service particularly the people in that area and of course people throughout the County.

County Commissioner Craft said he didn't by any stretch of the imagination mean to limit that to just the judiciary. What they currently have there now is their Community Services offices, Beth Ryder's office is there, and they also have the Health Department on the other side of the creek. What he is talking about is being able to expand those and incorporate not only County offices and the judicial offices, but any future expansion that the City of Fort Pierce may need. That is why he has asked that the City Commission come to the table through this planning process. Let's have a Charrette, let's determine the City's space needs, let's determine the County's, and see what they can do to have some positive economic impact within the Lincoln Park area.

Commissioner Becht asked can they include this in their budget discussions soon so they allocate some money for these two Charrettes?

Mr. David Recor, Deputy City Manager, said they have incorporated the concept of the Urban Design Studio and the Planning Department's budget for the next fiscal year, so staff will be discussing that with them further.

The next item on the Agenda was City Manager request consideration of the **Position Classification & Salary Plan**.

City Manager Beach said this Agenda item was in front of the

Commission at the previous Commission meeting about a month ago. The Commission asked that it be brought back within 30 days with information that was requested by Commissioner Becht. If the Commissioners had concerns or questions, they were to get with staff prior to this meeting to work through those. Attached to that Agenda item is a memorandum from him that talks about the financial impact of this plan. The questions it generated at the last meeting had to do with what type of financial commitments the City Commission was making as a result of adopting this plan. The short answer to that is, they are not making any financial commitments. They have already made financial commitments for this year's union contracts, employee bargaining issues, and the non-union employees. They have also already approved an increase in the multiplier. The economic impact of that is described in that memorandum. The future economic impact of this plan is going to be tied directly to negotiations that occur. If they recall, they entered into contracts with three separate unions last year and each of those were three year contracts; however, the wages were just for one year. So they have openers and discussions and negotiations with all three of those unions each year for the next two years. And the economic impact of that will be determined by what the Commission ultimately agrees to for wage increases. Now probably a more complex part of this pay plan adoption and adopting the recommendations that were submitted are outlined as an attachment, the Comprehensive Executive Summary. It shows the summary of the recommendations. If they adopt this plan - and in his judgement, this is the consequential part of that adoption - philosophically they are agreeing to enact a prevailing rate-related salary policy for the City and establish the City's competitiveness policy at 100% of the estimated prevailing rates. What that means is, each year it will be staff's responsibility to determine what those figures are and to bring those figures back to the Commission and those will be taken into consideration as part of the negotiations and discussions and decisions made about wage adjustments on an annual basis. The second one is adopting the recommended position classification plan that was submitted. They may recall there were three booklets that were part of this previous Agenda item. One recommendation is to freeze the salaries of employees whose current salary exceeds the maximum salary range for their position. If they adopt this pay plan, that becomes a policy. Next is to administer the salary plan on a pay-for-performance basis beginning in Fiscal Year 2007. That may be their stated policy, but the implementation of that policy is an entirely different matter. They have attempted this on more than one occasion in the past and they have been unsuccessful at selling this concept to the three labor unions that they negotiate with. They could however apply this policy to their non-bargaining staff; that is, their mid-management, supervisory and non-bargaining which represents almost one-third of the work force. They could have their pay plans tied to performance. Then it goes on with more policy statements. There are no financial commitments made as a result of the adoption of these policy statements.

Commissioner Nelson asked the very last one Mr. Beach cited, the pay-for-performance basis, could he please give an example of

what he is talking about there?

City Manager Beach said he can describe what he has seen in the past in that regard. As an example, if the City Commission determined to give a 5% cost of living adjustment in wages for the upcoming year. A percentage of that 5% would be set up in a performance account. Another percentage would be basically a cost of living. Let's just call it 2% for cost of living, 3% performance based. That 3% is the overall payroll of whatever department or group of employees it is applied to. That 3% is given at the discretion of management based on pre-determined performance goals of individual staff members. If they meet those goals, they get the full 3%. If they only meet a certain portion of those goals, they may get 2%, 1%, and maybe even none if they are not productive. That is what that is about.

Commissioner Nelson said let him try to put that in another light. For example, in the Planning Department they get the site plans in and review them, set a standard and have every site plan go through and be reviewed in six weeks. Now they come back and get them out in four weeks. Are they going to pay them a special amount because of that?

City Manager Beach said no, that would be an incentive based payment. What this would be, if they set a goal of six weeks to get those plans through... And by the way, staff that is impacted by this has to be part of that goal setting. So let's assume that management and staff agrees that six weeks is an acceptable time frame. If they don't make the six weeks, then beyond that it is going to be considered a negative performance. If they make the six weeks, they would have considered to have performed as agreed. If they make it in four weeks then obviously that is exceptional performance.

Commissioner Nelson said let him give another example, permits. Say that normally it takes 60 days to get a permit. They get the permit in 30 days if it is in a certain dollar value. Can they say that is performance-based?

City Manager Beach said they would use that to measure non-performance. If they have a 60 day parameter, and the permitting process takes longer than that, then that is going to be an example of non-performance. Doing it earlier than that, they are not going to pay them extra for doing so, but they are certainly going to fall within the category of performing as they agreed to perform. If they meet their performance goals, they would be entitled to the performance base pay. If they do not, then they would not be entitled to it and they may only be entitled to a portion of it.

Commissioner Nelson said bottom line, he is trying to make sure that they don't have a whole lot of subjectivity in these allocations of pay and that they have some degree of measuring it in a reasonable fashion.

City Manager Beach said he understands that concern and that very concern is why they have been unable to negotiate this as a

pay plan for their unions. They are more comfortable with an across the board adjustment granted by the City Commission than they are a performance-based pay plan determined by management.

Commissioner Nelson said he has asked for a pay study for quite some time. If they have something that is going to give them a benchmark or a reference point and look at the various highs and lows of their paying their employees as to whether or not they are over and above their salary ranges, and this gives them those types of indicators, he thinks they should adopt this plan.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to adopt the Position Classification & Salary Plan.

Commissioner Coke said she has some concerns with Item #B1 of the Summary of Recommendations. It says: Enact a permanent prevailing rate-related salary policy for the City, and establish the City's salary competitiveness policy at 100% of the estimated prevailing rates. Her concern is that she believes for the last 100 years ago or so, their staff has been the one deciding what prevailing rates were. Every year the Commission would take a recommendation and give an across the board percentage raise based on that. And they found themselves so far behind the eight-ball at this juncture in time prior to enacting the last raises that they weren't able to attract and maintain the quality personnel that they need to be working for this City. She would like to suggest that they revisit... First of all she has a concern with establishing the policy at 100% of the prevailing rates; because heaven forbid, one year the City can't afford it, then she doesn't know where that leaves them. Secondly, her concern is that if their staff is estimating prevailing rates, rather than making a commitment now to every five years having a pay study done so they ensure they remain competitive with the market. So she has two concerns there. Mr. Beach's memo said he was going to discuss this with them prior to the meeting, but she didn't get a chance to discuss it with him.

