

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, JULY 21, 2008.

Mayor Benton called the meeting to order.

Reverend Ted Rice, St. Peter Lutheran Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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

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

The next item on the Agenda was Approval of Minutes of the Budget Workshop on June 26, 2008 and the Minutes of the Regular Meeting on July 7, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to approve the Minutes of the Budget Workshop on June 26, 2008 and the Minutes of the Regular Meeting on July 7, 2008.

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

Mayor Benton proclaimed August 5, 2008 as **25th ANNUAL NATIONAL NIGHT OUT.**

Ms. Cecelia De Filippis, Hibiscus Park Crime Watch, said she thanks the Commission on behalf of the neighborhood for their support. She is very pleased to come before them this year and not ask for any money.. But the Commission has been very supportive in the past and it has allowed them to put some things in place such as banners and signs, they put them out in the yards. They have about 20 right now. They try to hit all the surrounding neighborhoods so everyone is welcome. They have a lot of activities for the kids. It is all about the kids, it is all about keeping them busy and appreciating the fact that they are not getting into trouble this summer. All the parents have a lot of fun too. They especially thank Chief Baldwin and the Police Department, because the K-9's will be there as they have been every year. That is always a big hit to see them and their demonstration. On behalf of Sheriff Mascara, who may or may not personally be there, his helicopter comes and the kids love it, that is all that really matters. They invite them all to join them that night.

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

Letter from Darren Cogoni thanking Administrative Services Director Mazella Smith for her time.

Mr. Terry Brisson, 1705 Porpoise Avenue, said he thanks the Commission for allowing him to finish what he started two weeks ago. They may one day build a room addition or maybe do some remodeling at their home. They may even have him design it or do the work for them. Upon picking up the permit, they may find that one of the conditions of that permit is that they are going to be required to build some public bathroom facilities at one of their local parks. They will read the comments two or three times, and then they will call the Building Department and ask what do public bathroom facilities have to do with their room addition? The Building Department will say, absolutely nothing. Then they will ask can they build their room addition without paying for the bathroom facilities at the public park, and they will tell them no. Put those shoes on and walk around in them for a while,

and perhaps then they will have a better understanding of the kind of treatment that men like Jommy Joseph and dozens of other businessmen in their community have been subjected to when trying to do business with their community. He is not here tonight to criticize the actions of this Commission. He believes each of them are simply following procedures that have been put in place by others before them and still others before them. There is enough blame to go around, but these five Commissioners deserve the very least amount of that blame. Each of them have taken an active participation in their governmental system and they deserve to be commended for all of their community involvement. Unfortunately, most of the blame for matters such as this belongs mostly to apathetic cowards like himself who have sat back their entire lives hoping others such as the Commissioners are going to fix the world's problems for him and make his life a little bit better. He thinks that perhaps the time has come when cowards like him can no longer sit back and hope things are going to work out for the best. They have a problem and they are going to fix it. The events that have unfolded concerning the La Quinta Hotel is behavior that is unacceptable of their government and will no longer be tolerated by their community.

The request for Mr. Joseph to pave the road was not legal and the actions that have followed since are criminal. He knows each of them have questioned his methods, but he could not sit back and allow the hardworking taxpayers of their community to be drawn into a \$20 million lawsuit which this City could never win, just so a few City officials could flex their muscles and remind them who is boss. Next, concerning City, County, and State employees whose attitudes are that if they don't like it and they don't want to do things their way, go someplace else. As a taxpayer and as an American citizen he takes the firm position, and he hopes each of the Commissioners will too, that government employees not willing to serve the best interest of the citizens of their communities, that it is they who should go someplace else. Lastly, they look at new growth and they demand that impact fees be charged for the cost of that growth. There are Building Departments all over the United States that do not charge impact fees and would beg to have the growth opportunities they have here. Instead of looking at the impact of growth, let's look at the impact of no growth. How many jobs does a vacant piece of land employ? How many meals are served or rooms rented on vacant property? How many new homes are sold or stores occupy open pastures? How many tax dollars are generated on vacant woodlands?

They are not a business friendly community at this time. He thinks the time has come to stop penalizing developers and businesses who spend millions and millions of dollars to make their community a better place. They elected community leaders, not community followers. Each of them can no longer continue to follow the standard operating procedures of the past. The time has come to find the courage and help lead them into the future. Over the next 12 months, he is looking forward to their little five minute meetings every two weeks. They have a lot to talk about.

Mayor Benton said just for the record, the La Quinta Hotel has been given a C.O. (Certificate of Occupancy), so they are open.

Mr. Brisson said yes, it has. He is trying to head off problems in the future on other similar issues.

Ms. Barbara Conroy said she is a resident of the Surfside community on Hutchinson Island. She is here to make some comments regarding Agenda #20 (Lisa's Kayak, Inc.). She has some pictures she thinks help with the visual on some of her concerns. This item pertains to an application to run a kayak and bicycle rental business in Jaycee Park. She has concerns about this proposal because the park is already overcrowded. The reach of this park now spans four counties with a constant string of buses from St. Lucie, Martin, Indian River, Okeechobee, and even as far away as Broward County. As a result they have developed a severe parking problem that needs to be addressed. During the week there are many school and camp buses that park parallel in perpendicular parking spots. Each bus uses approximately seven parking spaces. On some weekends greyhound type buses visit the park, bringing large groups of people, and they park in the spots that are designated for cars. This has forced families and seniors to park at the farther east section of the park. These people must carry their coolers and chairs a great distance to access

the picnic area. Overcrowding is a serious problem. They don't need another attraction, a private business, to contribute to an already overcrowded situation. She asks them to vote no on the kayak and bicycle rental business in Jaycee Park. She would also ask them to fix the parking problem with buses with signs directing them to drop off the children and park the buses in the lot at the east end of the park, allowing spaces for vehicle parking.

Mayor Benton said he will ask Chief Baldwin to look into that. He knows they ticket boaters if they park in there. So for buses they should have a drop-off zone and then park down where the Utilities Authority's facility is.

Chief Sean Baldwin said he believes the Police Department staff is already working with Public Works to resolve that.

Ms. Marcia Baker said she is a resident of Fort Pierce. At the last Commission meeting a motion was made and passed to have the City sponsor a newly formed organization for HOPWA funding for housing assistance for families with AIDS/HIV. This scourge has particularly hit this community very hard with not only the individual pain and suffering of the victims and their families, but with the widespread financial and sociological detrimental effect to all of their development and progress. She agrees with Commissioner Alexander, it affects all of them, everybody, every race, every color, every age, every neighborhood, every economic situation, because it affects them all one way or the other. Although this new organization (Esther's House) was apparently unable to complete their application and has withdrawn from the process that the City Commission voted to sponsor, their grant writer, who seems to be able to create miracles, did call to their attention a possible source of sizable grant from HOPWA. These grants, which have already been a tremendous assistance to other communities and organizations in Florida, including some of the largest like Fort Lauderdale to some of the smallest like Lakeland, Sarasota, and the City of Key West, should be pursued by Fort Pierce. She suggests a proposal, go out for applications from the City to all qualifying organizations who are dealing with the housing and care of the homeless and HIV victims, so they can apply through the grant process to get the funding and direct it to where it can best be used to help their community in a responsible and well thought out manner. The other cities she has seen administer their funds through their community development organizations, which are set up to do the overseeing and the regulation of the applicants. There are a few specific organizations in the State of Florida, one religious based and one called Gulf Coast Community Care. So individual organizations do qualify. But by and large, there are ten cities that have qualified individually for these grants and are administering them through their community development organizations. She strongly urges them to follow that same path, take advantage of this program and get some real help where it is really needed in their community.

Mr. Richard Wilson, 1611 Surfside Drive, said later on this evening at this meeting they will be considering a refinancing plan for the Sunshine State Loan and FPRA debt. The financing plan has been crafted by Staff in an effort to keep their public finances afloat. The crafty plan will spend property tax money and other public money without a public vote. The Supreme Court of Florida has in the Strand decision ruled that a referendum is required if a government agrees to spend more than \$1 million in bonds longer than a year. The Strand lawsuit was in reaction to Escambia County spending public money without public vote or spending so much money for so many years without a public vote. He believes they should comply with the law. He is requesting that the taxpayers approve this loan. He is requesting the Commission to schedule a referendum. He is also concerned about the way they have been spending their tax money. Because he is concerned, he has contacted the local government division of the auditor's office in Tallahassee. Their assistance is going to be very valuable. He does not believe the CRAs were created for the purpose of real estate speculation. Most of the millions spent are for pet projects of downtown and South Beach. The northwest section, which he thought originally the CRA was made for, has very little money by comparison. He thanks them for their consideration. He hopes they schedule a referendum.