City Manager Beach said by the way, they do not have to adopt this this evening. If they feel they need more time to discuss this with him or anyone else, they have that time to consider this further if they wish.

Commissioner Coke said if everyone else feels comfortable... Those were just her two concerns. She doesn't want to make a commitment to 100% of the rate. What happens if they have a year they can't afford it?

Commissioner Nelson said she mentioned something about they take the word of their employees and such. But they have staff that any time they have this competitive issue brought before the Commission, they go out and survey the prevailing wages in their immediate area. Those data are brought back to the point that they feel comfortable in making some adjustments. He thinks they have done that over the years. So it is not going to be a carte blanche type thing where they just say okay. If Port St. Lucie is giving their people 10% higher than this and Stuart is

doing that or whatever the case may be, they will review it and get a consensus as to what is it.

Commissioner Coke said that was her point. She doesn't feel that they have reviewed it properly in the five years she has been here, because they were so far behind what the prevailing competitive rate was that they weren't able to get people to come here or maintain quality people once they have them here.

Commissioner Nelson said the almost 12 years he has been here, he thinks they have done it several times. He thinks when the Police Chief came on board, he was quite instrumental in bringing this data to their attention and they have made some adjustments. They have done it in subsequent years, virtually every year afterwards. Now they are extending it to their other people, their non-bargaining people.

Commissioner Coke said she wasn't arguing that the Police Department brings them that information. They absolutely bring them that information every time they are go to the bargaining table. However, she thinks the remainder of their employees have fallen behind.

Commissioner Nelson said she might have a point there. But they need to move forward. They have a lot of things on their plate right now. They are in the position to be able to afford this. And there is nothing locked in concrete. If they can't afford it, he thinks they have some people on staff who say they can't afford this. They put little erasers on these pencils and they put zippers on their mouths so they can say they can't do this. Mr. Beach has a good policy there.

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

The next item on the Agenda was Director of Planning to give Update on the rewrite of the **Comprehensive Plan**.

Mr. Matthew Margotta, Director of Planning, said Lorraine Tappen is going to give them the update. He is here to answer any questions.

Ms. Lorraine Tappen, with Calvin, Giordano and Associates, said she is here to give a very brief update tonight. First of all, they delivered the Open Space Parks & Recreation, Conservation, and Intergovernmental Coordination Elements to staff. Staff has already reviewed those elements and has provided substantial comments on those. They really appreciate the effort of staff in that review. They will be delivering the Coastal Management and Infrastructure Elements in the next two or three weeks. So they are moving along in the progress of the draft Comprehensive Plan. They are still planning on presenting to the Planning Board. They have been discussing the format with staff. It has been suggested rather than a series of workshops, make two one-day workshops possibly on a Saturday and they will go over each element with the Planning Board during that workshop. Next week they will be joining them all at the City Commission workshop. They are going to focus on concurrency, specializing in

transportation, to make sure that they get the Commission's input on how that goes into the Comprehensive Plan. Basically they are moving forward, they are on schedule, and things are going well.

Commissioner Coke said it appears to her according to this schedule that they are actually ahead of schedule. Is that possible?

Ms. Tappen said that is correct.

Commissioner Becht asked could Ms. Tappen give them a quick - and they have received it in writing - update on where they are with the DCA and the Port Sub-Element, School Siting, and other issues?

Ms. Tappen said she has heard they have received the amendments; and so far the Treasure Coast Regional Planning Council has suggested recommendation for approval of that.

Mr. Travis Gibbons, Planning Administrator, said he actually has received a letter from the DCA (Florida Department of Community Affairs). They should be receiving a Notice of Intent by August 2nd for the School Siting Criteria, which would bring them into compliance. The Port Sub-Element transmittal was received and they should be getting an ORC (Objections, Recommendations, & Comments) report back within 30 days.

Mr. David Recor, Deputy City Manager, said Ms. Tappen mentioned the public participation process. They are going to be discussing that at the workshop next week, because there is a significant cost associated with that which was not anticipated when they originally drafted the contract. The idea behind this public participation component is that the draft elements would be presented at the Planning Board level while still in draft form in a workshop setting to encourage the public to come out and provide input. And then they would come back for a hearing and a more formal discussion with perhaps revisions made pursuant to the feedback that was provided during the workshop. Now because there was a significant cost associated with that which was not anticipated in the original contract, they have not elected to move forward with that, but rather will be describing that to the Commission in more detail at the workshop on July 24th and 25th.

The next item on the Agenda was Director of Planning to advise of his approval of a **Minor Replat for 510 Wisteria Avenue**, owned by Mary Ellen Johnson, from one parcel into two lots.

Mr. Matthew Margotta, Director of Planning, said this is a parcel of land along Wisteria Avenue being split into two parcels. It is currently .77 acres, less than one acre. Two parcels will be created. Parcel #2 will become 162 feet in width and 135 feet in depth. The C-3 zoning district allows for 75 foot width and 90 foot depth. Similarly, Parcel #3 - which is where the cellular antenna is located - also conforms. That is an 85 foot width lot and a 135 foot depth. Because the parcels meet the requirements of the code, staff has approved that plat.

The next item on the Agenda was Director of Planning to advise of his approval of a **Minor Replat for 1611 South Indian River Drive**, owned by Ferrera Brothers Development Company, LLLP, changing one parcel into two lots.

Mr. Matthew Margotta, Director of Planning, said along South Indian Drive at 1611 South Indian River Drive is a parcel that is currently 2.9 acres. Now it is split into two separate parcels. The first parcel is a north and south configuration. The first parcel is 129 feet in width and 329 feet in depth. That gives them more than 1 acre, 63,000 square feet plus of area. The second parcel on the south side is 129 feet in width and 415 feet in depth, larger than 1 acre and is almost 55,000 square feet. In the E-1 zoning district the residential density allows for one unit per acre generally. The lots are expected to be 100 feet in width, 200 feet in depth. Because the square footage requirements are met, and because the Engineering Department, Public Works Department, and Fort Pierce Utilities Authority have approved this, staff approved this particular plat.

Mayor Benton said he doesn't know how many pieces of property on Indian River Drive they are able to do this to, but his concern is they could basically change the face of a very historic road by buying every piece of property there if it is 200 feet wide, bulldoze the house, cut it in half. He doesn't know whether that is something this City was hoping to see. He doesn't know how the rest of the Commission feels, but maybe it is something they should take a look at.