Mayor Benton said for the record, the City is afloat and doing fine. It is a refinancing of an existing loan that will give the City a better interest rate and save the City money. That is why they are discussing that tonight.

Ms. Arden Peck, South Beach Association, Chair of Beach & Parks Committee, said she wishes to comment on Agenda Item #20 (Lisa's Kayak Inc.), the request to operate a kayak and bicycle rental business from Jaycee Park, South Causeway Island, and the Manatee Center. Their Board of Directors and some of their residents were polled on this item. Not knowing the full scope of the request makes it difficult to pinpoint this issue. Is the request for a permanent site? Or is the request only to access sites to drop off, launch, and then pick up clients, as the County is already allowing her to do on county-owned public land? Whatever the scenario is, it would seem that if her request is deemed appropriate by the Commission, it is only fair that it go through the RFP process per Section 12-15 of the park ordinances, so that other kayak rental businesses would have an equal opportunity to bid. The majority - not an overwhelming majority by any means - of their board and those polled was in favor for the following reason - it would be an additional ecologically sound benefit for their residents and would also possibly help boost tourism. All were concerned as to the control of the locations and if all three locations were necessary. Perhaps only Causeway Park and the Manatee Center would be appropriate, as Jaycee Park is already overcrowded with boats, PWC's, and swimmers. There was also real concern as to what signage would be allowed. And all were vehemently opposed to any rentals of motorized vehicles such as scooters or PWC's. Those who were opposed gave the following reasons: It would commercialize their parks; it would further burden their already overburdened launch sites; it would further burden their already overburdened parking within the beach parks. Public recreational land should not be used for private enterprise. It would open the door for other private enterprises - T-shirts, umbrellas, food vendors, etc. Need she remind them of the brouhaha that some of their residents caused when the last food vendor operated at South Beach Park? They felt that her food wagon was unsightly. Yet she had gone through the RFP process, met all the City's criteria, including a physical inspection of her wagon. Lastly, what is the City's liability? The proposed launch sites are in a boat-crowded open area. Let her separate kayaks from bicycles for a minute. Obviously kayaks need a launch site. Bicycles do not. Why not encourage South Beach motel owners and other businesses in the motel area to begin renting bicycles, not only to their visitors, but to the public in general? That way would be an easy walk for any visitor to gain access to a bike. It seems a bit silly to her to have to drive to a park with a launching site, park the car to pick up a bike. She asks the Commission to be very careful in their discussion of this issue so their parks are not allowed to become less than the pure recreational lands that they are now. The lack of commercialism is what any visitor who she has met love about their beaches and parks. Hopefully there is a solution that would balance the successful operation of ecologically sound rental businesses while still maintaining the purity of their public recreational lands.

Ms. Dixie Parkin, 1705 Bayshore Drive, said she is President of the Surfside Beach Association, Inc. She would like to speak on Agenda Item #20 (Lisa's Kayak Inc.) She lives close to Jaycee Park and her biggest concern and the concern of the South Beach Association members - which is the whole residential section just south of Jaycee Park - is the parking. The Mayor is there frequently. If any of the Commissioners come out any weekend, it is amazing. There are big No Parking signs. They triple park behind each other. They double park in the boat slots. The boaters have two cars there. There is not enough room. So that is a problem. Then when they run out of that, they park on people's yards, the side streets, the street she lives on. There is a whole big vacant lot there and there are anywhere from 40 to 50 cars there on the weekends. And the number of personal water craft on the water is excessive, which she doesn't think would go too well with kayaking. But to have a business there, there is no room really. They try to take care of the boaters. She feels sorry for the people who pay to rent those pavilions and there is not enough parking space for them. Some of them have to park two blocks away and haul their coolers and everything because there is just not enough room. She feels that the

kayak and bicycle business in Jaycee Park would not be acceptable to the residents of the South Beach Association.

Ordinance No. K-726 entitled, "AN ORDINANCE **AMENDING THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF JENKINS ROAD, EAST OF I-95 AND NORTH OF EDWARDS ROAD** FROM RL, LOW DENSITY RESIDENTIAL LAND USE, TO CG, GENERAL COMMERCIAL LAND USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." and Ordinance No. K-727 entitled, "AN ORDINANCE **REZONING PROPERTY LOCATED ON THE WEST SIDE OF JENKINS ROAD, EAST OF I-95 AND NORTH OF EDWARDS ROAD** FROM R-2, SINGLE FAMILY INTERMEDIATE DENSITY ZONE, TO C-3, GENERAL COMMERCIAL ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." were placed on second and final reading and read by title only. (Applicant: Jenkins Property Holdings LLC)

Ms. Erica Ehly, Comprehensive Planner, said this is the application for a change in the land use designation and zoning classification for a vacant 27.89-acre parcel located at the northwest corner of the intersection of Jenkins Road and Edwards Road. This is the second hearing for this Comprehensive Plan Amendment application before the Commission. At the November 13, 2007 meeting, the Planning Board recommended approval of the change in land use and zoning. On December 17, 2007, the City Commission voted unanimously to approve the land use change and transmit the amendment for state and regional review. Tonight's hearing is to adopt a proposed land use and zoning change. The property currently has a future land use designation of low density residential. The properties in the vicinity of the site consist primarily of medium density residential and general commercial future land use designations. The property has a current zoning designation of single-family intermediate density. The properties in the vicinity of the site consist primarily of commercial and medium density residential zoning classifications. The applicant, Jenkins Property Holdings LLC, is requesting a future land use map amendment in order to amend the future land use designation to general commercial from the existing low-density residential, and to change the zoning classification from single-family intermediate density to general commercial in order to develop the property as general retail. The applicant has submitted a conceptual site plan.

The application requires a comparison of the traffic, potable water, wastewater, and solid waste impacts of development at the maximum development potential of the existing land use of low density residential and the maximum development potential of the proposed future land use designation of general commercial. For the purposes of reasonable analysis, a maximum feasible development potential of 250,000 square feet was used to compare the impacts of existing and proposed land uses. This number is based upon a comparison of the intensity of surrounding commercial development and the zoning requirements of the C-3 classification, such as parking. The land use change will cause an increased impact on transportation and solid waste facilities when compared to the existing land use. However, the impacts to potable water and wastewater will be decreased. Impacts to parks are not expected, as this is a proposed commercial development. It should be noted that a site-specific concurrency analysis will be performed to determine if specific improvements to public facilities will be required at the time a site plan is submitted.

As part of regional review, the Treasure Coast Regional Planning Council considered the amendment at the April 18, 2008 meeting. The Council submitted comments to the Department of Community Affairs for State review, which have been included in their backup documentation. Staff received the DCA Objection, Recommendations, and Comments Report on May 12, 2008, which identified one objection to the land use change and provided several recommendations as to how to adequately respond to the objection. The applicant has addressed the objection utilizing two of the recommendations provided by DCA - namely, additional data and analysis has been provided in the application on Pages 9 through 13, and Policy 1.1.21 has been added to the Future Land Use element of the Comprehensive Plan to limit development potential of this specific parcel to 250,000

square feet. The applicant performed a Retail Needs Analysis using a combination of existing and projected population numbers and the supply and demand for this classification of commercial square footage for the planning period ending in 2025. The determination is that there will be a general deficit of commercial square footage with regard to this classification of commercial development within the trade area of a five-mile radius. As the future land use map amendment promotes the goals, objectives, and policies of the Comprehensive Plan by encouraging the balance between commercial and residential land uses by the expected build-out of 2025, is compatible with the surrounding property, is consistent with the commercial properties in the vicinity, is in accordance with recommendations provided by the DCA, and the change in zoning classification is consistent with Chapter 22 Amendment Standards, Staff recommends approval to adopt a future land use map amendment and rezoning with the limitation of maximum development to 250,000 square feet.

Mayor Benton declared a Public Hearing on Ordinance No. K-726 and Ordinance No. K-727 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 Sessions, that Ordinance No. K-726 and Ordinance No. K-727 be passed on second and final reading.