Mr. Margotta said certainly. They could bring it up during the workshop and maybe get some guidance and consider it. But currently the zoning regulations allow this and staff has that approval authority delegated to it. And because it meets the requirement of the codes, staff has approved the lots. If they are looking for a different animal in that particular section of town, then let's discuss it and get some guidance.

Mayor Benton said he knows there is a lot of history there. He just doesn't know if doubling the density is a good idea.

Mr. David Recor, Deputy City Manager, said they will take a look at the opportunities for further subdivision along the Drive. They can utilize the City's GIS system to identify the parcels that have sufficient area in width that will allow further division relatively easy. Staff can follow up with the Commission.

Commissioner Nelson said he had a similar concern there. This is going to allow greater density in that area, right?

Mr. Margotta said certainly. There will be more homes than there currently are once it is subdivided. He doesn't know the extent of it at this point without doing much more of a study of the entire zoning district.

Commissioner Nelson said he is wondering where these requests

are coming from. Are they coming from the new owners or the old owners?

Mr. Margotta said he is not prepared to answer that. He doesn't know if they are new owners or old owners.

Commissioner Becht said this one is a new owner. Is this house of any historical value? Is it in a historical district, or is it designated historical? Does anyone know?

Mr. Margotta said he doesn't believe it is in a historical district.

Commissioner Becht asked would that impact the decision to allow the split, because the house is going to get knocked down?

Mr. Margotta said if it is in a historical district, it will have to go through that process also in order for the development to be approved.

Commissioner Nelson said they did in fact have one person down there at least who wanted to be excluded out of that historical district. So he is not sure they are covering all aspects of this to insure that the owners who are presently there and the historical people are in compliance with or concur with this effort. They might be doing something under the minor plat review and revisions contrary to what they really want to do.

Mayor Benton said that is why he wanted to take a look at it. Because he knows up until this point it has only been done once that he knows of. He knows there are a couple of investors buying property specifically to do this. And seeing two in front of them tonight, his concern will be in the future because eventually they will encompass historical homes. And in any other areas in the City that could be under...

Mr. Recor said obviously they are seeing this in the older neighborhoods where there are in particular double frontage lots that allow further division. Staff will follow up on that. Indications from staff and the audience are that there are seven parcels along Indian River Drive that will allow this opportunity. Staff will confirm that and follow up and issue a written report.

Mayor Benton said what he would ask, before they approve any more, maybe they should take a look at it and take a look at changing it.

Commissioner Nelson said they are not too far down the road that they can't rescind the approvals they just made.

Mayor Benton said he knows they can't tonight because it has already been done.

City Manager Beach said staff will bring information back to the Commission that they may use to change the zoning laws that apply to this property that do not permit this. What the Planning Director was saying to them earlier is that the laws

that are on the books today provide for this. They may want to change that if they have that ability.

Commissioner Alexander said in some areas in town they need to welcome this type of thing. When they have acreage they can divide and replat, he can see them questioning that. But over the whole City, they need to make sure that they address this to the entire City and not just one area of the City.

Mayor Benton said they can lose the character of a very nice neighborhood very quickly with property values today.

City Attorney Schwerer said just a legal caveat here. Because some of these properties are in historical districts, they need to be careful that they go on record tonight by indicating that approval of a lot split that is permitted by code based solely on area of the lot does not necessarily carry with it any approval to demolish structures that are pre-existing. And therefore, if a structure for instance is made non-conforming by virtue of the lot being split and the setbacks on the old house not meeting current setbacks - in other words, it sits too close to the center - that the Planning Department is instructed to advise these applicants that the mere splitting of the lot does not give them approval to tear down the structures, those have to go through a separate process and procedure. He believes with that on the record, the City is covered sufficiently by what they have already approved here tonight.

The next item on the Agenda was Director of Planning to advise of his approval of a **Minor Replat for 803 South Indian River Drive**, owned by Ferrera Brothers Development Company, LLLP, changing one parcel into two lots.

Mr. Matthew Margotta, Director of Planning, said this is 803 South Indian River Drive. This parcel was 2.14 acres. It has a north and a south lot created. Parcel #1 is now 102 feet in width, 455 feet in depth. That gives it a square footage of 42,444 square feet, slightly less than one acre. Parcel #2 has a lot width of 124 feet and a depth of 437 feet. That brings its square footage to just over 50,000 square feet, more than an acre. They have gone over the other particulars and this one has also been reviewed by the other staff members and staff saw it appropriate to approve this plat.

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

Commissioner Coke said she would like Item 27e through Item 27i removed for discussion.

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

a. Approve proposal by Mastec Florida, Inc. for installation of street lighting and underground electric for Phase 2A of State Road **A1A Reconstruction Project** (Blue Heron Boulevard to U.S.

#1).

b. Approve proposal by Hayslip Landscape for installation of landscaping and irrigation for Phase 2A of State Road **A1A Reconstruction Project** (U.S. #1 to west end of South Bridge).

c. Approve increase to existing Purchase Order No. 060572 with Signal Group, Inc. in the amount of \$40,000.00 for additional labor and materials to maintain the **Traffic Control System**.

d. Reduce Code Enforcement lien/fine of \$19,800 against **1008 North 17th Street**, owned by Catalina Ponce, to \$1,000 plus administrative costs of \$797.06 (total of \$1,797.06) if paid within six months.

j. Waive \$84,600.00 of the \$169,600.00 in Code Enforcement fines, interest, and penalties against **110 North 10th Street** (former St. Anastasia School property), owned by Christian Helmstetter, conditioned upon the balance of \$85,000 be paid by Christian Helmstetter to the City upon closing of the sale of the property to the Fort Pierce Redevelopment Agency.

The next items considered were Items 27e through 27i, which had previously been removed from the Consent Agenda:

e. Waive \$6,178.48 in Code Enforcement fines, interest, and penalties against **1125 Avenue F**, owned by Christian Dirkes, upon payment of lot clearing and demolition liens in the amount of \$10,447.85 within 60 days.

f. Waive \$3,019.72 in Code Enforcement fines, interest, and penalties against **1206 North 17th Street**, owned by Christian Dirkes, upon payment of lot clearing and demolition liens in the amount of \$3,150.81 within 60 days.

g. Waive \$5,586.56 in Code Enforcement fines, interest, and penalties against **423 North 20th Street**, owned by Christian Dirkes, upon payment of lot clearing and demolition liens in the amount of \$5,002.34 within 60 days.

h. Waive \$8,349.77 in Code Enforcement fines, interest, and penalties against **519 North 17th Street**, owned by Christian Dirkes, upon payment of lot clearing and demolition liens in the amount of \$7,613.10 within 60 days.

i. Waive \$2,469.79 in Code Enforcement fines, interest, and penalties against **1004 North 14th Street**, owned by Christian Dirkes, upon payment of lot clearing liens in the amount of \$680.73 within 60 days.