Commissioner Sessions said he thinks it is a good idea and certainly it is a good step toward bringing employment in a residential area that is now sitting there stagnant by making it commercial. But in terms of the impact it is going to have on Jenkins Road, do they have any type of plan in place to address that impact? If it does in fact come into existence, then this area will start to boom and commercial businesses start popping up all over the place and puts everybody to work, it is certainly going to have an impact on that highway. So do they have any type of plan to address the impact that it is going to have on Jenkins Road, which is a very small and narrow highway right now?

Ms. Ehly said the City doesn't have an area plan. That was actually one of the recommendations of DCA, that if the City were to consider future land use amendments in this area, that the City might want to utilize staff to study the area and create an area plan for how they would respond to the demands on the facilities in the area.

Commissioner Alexander said he thought they did an assessment on Jenkins Road and Edwards Road. Didn't they have another big project going in there and it walked away?

Mayor Benton said there were several. There was one across the street. There were several residential multifamily developments proposed all the way down to the corner.

Commissioner Alexander asked wasn't there some fair share for Edwards Road as well as Okeechobee Road?

Mr. Jack Andrews, City Engineer, said there was a plan for the shopping center that was right at the corner of Jenkins Road and Okeechobee Road. There was a four-lane designated from Okeechobee Road to Edwards Road, it was a condition of the County to go in at that time.

Commissioner Alexander said he is asking about when they gave the concession for that multiple use out there. Edwards Road and Jenkins Road, it is going to be a bottleneck there very soon. Existing individuals staying there now, they vehemently complain about Edwards Road back down to Selvitz Road. He is fine with it, but he surely doesn't want them to miss this opportunity now as far as Edwards Road. Because what he is looking at here, surely he knows Westside Baptist Church are building a humongous church. And all the traffic in and out of there, he doesn't want to be looking at anyone getting injured.

City Manager Beach said the City Commission will get another shot at this development as it proceeds. There will be a Site Plan that will be presented to them. At that point an additional traffic analysis will have to be conducted. The Commission and Staff will have another opportunity to deal with the traffic impacts.

Mayor Benton said when the Site Plan is brought back to the Commission, because it is a County road, between the County and City staffs, he is sure there will be turning lanes and everything to keep this shopping center moving freely in that traffic.

Commissioner Alexander asked they will be out the door with the four-laning for those properties, right?

Mayor Benton said as development occurs on the east side of Jenkins Road, they will be doing their fair share as the west side.

Commissioner Alexander asked are they going to expect these individuals to do their fair share?

Mayor Benton said yes, that will come with the Site Plan.

Those voting in favor of the passage of Ordinance No. K-726 and Ordinance No. K-727 on second and final reading were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: None.

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

Ms. Erica Ehly, Comprehensive Planner, said this is actually the second reading for these two annexations, these single-family residential properties on Oleander Boulevard.

Mayor Benton declared a Public Hearing on Ordinance No. L-33 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, that Ordinance No. L-33 be passed on second and final reading.

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

The next item on the Agenda was Public Hearing on 2008-09 CDBG Annual Action Plan.

Ms. Dorina Jenkins, Community Development Assistant Director, said the purpose of this Public Hearing is to solicit comments from the public regarding the City's CDBG 2008 Action Plan.

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

Mr. Clyde Killer said he is this year's Communitywide Council Advisory Board Chairman. They have nine members that assist the City of Fort Pierce in distributing the Federal Block Grant Funds for various housing projects, economic assistance to new business entities, and particularly funds for public service projects. This year they are recommending nine public service organizations receive a total of \$100,910.00 as outlined in the CDBG 2008-09 Action Plan. They will note Project Response, Inc. will receive funds as part of their budget to assist up to 75 families or individuals who suffer from HIV/AIDS with temporary housing. A lot of them are certainly familiar with the Block Grant Program, but he is not so sure they are familiar with the intense amount of vetting that goes along with making recommendations for distribution of those public service project funds. Project Response and all the other agencies are studied and examined by the Advisory Council members and the Community Development Department of the City of Fort Pierce for several months before final recommendations are made concerning their applications for funds. Each group must file an application in writing, make two appearances to engage the Council and Staff in a question and answer session. Each must be incorporated, obtain a 501(c)(3) charitable status, have an annual accounting or audit, provide written recommendations from other well-known individuals or charities that they work with, bank records or financial statements, a complete budget demonstrating all sources of income and expenses. They must be ready to file monthly reports, and show by receipts where the block grant funds are spent, and further to be subject to regular and spot inspections by either the Council members or the Community Development staff. They are also required to show certificates of liability insurance. That is quite a bit of accountability they have to demonstrate in their operation before they are granted by the Communitywide Council Advisory Board any public funds. The nine public service organizations that are part of this year's action plan have done all that. The other remark he has relates to the Esther's House. He understands that they have withdrawn their application from the CDBG funding and from other processes that they sought City help on, so he is not going to burden them with the rest of his comments concerning that organization. However, the Advisory Board did feel and expressed a concern that that organization had done none of the things he just outlined that all the other service organizations have done in order to be eligible for CDBG funds such as the Police Athletic League, Lincoln Park Main Street, Alzheimer's Community Care, etc. So he would ask the Commission's consideration in adopting the 2008-09 Action Plan.

Mayor Benton said he wants to take a second to thank Mr. Killer and all the Council members for attending these meetings. He knows it is very timely and they have to listen to a lot of presentations. He thanks them for their efforts and giving their time to the City. It is appreciated.

Commissioner Alexander asked are they using the PAL address at 2304 Avenue I or North 2nd Street?

Ms. Jenkins said they use the addresses they put on their applications.

Commissioner Alexander asked why? If they have a whole building over there, why can't they utilize that address? Will Chief Baldwin take care of that? All he is asking, is there a reason why?

Chief of Police Sean Baldwin asked what address is on there?

Commissioner Alexander said 2304 Avenue I.

Chief Baldwin said that is the Police Substation. That is one of the administrative offices for PAL. He knows they still use that facility.

Commissioner Alexander asked but the funds are going for the boxing and drama and the youth crime and the arts and crafts on 2nd Street, right?

Chief Baldwin said he believes the volunteer who does the administrative work for PAL is on Avenue I.

Ms. Jenkins said all the administrative files are on Avenue I.

Commissioner Alexander said okay, if they are all satisfied with that. He just thought maybe it was a typo.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-31

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY'S **2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM**; AUTHORIZING THE MAYOR TO EXECUTE SAID GRANT, ANY AND ALL APPLICATIONS AND OTHER DOCUMENTS INCIDENT TO OBTAINING SAID GRANT ON BEHALF OF THE CITY."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 08-31 be adopted.

Commissioner Alexander asked so that means they have some monies in CDBG, right?

Ms. Jenkins said this budget would begin October 1, 2008 to September 30, 2009.

Those voting in favor of the adoption of Resolution No. 08-31 were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: None.

Mayor Benton said he remembers during his earlier years sitting up here when he wasn't the Mayor, but that Council would sit down all year. When it came to the Commission, certain groups would fill up the audience, and all of a sudden those funds would change from one group to another. They weren't really listening to the Council then. He is proud that this Commission is listening to the citizens who are giving their time.

Commissioner Sessions said he would like to echo the Mayor as well. In those years, he was around too. It really takes the burden off him as well as the other Commissioners and the Mayor to hear the community address their concerns. The Council has certainly come up with a plan that he really likes and it came highly recommended from them. He appreciates the time and effort they put into it.

The next item on the Agenda was Mr. Michael Williams, Akerman Senterfitt, regarding Capital Improvement Revenue Refunding Bonds.

Mr. Michael Williams said he is with the law firm of Akerman & Senterfitt. Resolution No. 08-30 before the Commission tonight is really a fairly standard simple resolution to kick off the process. He will be back before them with more details probably in late August. This resolution authorizes not exceeding \$33 million to refinance the two Sunshine State Loans and authorizes not exceeding \$5 million to refinance the 1998 Capital Improvement Bonds. Those numbers add up to \$38 million. Based on the numbers they got today, they think the total will be somewhere in the \$32 million range. This is just very conservative at this point. The security is the same as they have on their 1998, 2001, and 2004 bonds, and

that is the covenant to budget and appropriate for legally available funds. This is all refinancing. There is no new money and no new projects associated with this. He believes the City's underwriter (RBC Capital Markets) provided a memorandum for tonight's meeting that indicated it would probably generate \$2.5 million in savings.

Mayor Benton said say that one more time loud and clear for the audience.

Mr. Williams said the memorandum that the underwriter prepared indicated the savings would be about \$2.5 million in today's market.