Commissioner Coke said if it is okay she is going to cover all of these with the same comments. She has some concerns. These are all waivers of certain amounts of liens for one particular person on five different pieces of property. These are all vacant lots this gentleman purchased at a tax sale, which means he did not pay very much for them. His assessment of why they should waive his fees and liens against this is because he is going to invest in this community. Her own personal thought is, he is an absentee landlord, he bought these lots for next to

nothing. She wanted to know exactly how much of an investment he was making in the community already. Along those lines, she requested and would like to thank staff for providing them all with pictures this evening of the fact that this gentleman actually is not taking care of these lots to date. He is still allowing them to be overgrown. She has some major concerns with releasing these if they are not being mowed and taken care of now. Also, she would like to know what time frame he is intending to begin building on these lots. She sees already that 423 North 20th Street is due to be cut again by the City and that means it has been at least 30 days out that they have sent notice that it should have been cut and it hasn't been cut.

Mayor Benton asked is Mr. Dirkes in the audience by any chance? Maybe he could answer some of these questions.

Mr. Christian Dirkes said actually he grew up here, moved away and now have come back. He is actually the second owner. The original owner bought these as a tax sale. When purchasing them, when they did a preliminary title search there were no liens and it was free and clear. Since then he has found out that there are old City fees, demolitions, charges, stuff like that. He has spent the past year just getting to this point. Basically he is the second owner. He does plan on developing them primarily to develop the Avenue D area - a lot of these are in lower income housing areas - to give more affordable housing for single moms and other demographics of people who are in that area, which there currently aren't. There are a lot of old homes in that area.

Commissioner Coke asked how long has he owned these lots?

Mr. Dirkes said he purchased them a year ago. They were already demolished.

Commissioner Coke asked did he not employ a title agency?

Mr. Dirkes said they did. They did a preliminary title report and it came up clear.

Commissioner Coke said it is her understanding that title companies give title insurance. Then if there is actually a lien against the property...

Mr. Dirkes said he has warranty deeds on all the properties.

Commissioner Coke said that is not what she asked him. It is title insurance. When purchasing a piece of property, it behooves all purchasers to go through a title company to get title insurance to insure that they have clear title to a piece of property. When they get title insurance they do a proper search and determine whether or not there is a lien against a property. That way the buyer knows yes, that there are no liens against this property and he can move full speed ahead; or no, there are many liens against this property that need to be cleared up prior to buying this. Did he not use a title company?

Mr. Dirkes said he used a title company. He didn't buy title insurance.

Commissioner Coke asked he has owned these how long?

Mr. Dirkes said not quite a year. He bought them in February.

Commissioner Coke said she sees here that the lots are pretty much in a state of disrepair.

Mr. Dirkes said they are just empty wooded lots. Actually he is going to pay the clearing once they kind of settle out where he is here.

Commissioner Coke said her concern is, he wants her to release him from these costs. She knows he is going to pay the lot clearing and demolition liens because the Commission cannot release him from anything that is an actual expense to the citizens. If Code Enforcement showed up tonight and showed her beautifully manicured lots, she would have had no problem doing that. However, they are showing these overgrown lots that are nothing but places for trash to accumulate and rodents to accumulate, right smack next door to where residents of her City have to live. So he has owned these lots - and her point to him is - he has yet to maintain them and be a responsible citizen.

Mr. Dirkes said he has received the notice. They said they were going to be mowing them on certain dates. Those areas of the lots are in blocks of other lots that look identical to his. He is not the sole owner on all those lots. He has gone through and marked these. He checked out the neighborhoods.

Commissioner Coke said he is missing her point. The City doesn't send him a notice that says hi, they would like to mow his lot next week.

Commissioner Alexander asked does Mr. Dirkes want to look at this picture with today's date? He hasn't seen his property today?

Mr. Dirkes said no.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to deny the request by Christian Dirkes for waiver of Code Enforcement fines, interest, and penalties against 1125 Avenue F, 1206 North 17th Street, 423 North 20th Street, 519 North 17th Street, and 1004 North 14th Street.

Commissioner Becht said when he first got on this Commission, they had a policy of enforcing and collecting or trying to collect the liens in full. Somehow and some way between then and now the Commissioners did a 180 degree turn and made a decision, evidenced by most of their votes, that they weren't going to collect the money that had been created by the liens. He has to tell him that the general sentiment he is seeing in the community is, they are not going to clean their properties

up and they are not going to pay the liens until they sell them, and they sell them to somebody else. So they might want to revisit the philosophy of this carte blanche granting of waivers in light of what is happening in the community. He thought he heard Mr. Dirkes say he moved back to Fort Pierce. Has he moved back to Fort Pierce or not?

Mr. Dirkes said he is in the process. Currently he lives in Orlando.

Commissioner Becht said because his address as of April 14th is listed... Well, it is not here. When Mr. Dirkes made his application for waiver, he listed an address that is out of town. Staff thankfully got photos of his properties today. Is he saying this is not his property?

Mr. Dirkes said his situation, basically these were tax lien sales from the County. His understanding from talking to people is when someone purchases a tax lien sale, it waives the property of the past liens.

Commissioner Becht said that is unfortunate that he didn't buy his title insurance or consult with an attorney, because that is not what happens with the City liens. His question is, is this his property? (Commissioner Becht displayed a photograph.)

Mr. Dirkes said if he is saying that is, he can't see it from here.

Commissioner Becht said staff went out to 423 North 20th Street and the photo is digitally dated today. Part of his reason for voting against giving him any waiver, amongst the whole idea of the philosophy that they made a mistake, is that he is not maintaining his property. He is not being a good City citizen. Without belaboring it, that is all he wanted to say.

Commissioner Alexander said they are trying to raise the bar with the City of Fort Pierce. He had marked these off without even seeing the pictures, because he has a concern of individuals coming here and making a mint out of the City of Fort Pierce. His only other concern to say about this is, whether it be on Consent Agenda or an Agenda Item, but they will have the opportunity to address these on an individual basis. Again, everything doesn't get passed. He will put it that way.

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

Ms. Carole Mushier, South Beach Association, said it was her understanding when the City Commission gave extensions that they would be to a time certain, a date certain that coincided with a City Commission meeting. Earlier tonight they granted two extensions. She does not know what dates they were given.