Commissioner Coke said she is very happy to be part of something that is going to save the City \$2.5 million. She wants to clarify just a couple of points for the record. This is merely a refinancing of a debt that the City has already incurred?

Mr. Williams said correct.

Commissioner Coke asked the interest that the City is paying now versus the interest they will be paying is going to produce the savings of \$2.5 million?

Mr. Williams said based on today's market, it will be approximately \$2.5 million present value savings, correct.

Commissioner Coke said she believes she read in here that the City's indebtedness as far as time frame will be cut down. Can he tell her the length of time anticipated that will be cut off the life of this loan?

Mr. Williams said this is something they will have a chance to evaluate again when they come back in late August, but the current numbers show the maturity decreasing from the Sunshine State Loan. The 1998 transaction is kind of by itself and will match the existing maturity. The proposal on the two Sunshine State Loans has reduced that maturity by about four years.

Commissioner Coke said the memo she is reading says it should reduce it by five years. But she will be happy with four.

Mr. Williams said the existing maturity on Sunshine State is 2037; and he thinks there is some discussion as to whether it will be 2032 or 2033 on this transaction.

City Manager Beach said he was going to suggest that the news is actually better than the \$2.5 million in savings. What is reduced by \$2.5 million is their total bonded indebtedness. What they are saving in interest over the life of the loan that currently exists with the Sunshine Loan Fund is something close to \$17 million. So it is a significant important step for this Commission to take to refinance this issue. It is all about the difference in the interest rates.

Commissioner Sessions asked is there something the City did that got them to this point where they could go from the variable to the fixed rate, or is it just the economic times?

Mr. Williams said it is really the credit market problems they have all been reading about. Believe it or not, the sub-prime mortgage problem affected the standing of the bond insurer and also the letter of credit bank. They have two loans with Sunshine State. One they have a letter of credit with a private place and with a bank. They are encountering sub-prime problems. And then their bond insurer, which used to be rated AAA - Ambach - because of all of the credit problems, they now dropped to AA. So obviously the rates at what their paper trades have gone up as their credit has gone down. So it is really more of a credit problem than... He is guessing rates outside of that issue are fairly close, but he is not the best person to answer that question.

Commissioner Coke asked can Mr. Williams clarify that it is not a City of Fort Pierce credit problem?

Mr. Williams said it is not a City of Fort Pierce credit problem. If he didn't make that clear, he apologizes.

Mayor Benton asked what is the City's bond rating?

Mr. Williams said the City's bond rating on this transaction will be A-minus.

Mayor Benton said he knows there was some discussion early on about the decision made by the Supreme Court. Mr. Schwerer had looked into that. They do not have to go through a referendum, because they are just refinancing and saving money, they are not going out for additional funds.

City Attorney Schwerer said they have concluded that this is outside the scope of Strand v. Escambia County, because it is a refinancing of existing debt that is owed by both the City and the FPRA, and there is cost savings attached to it. So the case law does allow that; and they will be proceeding to have that judicially declared as well.

City Clerk Steele introduced the following Resolution by title only:

RESOLUTION NO. 08-30

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$33,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF FORT PIERCE, FLORIDA **CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2008A** AND **CITY OF FORT PIERCE, FLORIDA TAXABLE CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2008B** TO REFINANCE THAT CERTAIN LOAN AGREEMENT BY AND BETWEEN SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION AND THE CITY ENTERED INTO IN CONNECTION WITH THE ISSUANCE OF THE \$18,350,000 SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION TAXABLE REVENUE NOTES (FORT PIERCE PROJECT) AND THAT CERTAIN LOAN AGREEMENT BY AND BETWEEN SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION AND THE CITY ENTERED INTO IN CONNECTION WITH THE \$11,800,000 SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION TAX-EXEMPT COMMERCIAL PAPER REVENUE NOTES (GOVERNMENTAL FINANCING PROGRAM) AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF FORT PIERCE, FLORIDA **CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2008C** TO REFUND ALL OF THE CITY'S OUTSTANDING CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 1998; COVENANTING AS PROVIDED HEREIN TO BUDGET AND APPROPRIATE CERTAIN LEGALLY AVAILABLE NON-AD VALOREM FUNDS TO PAY DEBT SERVICE ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; AUTHORIZING THE VALIDATION OF SOME OR ALL OF SUCH BONDS; MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Resolution No. 08-30 be adopted.

Those voting in favor of the adoption of Resolution No. 08-30 were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Authorize City Manager travel to New York City from July 28-31, 2008, to meet with Moody's Investors Service, Assured Guaranty, and FSA to discuss the **Refunding Bond Issue**.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to approve City Manager travel to New York City from July 28-31, 2008, to meet with Moody's Investors Service, Assured Guaranty, and FSA.

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

The next item on the Agenda was Mr. John Donahue, Boyle Engineering, to give State Road A1A Status Report.

Mr. John Donahue, Boyle Engineering, said they have his report, but he wants to tell them about an update since he submitted the report regarding Phase 2B. The Pelican Yacht Club did retain Frank "Speedy" Fee to coordinate the review of the easement at the Pelican, who in turn hired a consultant to review their work. They have submitted their work to the consultant and the consultant has submitted their report back to Mr. Fee, he thinks today or last week. He expects he will be hearing back on the Pelican issue from Mr. Fee probably by the end of the week or sometime next week. He will follow up with him on that one. Then he can let the City Engineer know what he finds out from Mr. Fee.

Commissioner Sessions asked the Harbour Isle roundabout, the one the developer was going to pay for, has probably doubled or tripled in price since that original agreement. Is he coming to the table, is he still in agreement in paying for that?

City Manager Beach said they had a Staff meeting on that this morning. They are currently in the process of putting together a meeting of all of the parties on that subject. He hopes that will occur within the next week to two weeks. It is currently their intent and it was the intent of the agreement at the time to have the developer pay for that roundabout. However, in the form of a letter of credit, the money they got up front to construct that was probably around half of what it is going to take to get it constructed. That is the reason and purpose of their upcoming meetings. So this is not something that Mr. Donahue's firm is working on, this is a separate issue, and they are moving in that direction.

Commissioner Alexander asked where is the money coming from to complete that?

City Manager Beach said their thinking right now based on the agreement they have is to pursue payment through the developer. However, they will be meeting with each of the Commissioners individually to talk about the details of what occurred at the time that agreement was put in place. He can't project what the outcome is going to be, but he believes the intention of the agreement was to have the developer pay for it. All of them know what has happened over the last five years in terms of the cost of the project.

The next item on the Agenda was Mr. Michael Cosculluela, representing Orlando Land Company IX LLC, request 12-month extension to Site Plan - Preliminary Development Plan - for Old Florida Village mixed use development to be located at the southwest corner of Jenkins Road and Graham Road, north of Okeechobee Road.

Mr. Michael Cosculluela said he is here to ask for an extension on the existing Site Plan. He is with Cosculluela & Marzano. He represents Orlando Land Company. He is also one of the Principals.

Commissioner Sessions said he notes back on June 12, 2007, the Planning Board approved the Site Plan conditioned upon the completion of some type of obscuring natural barriers to be installed along Canal No. 37. Was that ever taken care of?

Mr. Cosculluela said actually that is to be done at the time of commencement of work. They actually haven't broken ground at all. To answer the question, no.

Commissioner Sessions asked is Staff comfortable with that? Is that in fact the way it was agreed upon, at the breaking of ground before that would actually take place?

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

Commissioner Coke said it appears to her this Site Plan has already expired.

Mr. Carlin said the applicant submitted a request for the Site Plan extension at the beginning of July and that request was brought to the Planning Department's attention. They have brought this item for City Commission consideration this evening due to the timing issue. Sometimes they get these requests, they are not always within the guidelines to get something on the City Commission agenda.

Commissioner Coke said then they need the City Attorney. Is this something they can even consider legally?

City Attorney Schwerer said the fact that the applicant did not technically comply with the ordinance would leave the action by the Commission, should they grant it, to be subject to perhaps some attack. But that would really be the applicant's responsibility. The Code requires that the applicant submit the request no later than 30 days prior to the date the Site Plan expires and that the City Commission can consider a request to extend before the Site Plan expires. Those are the technical requirements of the ordinance. His advice to the Commission is, if they believe the applicant has shown good cause - and that is what the ordinance requires - and also that such extension would be in the best interest of the public health, safety, and welfare, they could so find. Again, there may be a technical challenge, but it would not be by staff, it may be by some other person.