Commissioner Coke said it is a new policy. It will take them a

while to get used to it. The first one (Site Plan for **St. Lucie Court** at 301 South Ocean Drive) was a 30 day extension from the August 7th, correct?

Ms. Mushier asked is it from August 7th? She believes it expires on August 7th.

Mr. Peter Buchwald, Zoning Administrator, said the extension is from August 7th to September 5th. It is in the staff report.

Commissioner Coke asked can they ask staff also in the future when people ask for 30 days, rather than phrasing it for a 30 day extension, ask for an extension to the City Commission meeting?

Mr. Buchwald said the other one is August 6, 2007, for the year long extension for the **Human Development & Resources Centre**.

Commissioner Coke said her point of clarification on that would be is, if they are not specific in the actual request that they publish, what they are in essence doing is going from the first meeting in August to the first meeting in September. If they say 30 days, they are going to get somebody who wants to argue a day or two here or there. So she would prefer if they could to do what they asked last meeting and specify an extension to a specific meeting date.

Ms. Mushier asked exactly which plan is being extended to September 5th?

Commissioner Coke said the original one. The amended one is coming to them August 7th.

Mr. Matthew Margotta, Director of Planning, said the amended one has not been approved yet.

Ms. Mushier said okay, she thinks she has it.

Ms. Carole Mushier asked for the **City Commission Workshops** next week, will there be a published Agenda?

Mayor Benton said he would have to ask staff. He believes so.

City Manager Beach said they currently do not have a section for public participation, but that is up to the City Commission.

Ms. Mushier asked is there a published agenda?

City Manager Beach said yes, there will be a published Agenda.

Ms. Mushier asked will that be in the newspaper? Will it be on the website?

City Manager Beach said both.

Mr. Jack Cahill, South Beach Association, said he wants to do a little history on Fort Pierce of their Commission. He is here for almost 25 years working with City and County government.

They had some problems with numerous City people. They had Vince Mannella, Frank Blackwell, Bo Powell. They had numerous Police Chiefs who came in and out. Then they lucked into Dennis Beach as their City Manager and Chief Savage. Things started to turn around. Downtown Fort Pierce became a place that actually they drove to and not a place they drove through. He thanks them for that. Right now they are coming at a better point in their life. He can recall when they first built the Courthouse Annex downtown. They started being involved with the Main Street Program. He thinks Tom Kindred was involved at that time as a Director of Main Street, if he can recall, which is Tom Kindred, Jr. by the way. It has now grown to be something much more than they ever perceived. He is happy, he is delighted that Lincoln Park is doing this. Because he doesn't just want to be proud of downtown Fort Pierce or proud of South Beach, he wants to be proud of Fort Pierce. It might come as a shock to them, but Commissioner Nelson didn't always win elections. He worked on one election where quite frankly he didn't win and a couple where he did win. He is delighted that he did because he became quite a Commissioner. He has had a love affair for a long time with Commissioner Alexander, at least dating back to the last year and a half or so. He just wants to thank them for all the things that have happened in the community over the past ten or twelve years. But more importantly he wants to thank Dennis Beach again - he is going to stop doing this, because he is going to get an awful big head - for a guy named David Recor. David Recor came in here about eight months ago. He doesn't know how many things he has done, but he thinks quite frankly if he sees him sweeping the corridors of the City Hall, he would imagine he does that too. He took the Planning Board and transformed it from a monarchy into a democracy, and for that he thanks him. Mr. Recor has met with people and has guided them through the maze of City government into a better plan for the City. They actually thank him very much for all the things he has done for them.

Mr. Steve Zimmerman said he is a former Code Enforcement Officer who worked for the City of Fort Pierce. He just wanted to start out by saying when he was with the Code Enforcement he really enjoyed his job. There were a lot of issues that he was trying to get the City to understand what was going on as far as Code Enforcement. He knows they get a lot of slap right now about things with racism that is going on in that department. It is not an issue that just got started. He started with the City on September 19th. When he first started with the City, he was one of the new officers there. Then there were three more black officers who were hired and two whites who were hired at the end of October. Once they got hired, the two whites were assigned zones when they first got there after two weeks of being there. He didn't get his zone until January of this year. He questioned the situation why didn't he get a zone, what is going on here? He was told it was all in his head. After that he started being followed around by his Senior Code Officer. It was Bob Dusanek that directed him to follow him around the City. Not only did he follow him around the City, but he also was taking pictures of him behind his house getting into the City vehicle. He did go to his boss and asked him what was the situation and he said it still is all in his head. So he put

his resignation in at that point on March 13th. He was asked by some of the officials, as a matter of fact David Recor asked him to stay, and he decided to stay. He wanted to voice his concerns with the racism that was going on in the department. As time went down all of a sudden they got evaluations in May. Four black officers were extended probation until August. He started September 2005 and his probation was extended to August of this year. The two whites not only got off probation, not only got their raise, but they also were in supervisor's school two months before they got off probation. When he put his second resignation in, he questioned this again. He put his resignation in on the 24th and they accepted it and on the 25th he was terminated. There is another allegation going around, he can't even talk about it because his attorneys are taking care of that. Before he went in contact with EEOC he did try to talk to Mr. Recor. He asked could he please set up a meeting with Mr. Recor, but he refused to set up a meeting with him, he told him he couldn't talk to him. Mr. Recor didn't tell him, his secretary called him and said Mr. Recor couldn't talk to him because he was no longer an employee. So he asked could he talk as a citizen. He was denied. Mr. Recor just didn't want to talk to him. What he is trying to bring forth is the racism is there, it is going to be there in that department. Bob Dusanek got demoted. That was a slap in the face because he got demoted to the next position under. The guy Rick Duncan got promoted to a regular Code Officer. He should have been fired also. But Bob Dusanek is still getting the same pay and also in the same position, it is just a title change, that is all it is. It was a slap in the face actually. He came back to try to see if he could get his job back. He knows right now he would never get his job back if he did ask for his job back. What he does want to see and what he does want to happen, because he has a family, he just wants to clear his name on some of the things that was happening. He talked to the Mayor and he had open ears. He talked to Commissioner Alexander with open ears. He just thinks that there should have been an investigation done with his situation. And it was deeper situation than what he is saying right now. He was set up for Bob Dusanek and Rick Duncan. It is not something he is saying that happened. He has affidavits of people who said that they came to them to set him up to be terminated. So he just thinks this is something that should be looked into, investigated. And it is not just him. He wants them to do it, not just for him, but also for the rest of the blacks that is right there in the City and they are totally afraid to come and say anything. He is getting choked up because it is sad. They are afraid to say something. The monkey situation, he was in the room when that happened. For them to say it never happened, it is a total lie. But he knows Bob Dusanek and John Alcorn had to terminate him because he knew too much and he is very vocal. He will not hold back. Even if he were at City Hall, he wouldn't hold it back. And that is why he was terminated. That is what he wanted to say. He thinks the Commission should really do a total investigation. Dennis Beach, they always had things straight up. And he is just being straight up. But EEOC and his attorneys are coming to the City. He didn't want it to go this far, but these guys wouldn't talk to him. That is why he wanted to speak his mind. He wants to thank the Mayor for having open ears and Commissioner Alexander.