Commissioner Coke said that was her number one concern, because she does not want to proceed with something they can't move forward with to begin with. Mr. Cosculluela is an attorney, so she knows he is well aware of what was going on and when it was expiring. As she gets older her memory doesn't serve her nearly as well. She doesn't know about everybody else up here, but she doesn't remember the specifics of this project. She doesn't remember if it was a unanimous vote that they approved it, if they had any concerns, if it was something they were really happy with, or were they just accepting it because they had to. Unfortunately she doesn't have the information here to refresh her memory well enough so she can make an informed decision on this.

Mayor Benton said he vaguely remembers this one. It was one of the few, if not the only one he supported out there because it was a mixed use. He thinks they were donating quite a bit of property...

Mr. Cosculluela said it was public funds.

Mayor Benton said it was the only one he supported. He didn't support the ones across the street and down the road.

Commissioner Coke said she is going to support it because she believes they have done everything they were supposed to. But she would request in the future when they have an application for an extension, if they could get a little bit more information other than this is the name of the plan and this is when they were here before, because she really can't recall what she did July 16, 2007.

Mr. David Recor, Deputy City Manager, said they can provide more background.

Commissioner Alexander said they generally question the individual when they ask for a 12-month extension. So why not this gentleman? Why not six months?

Mr. Recor said he believes it was because the discussion was fairly smooth. There really weren't any issues with this development at the time it was originally considered, so Staff did not see any reason to negotiate any kind of additional improvement or reduce the amount of time they were asking. It was actually a very viable project, something they looked forward to.

Commissioner Alexander asked the conditions that were asked of them, nothing has been done? They don't see anything with that? Just let it go along? He is just trying to remind them because when he hears other people come up here and they lambast them for six months and then it is 12 months and he wants to be equal across the board. If it is righteous, he is fine with it. But there is a reason for 30 days before. He thinks they penalize their children for not doing what they be told, but he is fine with it.

Commissioner Sessions said he wasn't clear with Mr. Schwerer's recommendation. Is he sure they are not going to have any legal repercussions from this in light of going beyond the 30 days?

City Attorney Schwerer said it would not be on the City, it would be on the applicant from a potential challenge. The ordinance says what it says. It requires the applicant to submit the request no later than 30 days before the Site Plan expires. It also says that the Commission may consider an extension of the Site Plan before it expires. They submitted the request July 1st. The Site Plan expired July 16th. It is now before the Commission on July 21st. Perhaps it could have been before them on the first agenda in July if it had been timely by the applicant at least 30 days prior. So as a lawyer he is being hesitant as to what might happen. He is telling them they do have jurisdiction to entertain this request; however, it could be challenged by someone. That is all he is pointing out. The applicant cannot fault the City on this particular issue because they did not comply strictly and technically with the ordinance. That is a technical issue that is probably for some other day and some other debate.

Commissioner Sessions said he knows economic times brings about change, so this is somewhat precedent when they approach and give these types of extensions. But he doesn't have a problem with supporting the extension.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, to approve a 12-month extension to the Site Plan - Preliminary Development Plan - for Old Florida Village mixed-use development to be located at the southwest corner of Jenkins Road and Graham Road, north of Okeechobee Road.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-32

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE **2006-2007 BUDGET OF THE COMMUNITY SERVICES DEPARTMENT** COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), CDBG DISASTER RECOVERY, STATE HOUSING INITIATIVE PROGRAM (SHIP), HURRICANE HOUSING RECOVERY PROGRAM (HHR), HOME AGAIN, OF FORT PIERCE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF THREE (3) PAGES ATTACHED HERETO AND DESIGNATED AS THE 2006-2007 FINAL BUDGET AMENDMENT. THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE FUNDS, AND PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Resolution No. 08-32 be adopted.

Those voting in favor of the adoption of Resolution No. 08-32 were: Commissioners Alexander, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Designate one City Commissioner as Voting Delegate to the Florida League of Cities 82nd Annual Conference.

Mayor Benton asked are Commissioner Alexander and Commissioner Sessions both attending?

Commissioner Sessions said yes.

Commissioner Alexander asked are they the only Commissioners going?

Mayor Benton said he believes so. Every year they request somebody from each city to be a voting member. So do they have a volunteer?

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to designate Commissioner Alexander as the Voting Delegate to the Florida League of Cities Conference and Commissioner Sessions as the Alternate.

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

The next item on the Agenda was Submittal of Applications for Appointment/Reappointment to the **Communitywide Council.**

City Clerk Steele said they have applications for consideration and there will be a resolution on the next City Commission Agenda.

The next item on the Agenda was Mayor Benton discussion on correspondence from the Fort Pierce Utilities Authority regarding the appointment of an alternate liaison to the **Florida Municipal Power Agency.**

Mayor Benton said he thinks the Utilities Authority was just looking for a possible alternate so they could have at least one Commissioner attend. They want to make sure somebody is going to go because under these times...

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to nominate Commissioner Becht as an alternate liaison to the Florida Municipal Power Agency.

Mayor Benton said the meetings are in Orlando once a month. With the changes every day in energy, it is nice to get that information back and understand unfortunately why rates are going out of this world.

Commissioner Sessions said he thinks now they can do it online. He didn't know they could do it that way. He will be taking advantage of it in the future. It does require at least a whole day in Orlando.

Mayor Benton said with the drive up there and back, it is an all day affair. They can get a lot of information out of these meetings, especially why utility costs and the cost of energy are so high.

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

The next item on the Agenda was Commissioner Coke discussion regarding adopting stricter residence location requirements within the City for **sexual predators**.

Commissioner Coke said she thinks they are all very aware of the fact that St. Lucie County probably to date has not had as strict a sexual predator ordinance as it should. After she put this on the Agenda, she was told that the County is now working on putting forth an ordinance that would require stricter residency location requirements, and the County would request that the City follow suit and implement their ordinance inside the City. She has no problem with doing that. She would love to move forward with it. Her biggest concern is that they need to move forward in an expeditious manner to protect their children. She recently had some calls regarding people moving into neighborhoods directly across the street from some parks and other areas. So she would have no problem with them looking to adopt and support the County's resolution. But she would request that the County send the City a copy so Staff can be working on it, so immediately following adoption of an ordinance, the City can either adopt the same ordinance or look to implement some stricter requirements if the County doesn't do something that has enough teeth in it.

Mayor Benton said he would agree. It is his understanding that a lot of the cities and counties to the south have adopted this around Florida. When those folks have to leave, they look to the counties and cities that don't have the stricter regulations.

Commissioner Coke said here they come.

Mayor Benton said right, Fort Pierce doesn't need that. Each time they see the list in the paper, it gets longer.

Commissioner Alexander said that is something the League of Cities has tried to implement for years. He doesn't have a problem following up with the County, but why can't they just see what they have already working with the cities below? Because he does know they have some type of kiosk on the grounds of the city hall, the county, and so forth, so they already have it. Why reinvent the wheel if they can find an ordinance. There should be many.

Mayor Benton said he bets the Chief could come back with something at the next meeting.

Chief of Police Sean Baldwin said he would be happy to work on it. He will report back in two weeks on what their options are. There are obviously some legal issues that they are going to have to work with the City Attorney on, but they can certainly do the research.

City Attorney Schwerer said he was in contact with Port St. Lucie City Attorney Roger Orr.

The literature that is out there concerning the idea of municipalities regulating this subject is turning more and more to let the county develop an overall ordinance that would apply countywide, and then the cities could agree to have that ordinance apply within their jurisdictions. There are a number of legal challenges to certain local municipal regulations that are being put in place all over the State. There is cost issues as to when people are charged with violations of municipal ordinances. For instance, who pays? Because it is technically a criminal violation, but not really against the State Statute, it is a municipal ordinance. Some cities are being forced by courts to pay Public Defender costs for the alleged offender and also the prosecution costs the State Attorney incurs. Having a countywide ordinance may solve some of those issues. What he is recommending is, get a copy of what the County is currently working on. He will be happy to request that from them. He believes Port St. Lucie has seen a draft of that. Commissioners provide comments, and if it meets with what they feel is in the best interest of Fort Pierce, they could send the County a resolution requesting that they adopt it. However, at the end of that process with the County resolution the Commissioners find they want to impose stricter or different regulations, nothing would stop them at that point from doing that. His advice to

them is wait until the County does whatever they are going to do, look at it and see if it will meet what they feel is necessary for Fort Pierce, and go from there.

Commissioner Sessions said he thinks what he is describing is the Jessica Lunsford Act, where a county takes the lead and the cities follow.

City Attorney Schwerer said it has a lot to do with the type of challenges they are seeing with this type of ordinance, correct.

Commissioner Sessions said he thinks the State requirement is within 1,000 feet and the County is proposing 2,500 feet, so it is a lot stricter than the State requirement.

City Attorney Schwerer said it is strict. He has not read St. Lucie County's word for word, but it has been represented to him to be more strict than the State Statute.

Mayor Benton asked that is schools and parks?

Commissioner Sessions said schools, parks, recreation, playgrounds, licensed day care.

Commissioner Alexander said that is his concern that they have to be careful as far as the City of Fort Pierce, because Port St. Lucie is humongous and Fort Pierce is just a small city. They say 2,500 feet from anywhere, they are going to be in either a ditch or water somewhere. He doesn't have a problem with it. But again, those questions have been raised numerous times in the League of Cities. Why they can't abide by some of their recommendations, he doesn't see it.

Mayor Benton said they will have the Chief bring something back at the next meeting and they will take it from there.

The next item on the Agenda was City Manager discussion on request by Lisa Fasnacht, owner of Lisa's Kayak, Inc. to operate a kayak and bicycle rental business from Jaycee Park, South Causeway Island Park, and the Manatee Center/Seven Gables Parking Lot.

City Manager Beach said they have a memo dated July 11th from Anne Satterlee regarding this subject. It describes how they got where they are. There is also a memorandum from him attached to that, as well as a proposal from Lisa's Kayak, Inc. Although this particular request is new, this is not a new subject to the City Commission, they have all dealt with this on a number of occasions and they understand the pros and cons of it. They heard some of those in the beginning of their meeting where members of the community were expressing their thoughts on this subject. What he believes they have here is a legal proposal that they can accept or they can reject or they can modify. The issues are certainly what is going to be made available to tourists and people who are traveling. These things, if they are done in the wrong place, clearly impact neighborhoods and impact the living conditions and the volume of people who are going through. So he would encourage them to consider this. If they want to investigate it further, they can do that. If they want to act on it this evening, they can do that as well. This is presented for their consideration and discussion.

Mayor Benton asked has Ms. Fasnacht been operating this business for awhile? He knows there has been a lot of discussion with the County Commission.

Ms. Lisa Fasnacht said she has had this business for a little short of a year and a half.

Mayor Benton asked she operating out of the boat ramp over there on the Causeway?

Ms. Fasnacht said she is under contract with the County. It allows her to launch from or to sit stationary at five different locations. Her City occupational license allows her to launch from the different City parks. What she is asking them to do is let her sit stationary at the

different City parks - Jaycee Park, Manatee Center, and the South Causeway Park. She can't believe for a minute that this would contribute to... She understands there are a lot of people there that leave their trash, drive on people's lawns. This is not going to affect that in either direction on any of the concerns that anyone has voiced. As far as the locations, the wind direction has an awful lot to do with what location she needs to go to from a safety point of view.

Mayor Benton asked she basically has a truck with a trailer with kayaks on it?

Ms. Fasnacht said yes.

Mayor Benton asked how many?

Ms. Fasnacht said it depends on the day. Anywhere from 8 to 10.

City Manager Beach said to verify something, it is his understanding that the reason this person is looking for multiple locations is, as she indicated earlier, it depends on the day and the weather where she can locate. She will not have - at least as he understands it - facilities at all of these parks. She will simply locate at whichever park is best according to the weather. Is that accurate?

Ms. Fasnacht said yes.

Mayor Benton said that is where the customer would meet her and rent the kayak. With the tides, the wind, and the weather, some places could be very dangerous, especially in the inlet; but Jaycee Park is usually pretty good.

Ms. Fasnacht said as it stands right now, that is basically how she operates. The customer meets her wherever they would like to launch from. She would like to sit stationary and offer the residents and the visitors something to do that is safe and affordable. She has no motorized equipment at all.

Commissioner Coke said she has a concern if she is going from place to place. People will tend to say this business is located here. She knows the Jensen Beach Causeway, for years there was a Learn to Sail sign and there was a gentleman there who had sailboats for rent and everything else, but people knew exactly where he was going to be. So she has some concern that if she is mobile, people are going to see her at Jaycee Park one day and then she is not going to be there the next day. Know who they are going to get annoyed with? The City Commissioners. They went and she wasn't there - what is going on? So she has a concern that she has those three locations and five at the County, so she is going to have eight locations to choose from. She is not sure she is going to keep maintaining this by herself. Is she not looking to expand it?

Ms. Fasnacht said at this point it is a one man operation. But as far as location, she doesn't have any control over the weather, the wind, or the tides. She can't put people out there if it is not safe. She will give them a for instance. If they have an east wind, out of Bear Point is a great location. But if there is a west wind, it is not such a great location. The Manatee Center would make a much better location.

Commissioner Coke said the other thing is, she is looking at her proposal about general liability insurance in the amount of \$100,000.

Ms. Fasnacht said she carries \$1 million liability insurance.

Commissioner Coke said that is what she thought, because according to the County's contract it says no less than \$1 million. But when she is looking at the proposal, it says \$100,000 with \$25,000 per occurrence.

Ms. Fasnacht said yes, also on the auto, it is the same insurance requirement.

Commissioner Coke said what would really assist her in making a decision on this is, if Ms. Fasnacht is looking to park... She is not saying Jaycee Park is a go, she is just saying for argument's sake let's talk about Jaycee Park. If Ms. Fasnacht is looking to go there and the wind is right and the conditions are right and she wants to go to Jaycee Park today for her business purposes, she would really need to know where she plans on parking. She is sure Ms. Fasnacht has a vehicle and a trailer with the kayaks and the bicycles. What part of the park is she going to take up doing that?

Ms. Fasnacht said she plans on unloading her trailer and parking her truck and trailer in the spots located for trailers. She would put an easy-up with a table there with some sign-up sheets and liability forms and some other info, and unload her kayaks right there. So she would take up a spot on the sand, not in the parking lot or by the boat ramp or anywhere that could contribute to any further problems.

Commissioner Coke said she doesn't know if that is more of a problem or less of a problem. In her mind, if she was parked furthestmost by A1A and someone came and wanted to rent a kayak to go down to launch it and come back, is preferable than her having five or six kayaks lined up on the beach and limiting public access.

Ms. Fasnacht said on the north side of the swim area there is a good spot to line up five or six kayaks that is out of the way of boats launching.

Commissioner Coke said it may be out of the way of boat launching, but... She would need a diagram and exact footage on all the locations Ms. Fasnacht is talking about. Because although Ms. Fasnacht is saying it is out of the way of boat launching, it might not be out of the way of where her niece wants to go build a sand castle. They are talking public property here. If Ms. Fasnacht was looking to rent a lot some place zoned for that kind of business and then go to launch, she would have a much less problem with giving up actual public access to the beach for private enterprise. She thinks it is a wonderful idea to have a facility such as hers that rents bicycles or kayaks, she doesn't have a problem with that per se. But she does have a hard time balancing the public use for a private enterprise, especially now that she finds out a little bit more that Ms. Fasnacht is going to take up actual beach area where people would be, to have kayaks sitting during the course of the day. She has a harder problem with that than her setting up a little table and tent and whatever else there than she would have if she were sitting in the back by the road with her truck and just launching as people came up.

Ms. Fasnacht said she would gladly submit any additional paperwork they require. But to be on the road, she can't see her kayaks and can't see if somebody is having a problem. She needs to be right there where she can keep an eye on the people who are in her equipment.

Commissioner Coke asked currently doesn't she just drop them off and let people launch and go back and meet them?

Ms. Fasnacht said currently she does that or she takes them on a guided tour.

Commissioner Coke said she doesn't have a visibility factor now.

Ms. Fasnacht said no, she doesn't, but she should. She would like to keep an eye on them, especially right there at Jaycee Park, because it is in that little bay and she can see them well. If someone has a problem, if she is way over there at the road, she is never going to see it.

Commissioner Coke said she understands what she is saying and that is probably a much better way to conduct a business. But what she is saying is, Ms. Fasnacht has been

operating for a year and a half with no visibility to her clients. Whether they got in trouble or overturned or anything else, she had no control over that and couldn't do anything. She thinks they all heard earlier there are a lot of concerns expressed about Jaycee Park. She would need an exact diagram of how much square footage Ms. Fasnacht is looking to take up at each and every place she is proposing, what this pop-up tent she is looking to do utilizes, what it looks like, what if any signage she is looking to put up. She would need a lot more information before she could commit public land for this.