He knows Commissioner Coke and Commissioner Becht didn't know what was going on. They have a kind of an idea what is going on. That is his side of the story. But do an investigation. He is begging them to do an investigation as to what is happening.

Commissioner Alexander said he just want to divulge that he did speak with that young man. He was asking him to assist him in getting his job back. All he told him to do was go and request his job back. He has to say that, because he didn't go through that whole nine yards, what he just did, with him. He just told him he had some concerns and he didn't feel it was right, so he told him to go and ask for his job back. Now he didn't give him any advice other than that, because at the same luncheon he was sitting down there with the City Attorney.

Mayor Benton said he sat down with Mr. Zimmerman a couple of times. The first time he came back and asked for his job back and stuck around. He added a lot to City Hall. He doesn't know what type of job he did, but he had a great personality. And they hope that things are straightened out.

Rev. Pierre Joseph said he is the President of the Refugee Center of the Treasure Coast. His heart is in pain the way the Haitian community has been mistreated. Now they try to push the Haitian community away from the City of Fort Pierce. They have more than 41 families. Since a couple of years he heard for 21 years the City of Fort Pierce had a plan to move those people. They have the plan to move, but they don't have any place for them to leave. If they look right here, he thinks he is the only one Haitian they can see here, because they don't know what is going on in the City. They don't have any opportunity to succeed in this land called the land of opportunity. The police scared them out of the house about 10:30 at night without court approval, not only one time, that happened a couple of times. There is no solution for those problems. For the summer all the Haitian kids have to stay home. Why? They don't have any field, even a soccer field, to go and practice. Unfortunately not only him but all the Haitians, in deed they are a part of this community, the answer is a big no, they are not. He remembers that he invited the Mayor to come and talk to the Haitian community and he said yes. After two weeks he received a phone call, he cannot show up. But they are not only there when the elected authority need them to vote. But they work for them all when they need them only to see them. This is their concern. But they never see them all, only Commissioner Alexander. When they had a problem, they brought it to him. He knows only one, he can't do it. They understand that. But tonight he came to bring the Haitian problems here. They are a tax collector. They work real hard to survive. But they are just in this community to pay taxes. That is it. But they never ever received anything from the City to help the Haitian grow. His last word to finish, the light bills in this community - \$300, \$250. Sometimes the light bill is more higher than what people get on the job. They would like to know tonight what they can do to reduce the light bill and help the Haitian community.

Mayor Benton said there are summer programs out there. Have Haitian children been denied these programs? They can apply just like any other person in this community.

Rev. Joseph said they don't know any of that. They are the center of the Haitian community. There is one program. He knows, he is the President. He is the one to know and to pass on to all the Haitian kids. Even his kids, he has a little boy 9 years old, sometimes he looks at him and he is tired because he just moves around the house and sits back because there is nothing for him to do in the City.

Mayor Benton said there are summer programs. They have done their best through the school system to get the message out. If it needs to be done in creole and isn't being done in creole, maybe they can get the message out to the Haitian community. But there are programs and they don't turn anyone down.

Rev. Joseph said he hopes so.
Mayor Benton said he is sure.

Charlie Frank Matthews, President of St. Lucie County NAACP, first of all thanks to almighty God and certainly to those who have come out to witness the televising of their tax dollars in action as he calls it. The NAACP has done two things in the community. First they tried to work with the other organizations in the community. They have had deep concerns as concerned citizens of St. Lucie county and also the brothers here tonight from the Haitian community as well as the Afro-American Council of Ministers. The second, they have been trying to be understanding of the employees of the City of Fort Pierce for the number of years they have had complaints and were not brave enough to say anything about those complaints. Somewhere along the line, they must address those problems of ill feelings and discrimination and unfairness directly. They must set guidelines for those activities. As the NAACP has gotten involved over the years of things, they did something. They circulated a petition. They did two days of circulation of the petition. They started 10:00 o'clock on Saturday and finished Sunday night and ended up with 1,260 signatures. One of the concerns they had at the top of the petition is: "We, the citizens of St. Lucie County, City of Fort Pierce, Florida call for the immediate investigation by the City of Fort Pierce City Commission of violations of Florida Statute by the Deputy City Manager and all others involved in the destruction of documents regarding the racial discrimination complaint raised by Fort Pierce City Code Enforcement employees in Fort Pierce City Hall." With that they circulated in the churches on Sunday and went to the street and met with the Street committee, those who just had nothing to do. They had upon circulating this, and they heard rumors that they didn't have any petitions, and he will tell them tonight, they have more than they realized they would get in two days. First was the courtesy rule was enforced by Charlie Frank Matthews, the President of NAACP. First, they had no minors involved in signing the petition. Two, they had no employees of the City of Fort Pierce to sign the petition. Three, they had no double signing. Fourth, they had no forcing of citizens, if anyone didn't do it, they moved on. And fifth,