Ms. Fasnacht said she would gladly submit anything they request.

Commissioner Alexander said she heard Ms. Fasnacht say in the beginning that she has an existing City license. Is she able to go from spot to spot in designated areas?

Ms. Fasnacht said she is able to deliver a kayak to them at the different City parks.

Commissioner Alexander asked is Jaycee Park in the area where they have the sailboat kids?

Ms. Fasnacht said yes.

Commissioner Alexander said so she can see the individual. He is letting her know ahead of time if she gets all her P's and Q's in, he is in support of this. But he doesn't want to put kids in peril. He does know they gave them that designated area. He doesn't know if they gave them carte blanche or whether they are going to have to co-exist with someone else. He does have some concerns about that.

Mayor Benton said he sits on that board, so that is something he will bring to them, because he thinks they have always understood that there is multi-uses for the park. The last two years they have been using it in the mornings. He knows they are looking to expand that in the future. But he thinks they could co-exist there, he doesn't think there would be a problem because the sailboats are the smaller ones. But he will mention it to the board and see how they feel. They have monthly meetings.

Commissioner Sessions said when he hears the proposal, he thinks about places like the Harbor in Baltimore and he sees this type of activity. He just prays to God that one day they can see that type of activity on their waterways. He feels this type of proposal is really needed in this area in providing some forms of recreation and to attract tourist activity. It is conducive to enjoying their waterways they feel are so precious to them. So while he may not look at the particulars that have been pointed out by his colleagues, one issue he would like addressed is whether or not having it at Jaycee Park is going to further congest the area and be a burden. But other than that, that is the only concern he has. He hopes she is successful at doing so, because he would like to see something like this in their area.

Mayor Benton said he thinks a lot of the businesses and companies who have functions at the park, it might be something for those folks to do in a long day there, it gives them an option. If she could come back or at least have something by the next meeting to show them exactly where she would like to set up shop there. How many kayaks at one time does she think she would have over there?

Ms. Fasnacht said between 8 and 10.

Mayor Benton said so that wouldn't take up a huge area.

Ms. Fasnacht said not at all. The easy-up is 8-foot by 8-foot, so she is not talking about a lot of space at all.

Mayor Benton said if she could submit something, they could take a look at it and maybe make a decision at their next meeting. Would that be okay with everyone? If there are

concerns from the public about Jaycee Park, they could do it on a trial basis and give it a shot. He thinks it is well needed and it gives people an opportunity to see their natural resources out there without a motor at a time when gas is expensive. He has been using his kayak a lot more.

Ms. Fasnacht asked at the next meeting she needs to be here and she will be on the Agenda?

Mayor Benton said if she can put it together so they can have that information before their meeting. That way they can get the information out to the public and see it also, and they can make a decision then.

Ms. Fasnacht asked that would mean it would be discussed at the next meeting?

Mayor Benton said yes.

City Clerk Steele said the next meeting is August 4th. The deadline is July 29th.

Mayor Benton said a little diagram show the area and what she wants to do.

The next item on the Agenda was Deputy City Manager discussion on the **Impact Fee Ordinance**.

Mr. David Recor, Deputy City Manager, said this subject was last brought to the Commission back in December 2007, although it remained high on several of their priority lists. Since that time, over the last six months the City's Impact Fee Consultant, Tindale-Oliver & Associates has been completing the preparation of the ordinance and there have been a number of changes that were incorporated. First of all, the feedback that was obtained during the public workshop they had at the end of 2007 was incorporated. They will note there has been a tiered approach to implementing impact fees that has also been included in the draft. There is a deferment or waiver area that also coincides with the City's existing Enterprise Zone. The draft of the ordinance was provided to the City Staff in May. They have done an internal review. The City Attorney's office has signed off on the ordinance for form and content. There are a few minor revisions, nothing really material. What staff has done tonight is brought it for their review, basically to give them a status report and identify an implementation schedule should they decide to move this initiative forward. If there is a consensus to move it forward, staff has identified the August Planning Board meeting as a potential date, and then September meetings of the City Commission.

Commissioner Coke said when Mr. Recor says it stayed high on some people's radar, she is sure he is talking about her, she has been a real pain about it. She is going to give them a word of explanation as to why. She felt it was important that they spend taxpayer's money to get this impact fee schedule done. And although she does not believe this is the right time to implement impact fees, she does believe it is the right time - while all this information they just paid for is still current - that they adopt this, and then they can put a moratorium on it. They can adopt it and put a moratorium on it for 12 months and renew it every 12 months until such time as the economy has picked up. She knows they spent a fair amount of money getting this study done. She doesn't want to see them wait five or six or seven years, and then have to re-spend taxpayer monies to do a study they have already paid for.

Mayor Benton said with Amendment #1 he thinks they are going to have to get a little creative to bring in revenue this year. It could have been worse. But next year, who knows? They don't want to be the only community without impact fees. Those people who are coming do need parks and facilities. Like they have heard, Jaycee Park is full all the time now. So they are going to have to be expanding their parks.

Commissioner Coke said her understanding is if they put a moratorium, it does not need to be a citywide moratorium. They could put a moratorium on the Enterprise Zone or the FPRA area. Areas that need development, they don't necessarily need to implement these impact fees, they could put a moratorium on. And in some of the other areas in the City that people might want to develop no matter what, they could leave the impact fees intact.

Mayor Benton said they are looking at at least two public hearings. If it is in front of the Planning Board in August if they agree to this, then it is back in front of the City Commission. They can get an idea of how the Chamber of Commerce and the business community does feel. They will have plenty of time to bring it to their attention.

Commissioner Sessions said he thinks it is a good idea, especially in light of the economic times they are facing. In lieu of raising taxes, they are going to have to do something. Those individuals who are bringing these major developments in, it is justifiable in making them pay for the actual impact they are going to have on their highways. Raising taxes is not an issue that any of them want to address. But if in fact they don't take advantage of this opportunity, which is what their neighboring municipalities and counties have done, then they may not be left with any other alternative but to raise taxes. He certainly doesn't want to see that. But he thinks if they make an individual pay for something that they are responsible for bringing into the community regarding the impact on their highways... For example, the Jenkins Road project discussed earlier (Old Florida Village) comes to mind, the impact that is going to have on the roads themselves and who is going to be responsible for paying for it. Again, he thinks it is a good idea. It is something they need to look into and take advantage of as quick as possible as far as he is concerned.

Commissioner Alexander said he has one concern, especially when they annex properties in that the County has given their blessings and they acquired impact fees on them that they are not utilizing in those areas. Where are they going to be at when the people say, didn't they have between Port St. Lucie and the County with this impact? Did they ever resolve that?

Commissioner Coke said she believes the courts resolved it for them.

Commissioner Alexander said they don't need to have to go into courts. If their sister city has gone through those trials and tribulations, Fort Pierce ought to be able to come up with a little bit better product or save a tree or something. He is just looking at Mr. Recor because this is from Mr. Recor.

Mr. Recor said he is holding \$130,000 worth of effort there.

Mayor Benton said the question tonight is, do they want to move forward with putting it in front of the Planning Board and the City Commission. Is that what they are looking for tonight?

Mr. Recor said they have identified an implementation schedule to bring the ordinance before the Commission. He thinks they should probably talk about the suggestion that they put a moratorium on it further. There may be some complication if they use that word. Correct, they can adopt deferment areas or areas where there is potential to charge no impact fee at all, to encourage development within particular areas of the community. But they need to be careful of how they characterize that.

Commissioner Coke said she used the word moratorium because the Utilities Authority about nine years ago had a 24-month moratorium on their impact fees.

Commissioner Alexander said maybe that can be some type of incentive to some of these blighted or slum areas that they can work with. The County does it, the State does it, everybody gives a little bit.

Mayor Benton said build now or pay more later.

City Attorney Schwerer said his office has not been asked nor have they undertaken the task of thoroughly researching those two issues. But if this has the support of the Commission at this point in time to go forward with this ordinance, they will do that. They will need to research what areas they can exclude by a deferment or exclusion process. Identify those areas if they can perhaps tonight, so they can be researching whether or not they can do that in those certain areas such as the Enterprise Zone or a CRA area or whatever area they may feel they want to defer. The second issue is the one that causes a little bit more concern. That is, although Commissioner Coke indicated it is a moratorium, it is technically they are really mothballing this, they are putting it on the shelf and not making it applicable at the present time, which may cause some legal concern. He will bring back a memoranda for them to consider whether that can be done under the current status of the law or not by their next meeting if this goes forward. But staff would benefit from the Commission's support of certain areas as being excluded so he can perhaps research that as well. Do they have any idea of what areas they are talking about?