they had no disrespect of the public businesses; if they went to the property, they didn't go into the stores or the restrooms. With that, they were able to accomplish this. He set upon this to say there were five things he wanted to leave with the Commission for their consideration. He believes these will be five positive things that could be worked out of the management office of the City of Fort Pierce as well as the staff. He believes staff is one who could implement the kind of plans that the citizens of Fort Pierce could be appreciative of, not only the leadership of this community, but the elected officials. First they should establish no tolerance rules within all arms of City government when it comes to racial discrimination. They see the school system says no tolerance when it comes to smoking or drugs or other activities. He doesn't think it is necessary or unheard of or unfounded to say they cannot do that and implement it. Second, they need to establish a mission statement of equal opportunity for the City of Fort Pierce. The application says they are an equal opportunity employer; but once the person gets on staff, there ought to be some guarantees built in so they can feel good, the morale will be better, and they will give them the opportunity to work in a free and wholesome environment. Three, they need to establish a Human Relations Commission of seven persons. Two of those persons would come from the employees rank of the City of Fort Pierce and the other five would be persons of this community. They would look into the kinds of complaints and ways and means to make those complaints go away. Next, they should establish if that employee is getting out of hand, if it is a management level employee, they need to first discipline them by reprimanding/termination. And they ought to make them be involved in sensitivity training. They mandatorily should have a sensitivity training class for all members of the management staff or departments, so to speak. He believes when they look at this, they will set forth all the efforts that it needs that they would be feeling good. And if employees do not have what it takes, there should be some provisions by that individual Department Heads to do it. All the things they hear, and he sits on the State Board and one of the 29 members of the State Board of the Florida State Conference of NAACP. He can tell them going into the cities, they heard of discrimination all over Florida. But they don't need to be partners here in this community who live here and cannot have a workable plan. He thinks it can be staff, a workshop, or bring a small appointed committee together to get this dialogue moving; and include young people in it, because they are their leaders for tomorrow. He thinks when he came tonight listening, and he certainly wants to say that the letter that was sent to the State Attorney is just what they want. But they want some teeth in the kinds of investigations. Just don't be another whitewash situation or slap on the hand as some have said. The last thing he wants to say is that shredding of any documents, the intent of doing wrong, is a violation of the Florida Statutes. That kind of violation means that, those of them who know anything about the court system or legal system, when one takes them to court, the first thing the judge wants is the original documents. When those documents are not available, someone has violated not only the Code of Ethics but the laws of the State of Florida. He thinks they can be willing to work with any group to get things

moving. They should not sweep any more ill feelings or any more kinds of discriminatory acts under the table or under the rug or wherever they sweep them.

Mayor Benton said one thing he has talked about to the City Manager and the Deputy City Manager is sensitivity training. He thinks it is very important that is the first step they take as soon as possible citywide. He thinks it should probably done on an annual basis. They spoke about this many times after the hurricanes when the President of the NAACP was here out at the EOC (Emergency Operations Center). Racial discrimination has been going on in Fort Pierce and in Florida all their lives, but he is going to do his best to stop it if he sees it. Just like he did with employees who come to see him, legally all he can do is march them down to the City Manager's office and say take a look at this. But he will do his best, he has his word, to make sure these actions are not swept under the rug and that things get better in this community.

Mr. Matthews said that mission statement should be one of the pieces of documents in their Personnel Department or Human Resource Department. Also any of the employees who gets a handbook, that would be one of the things they have to sign for. They can't say they didn't receive it, because it will an available document for them to sign.

Commissioner Nelson said Mr. Matthews mentioned about a petition. What is the disposition of the petition? Did he surrender that to the City Clerk?

Mr. Matthews said they plan to race it to the City Clerk's office tomorrow with all the names here that they have. He will be available sometime tomorrow about mid-day before lunch to give them these 1,260 petitions. He appreciates the citizens who got involved in the many churches because they have heard it and the many ministers who were here tonight came out because they have heard it through persons who are members of their church and neighborhoods. All of them had a collaborative effort to try to get busy to do what they thought was right. He thinks this is where they are now. They are going to put it into the Commission's hands to move it on and hope it would be in the staff's lap to get it to work. The racial discrimination, he will say it and he is not the deacon of the church or not the preacher, but it is a sin.

Mr. Rick Reed, 716 South 2nd Street, said as they are aware, he brought this issue before the City Commission probably three meetings ago. Just when he thinks he has seen everything, he realizes he ain't seen nothing. Mr. Beach talked about trust or a lack thereof. He just jotted some notes while he was sitting back there. He knows during this time period when this went on they had two employees, Mr. Alcorn and Mr. Dusanek. The Human Resources Officer, Mazella Smith, when this first happened she recommended to Mr. Alcorn in a memo - he read it - that there be sensitivity training. Mr. Alcorn declined such. The hypocrisy of treating people this way is appalling. People shouldn't have to come to work and fear for their jobs. He shouldn't be

standing up here on behalf of these people. These people fear for their jobs, they fear for their careers. There was a situation recently in City Hall where in a black employee's file that he was chastised for his cell phone bill. A memo went out to the employees in the department, if the employees use their cell phone for personal use, they will take their cell phones and make them turn them in at the end of the day. He asked the City are there any policies on cell phones. No, there are not. Last year the City spent \$177,000 on cell phone bills. They all just talk, talk, talk. The employees were told if they catch them talking on the cell phone for personal use, they have to turn them in at night and pick them up in the mornings. The manager that made this comment, he went and pulled all their cell phone bills and reviewed it. Guess what, Mr. Alcorn keeps calling his home in Ohio and he is receiving phone calls in Ohio. It is hypocrisy. They talk about trust. He will tell them what. If they want to make a change in the City, start at the top. Mr. Beach needs to go. If it costs them a year's severance pay, this City has had enough shame. If they all don't do it, the people will. But enough is enough.

Commissioner Alexander said enough said. They just need to do their jobs.

Commissioner Alexander said his concern is, he got a phone call after they left the meeting with the Fort Pierce Utilities Authority (July 12th). They expressed to him that because he had such a concern about **burying the power lines** on 25th Street that he did not realize that he was putting individuals along 25th Street, which he has a business and live along 25th Street, he has to pay to have each and every line buried from the point of business or residence to the new connection. Now he remembers before he became a Commissioner they did Avenue D. They buried his lines at his place of business, but he doesn't remember paying for it. Now why did he get a call? He didn't get it from the City Manager, he didn't get it from the City Attorney, he didn't get it from anyone on City staff that it is a dilemma. If they bury those lines on 25th Street, those residents have to pay to have their lines buried to their residence. Now if they didn't do it at his business when they did it on Avenue D, and he doesn't think they do it anywhere else in the City of Fort Pierce, again his question is, why are they constantly badgering the north side when they want to do something that they have to go through all these things? He doesn't know.

Commissioner Coke said she would suggest to Commissioner Alexander that was the Utilities Authority trying to wield the bat to him to make him back down from making them bury the utilities. Because the street that she lives on, all the utilities are overhead; however, the line to her house is underground. So obviously they have the capabilities of a combination. They are just looking to try to inconvenience the residents.

Commissioner Alexander said they were told at the meeting that they were blowing smoke and he expressed then he doesn't blow smoke, he doesn't smoke anything, he doesn't. He expressed to

his community that he has zero tolerance for b.s. And they like to have made him use the wrong word on TV. But he does have zero tolerance. And if it didn't come from his staff, it didn't come from Dennis Beach or the City Attorney, he wants to know did anyone else receive this call? He has a bone to pick; and believe him, he will have his time for it.

Commissioner Alexander asked what is up with this **trolley**? When is their start date?

Mr. David Recor, Deputy City Manager, said he believes there are still complications in dealing with the contract negotiations with the Council on Aging.

Commissioner Alexander asked why hasn't it been brought back to this Commission? They requested that.