Commissioner Coke said she would like a recommendation from Staff, because she thinks certainly they should be more knowledgeable than she as to the areas they should be pushing development.

Mr. Recor said at the last discussion they had a map that identified an existing deferment area. There was discussion, and he believes consensus, that the draft ordinance should encompass the area of the existing Enterprise Zone, so that basically expanded and enlarged the existing deferment area. Are they all familiar with the boundaries of the existing Enterprise Zone?

Mayor Benton said he wouldn't want to expand it through the FPRA, because he thinks along the waterfront and the beach, that area needs impact fees.

City Manager Beach said he believes the most appropriate area for deferment are areas that are currently designated for deferment by St. Lucie County. What they did is specifically not defer impact fees on the island and on undeveloped properties on the waterfront such as the Port and anything south of Georgia Avenue. If it was actually developable property, they would not defer those impact fees. But for the older part of Fort Pierce, that area they are trying to rebuild, that was the area it applied to. They have those defined. They have geographic boundaries on that.

Mayor Benton said he would suggest they start with those areas.

Commissioner Coke said she would like to see that map as well as how that map compares to the existing Enterprise Zone within the City.

Mayor Benton asked does everyone agree? (The Commissioners agreed.)

City Manager Beach said so they are moving forward with the ordinance.

The next item on the Agenda was Finance Director request approval of proposed ordinance change amending Article IV, Chapter 13, **Police Officers Retirement Fund**, to bring it into compliance with minimum requirements of Chapter 185, Florida Statutes.

Ms. Gloria Johnson, Finance Director, said this is a requirement that the State has mandated on all retirement systems as far as bringing the Police Officers up to a minimum benefit and it is statewide. This is only changing their ordinances so they are in compliance.

Commissioner Sessions asked it doesn't have any type of financial impact?

Ms. Johnson said there is no impact whatsoever.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to approve advertising an ordinance amending Article IV, Chapter 13, Police Officers Retirement Fund, to bring it into compliance with minimum requirements of Chapter 185, Florida Statutes.

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

The next item was the Consent Agenda. Mayor Benton asked does any Commissioner wish to remove an item? (No items were removed.)

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

- a. Approve Application for **Alcohol Beverage Permit** submitted by Steven Garrett, Lucido & Associates, for a Company Picnic at Jaycee Park on August 2, 2008.
- b. Approve Professional Services Agreement and Scope of Services with Duncan & Associates for **Land Development Regulation (LDR) Rewrite** in an amount not to exceed \$168,435, contingent upon approval as to form and correctness by the City Attorney.
- c. Approve Extension of Lease between the City and the **Fraternal Order of Police, Treasure Coast Lodge #41**, for use of property located at 2505 Atlantic Avenue.
- d. Approve purchase of **In-Car Video Systems** for twelve Police Department Vehicles from Insight Public Sector in the amount of \$55,380.00; funds from the Fort Pierce Redevelopment Agency (FPRA) Innovative Community Policing Grant.
- e. Rescind award of Contract to Ranger Construction Industries, Inc. for **State Road A1A Phase IIB**; and Award Contract for State Road A1A Phase IIB (Bayshore to South Bridge, less Harbour Isle Roundabout) to Dickerson Florida, Inc. in the amount of \$1,851,568.86. Ref. Bid No. 5799 (SMU Bond No. 2 - Reimbursement by FDOT per Joint Project Agreement)
- f. Authorize preparation of a Section 108 Loan Application for the **Coral Square Project** in connection with the BEDI (Brownfield Economic Development Initiative) Grant.
- g. Waive code enforcement fines and costs in the amount of \$5,399.12 against **123 South 8th Street**, owned by Darrell Etkins, upon payment of demolition lien and administrative fees in the amount of \$9,680.00 within 60 days.

Commissioner Alexander said he remembers getting a memo from Chief Baldwin concerning the officers they have. Did he read a number of 157 in the memo?

Chief of Police Sean Baldwin said 157 is the total number of employees they have at the **Police Department**. Currently the Police Department is staffed with 113 sworn officers, one of those positions is frozen, and they have an additional 14 officers through the Fort Pierce Redevelopment Agency, so the total is 127 officers.

Commissioner Alexander asked was that inclusive of the new hires?

Chief Baldwin said he would be happy to take 157 officers.

Commissioner Alexander asked is that not what he got from him today in the memo?

Chief Baldwin said he thinks it may have said the total number of employees.

Commissioner Sessions said he just wanted to get an update on the **Citizens Utility Advisory Committee**. He knows the Advisory Committee has been convening for probably two or three months now. He was hoping they could soon get some type of recommendation from that Committee. He hopes they just haven't put those individuals to the side to discuss issues and issues yet to be addressed. He can at least start going to this once a month Orlando meeting with the Florida Municipal Power Agency and come back with a whole bunch of results and information and stats. But their citizens are not concerned with that, they want results. He was hoping they could get an update with them and go from there and start getting some results and get some issues addressed.

Mayor Benton said he has read the minutes of their meetings. He thinks they are coming to some conclusions. He hopes when they do, they make a presentation to the Commission. But he thinks they still have some conclusions they have to come to amongst themselves. He expects that any time soon. He thinks it was in the minutes that they are looking to make some decisions at their next meeting.

City Manager Beach asked is Commissioner Sessions getting copies of their minutes?

Commissioner Sessions said yes. He has attended a couple of the meetings as well.

Commissioner Coke said they had talked back in May about starting a **recycle program** on a pilot basis at the Farmers Market and some other public places. She is wondering if they have moved forward with that or if it has fallen by the wayside. Could they get an update?

City Manager Beach said they have moved forward. He will get her a written update.

Commissioner Coke said she was very happy to see a copy of the memo that came from the **Utilities Authority** to Mr. Beach. She guesses they took her memo she sent to the budget workshop seriously, looking into the possibility of an economy of scale by combining some City and Utilities Authority departments. She was very pleased to see that the Utilities Authority is open to that. She is hoping that Staff is going to arrange a meeting with them shortly to discuss it.

City Manager Beach said that meeting should be scheduled already.

Commissioner Coke said if he could keep them updated, she would appreciate that.

Mayor Benton said the St. Lucie County Bar Association is supporting the **Clerk of the Courts** to eliminate the commercial space for a restaurant inside of his building for more space for the Clerk. He believes they sent a letter to the County Commission. So it looks like things are going in the right direction there.

Mayor Benton said it appears at the County's August 4th meeting they are going to be discussing charging at the **County Parking Garage** across from the Courthouse. Mr. Anderson is looking for input the City might have. He knows it is too late to decipher all this paperwork, but he had made a couple of notes here. So the public knows, they are talking about metering 118 parking spaces on the first and second floors. The proposed metering rate is \$1.00 per hour not to exceed \$5.00 per day. Lease of 65 parking spaces on the third floor at a monthly rate of \$62.25. The current rate is \$45.00. And designate six parking spaces on the first floor for official County use. He thinks any concerns the City might have might be in the evenings for the Sunrise Theatre.

Commissioner Alexander asked are they going to still bless this community by keeping it open in the evenings?

Commissioner Coke said according to that proposal, they are looking to charge.

Commissioner Alexander asked \$1.00 an hour?

Commissioner Coke said she thinks they said it costs them \$500 and something a night to open it for Sunrise Theatre events, so they were going to look to charge \$5.00 an evening for parking.

Mayor Benton said what surprised him was that the money the County collects now, they are putting into the fines and forfeiture fund. He would think it should be put into maintenance. He thinks that might be one of their concerns, is the Sunrise Theatre and the parking next door. They were told it would be free in the evenings. He is hoping it will be. It is his understanding, they would like to keep it free? So that could be one of their comments. He would ask that they all call the City Manager with their concerns, so they can get something in writing to the County before that August meeting.

There will be a City Commission Budget Workshop on Thursday, July 24, 2008, beginning at 9:00 a.m. at Historic City Hall, 315 Avenue A, Fort Pierce, Florida.

There being no further business, Mayor Benton declared the meeting adjourned at 8:25 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