Mr. Recor said it is a contractual issue that he believes staff is reasonably comfortable that may not be resolvable.

Commissioner Alexander asked so they waste money to purchase a trolley and they are telling him that won't be resolved?

Mr. Recor said no, they did not waste money. They will come back to them with an alternative to get it done.

Mr. Jon Ward, Director of the Fort Pierce Redevelopment Agency, said he put the updated contract in the hands of the legal department the day before yesterday. They are about through reviewing it and he hopes by the end of the week to have it at the Council of Aging.

Commissioner Alexander asked so the trolley is ready to move?

Mr. Ward said yes.

City Attorney Schwerer said Mr. Ward has that memo already. It is on its way down to his office.

Mr. Ward said so it is ready to go to the Council of Aging. If they will sign it, they can have it tomorrow.

Commissioner Becht said as he understands it, the request by Destin Beach, Inc. (Sovereign Submerged Lands Lease for Berth 4 at the **Port**) will be presented by DEP (Florida Department of Environmental Protection) to a Cabinet aides meeting on July 26th. That is the day of their FPRA meeting, so obviously even if they wanted to go up, they have other business they need to take care of. He had sent a memo to Mr. Beach about having Mr. Schwerer go up. This is an important issue for all of Fort Pierce. He personally would like to get him up there so the City's interests are represented.

Commissioner Coke said absolutely.

Mayor Benton said he would agree.

Commissioner Alexander said he concurs.

Mayor Benton said maybe Mr. Recor could go with him because he knows they have had several conference calls with aides and folks with DEP and he believes DCA (Florida Department of Community Affairs) also.

Commissioner Becht asked is that person Mr. Recor, or has he delegated that to Mr. Margotta?

Mr. Recor asked with regard to traveling to Tallahassee?

Commissioner Becht said he doesn't know that Mr. Margotta is up to speed yet.

Mr. Recor said if it involves immediate priority, it should be him. Mr. Margotta has obviously gotten his feet wet in his first few weeks, but he doesn't believe he is prepared to make this argument before the Governor and the Board of Trustees.

Commissioner Alexander said so be it.

Mayor Benton said the importance, because of Mr. Recor's involvement in this, it needs to be him. In fact, what they are looking at this week some time. Mr. Anderson (County Administrator) is in Tallahassee this week dealing with this issue and he is going to bring back some information; and they are going to sit down with County staff and City staff and have this planned out very well. Their job is to go up there and get them to listen. He does plan on going up for the August 1st meeting with the Governor. He doesn't know whether anybody else with this Commission would like to go, but he is sure a show of force...

Commissioner Becht said in light of certain personal events in his life recently, he is a little bit behind at the office, but he does have it on the schedule and he will let them know later.

Commissioner Alexander said if they can get that information to him, he will attempt to do what he needs to do.

Commissioner Coke said as much as she has enjoyed being at the County and having lots of room, she doesn't have to duck when Commissioner Nelson waves his arms around, she would really appreciate being back at **City Hall**.

Commissioner Nelson said next week.

Commissioner Coke said they keep telling her that.

City Manager Beach asked does Ms. Steele know when they will back?

City Clerk Steele said she has been told they will be back at the next meeting.

Commissioner Becht said he thinks they will be parking in a parking garage before they are back there.

Mr. David Recor, Deputy City Manager, said August 7th they will be back at home.

Commissioner Nelson said the City **parking garage**. They gave staff a charge to get this thing done within 18 months. He is not sure they are tracking that to the point that they can make this happen. He would propose that they put this as an update item on the Agenda at least once a month for the next six months.

Commissioner Becht said an excellent idea.

Mayor Benton asked shouldn't that be at an FPRA meeting?

Commissioner Nelson said it could certainly be. But they need to know at this Commission what is going on. There is nothing wrong with the FPRA telling them what is going on. They could do both. This is a number one priority and they have to make sure that it happens. It is not going to be a case like they did while they were waiting and joking about it. He is serious about that garage being built within 18 months. He wants the resources necessary to get it done, done.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said the report that Commissioner Nelson requests will appear on their monthly update from the Redevelopment Agency. He is happy to send a copy to this Commission as well.

Commissioner Nelson said Mr. Ward has the report paper-wise. But he wants the responsible entity to stand before this Commission, if necessary bring in the developer and the contractor, and tell them the status of that garage in person.

Mr. Ward said he will stand before the Commission any day, stand tall and give him the straight scoop, as he always has.

Commissioner Nelson said he appreciates that. But this should happen at least once a month. And if necessary, if they don't see any progress, give it twice a month, because they want to see progress.

Commissioner Nelson said he has a question is in the area of the replacement for Captain Barcelona, their **Emergency Manager**, now that they are in the hurricane season now.

City Manager Beach said that replacement is Captain Amandro.

Commissioner Nelson said he picked up something the other day regarding their retirement system that he needs to share with the Commission and it is primarily dealing with **pre-employment physicals**. And that leads to some time, in the absence of pre-employment physicals, problems with respect to the retirement system in that they don't have a baseline to address disability. He would like to encourage the City Commission and Human Resources or whoever is concerned here to insure that their employees have a baseline physical so they can in fact have something to go on in the event they have been here an x-number of years and now they are retiring, they say now they have a

problem. But they find out that the problem occurred before they came on board. The people in the retirement system are saying that is a growing problem; and if they don't have it properly documented, they end up paying disability, which they shouldn't have to pay.

Mayor Benton said there was a lady in the audience who has gone home, but quite some time ago she came in front of this commission requesting a **no-wake zone** just outside just to the south of Jaycee Park, he believes right in that vicinity of Jennings Cove. That sign hasn't been put up yet. If they can put that on the list of priorities.

Mr. David Recor, Deputy City Manager, said he has a written response to that. Actually it was completed several months ago that the Planning Department did some follow-up work on it. He doesn't recall the resolution, but he will follow up with the Mayor tomorrow.

Mayor Benton said he had a nice chat with Gloria Johnson (Chief Accountant) the other night. She gave him some information that he just wants to leave everybody with. Last year they were so good enough to go to the **roll back rate**. This year that number is 5.2. So keep that number in their mind. It sure would be nice. He doesn't know whether they can, but he is sure they can come closer than any of the other local governments did, like they did last year. Please, going into their workshop, that is the number.

The City Commission **Workshop** is scheduled for Monday & Tuesday, July 24-25, 2006, from 8:30 a.m. to 5:00 p.m. at Indian River Community College, Rooms E108 & E109, 3209 Virginia Avenue, Fort Pierce, Florida.

There being no further business, Mayor Benton adjourned the meeting of the Fort Pierce City Commission at 7:58 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER