

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 7:00 P.M. ON MONDAY, AUGUST 7, 2006.

Mayor Benton called the meeting to order.

Reverend John Lee gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approve Minutes of the Special Meeting on July 12, 2006; and Minutes of the Special Meeting on July 13, 2006; and the Minutes of the Regular Meeting on July 17, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve the Minutes of the Special Meeting on July 12, 2006; and Minutes of the Special Meeting on July 13, 2006; and the Minutes of the Regular Meeting on July 17, 2006.

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

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

Letter from Donzaleigh McKinney in appreciation of Nick Mimms, Deputy Director of Public Works.

Letter from Jan Pagano, Corporate & Community Training Institute, thanking Mazella Smith, Human Resources Director, for her time.

Letters from Pat Ayres and Cindy McCallister thanking Director Mary Beth Birsky, Indian Hills Golf Course, for a great job.

Letter from Dan McCarty High School Reunion Committee thanking Director Mary Beth Birsky, Indian Hills Golf Course, for her generosity and support.

City Clerk Steele said she has a quick announcement to make. If there is anyone here for Consent Agenda Items 18m and 18n, those items have been removed by staff and will not be considered by the Commission tonight.

The next item on the Agenda was Public Hearing on Application for a Major Amendment to an approved **Site Plan** submitted by Gallery 34949, Inc. for a Planned Unit Redevelopment known as **St. Lucie Court** to be located at 301 South Ocean Drive; said property zoned PUR, Planned Unit Redevelopment Zone.

City Clerk Steele said she has a letter here dated August 7, 2006: I hereby withdraw the application for Gallery 34949. Signed Richard L. Allen, President. She believes the City Attorney has some procedural issues to discuss.

City Attorney Schwerer said as they are aware, the Commission has a rule that specifies that when a matter has been set for Public Hearing on an application for any kind of development order and the applicant requests withdrawal of it, once it has been set for Public Hearing that withdrawal must be voted upon and approved by

the Commission. So if they agree with that, then they should take a roll call vote either approving the withdrawal of it; or in the absence of that passing, they are required to conduct the Public Hearing and vote upon the measure.

Commissioner Coke asked please define the withdrawal process? Does this completely kill this site plan? Is this applicable to this amendment that was proposed this evening, or is it also applicable to the original site plan which is expiring next month?

City Attorney Schwerer asked is the applicant present?

Mayor Benton said no he isn't.

City Attorney Schwerer asked no counsel is present?

Mayor Benton said his counsel had to go to Orlando for an emergency.

City Attorney Schwerer asked is the request for withdrawal actually a request for postponement, does anybody know that?

Mayor Benton said his discussion with Mr. Allen, his intent is to come back and go through the process through the Planning Board with a new Site Plan completely. That is why he wanted to withdraw, he was hoping he wouldn't have to wait the six months. So the intent, from his understanding, is not to do either Site Plan, but to start from scratch with something better.

City Attorney Schwerer said it is also his understanding that there are some fairly strict time limits right now pending on this. This is really an Amendment to an approved Site Plan. So with that additional information, it appears what the applicant is doing is withdrawing his proposed amendment. That would then take it out of consideration and not be rescheduled before the Commission at all unless the applicant is in disagreement with that, in which case they will have to have another Public Hearing, they will have to have notice published, etc. But it does leave intact the original Site Plan that was approved, albeit the applicant may or may not build on that.

Commissioner Nelson asked the original Site Plan is supposed to expire in September, is that right?

Mr. Peter Buchwald, Zoning Administrator, said the original Site Plan will expire on September 5, 2006.

City Attorney Schwerer said nothing the Commission does tonight can affect that original approval. That will expire on its own on that date. This is only on the amendment that he is asking to be withdrawn.

Commissioner Nelson asked Mayor Benton mentioned that there was indications on the part of the applicant to completely redo and start from scratch?

Mayor Benton said that is what Mr. Allen told him earlier on the phone and then reiterated it about 20 minutes ago before he left.

Commissioner Nelson said under those circumstances it is appropriate in his opinion that they proceed with the Public Hearing and do their due diligence with respect to addressing the

dictates of this request.

Mayor Benton said he doesn't think they have to do that. He thinks all they have to do is have a motion to approve his withdrawal.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve withdrawal of the Major Amendment to an approved Site Plan for a Planned Unit Redevelopment known as St. Lucie Court to be located at 301 South Ocean Drive.

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 Public Hearing on Application for Site Plan Review submitted by Deva Matha Investment Group LLC for construction of an 85-room Hotel and a 3,500 square foot Restaurant to be located at the northwest corner of Crossroads Parkway and Wheeler Terrace; said property zoned C-3, General Commercial Zone.

Mr. Peter Buchwald, Zoning Administrator, said the applicant is proposing the construction of a hotel and restaurant on a vacant two and half acre site located at the northwest corner of Crossroads Parkway and Wheeler Terrace. The property is zoned C-3, General Commercial, and the Comprehensive Plan identifies the Future Land Use to be Commercial General. The proposed project is consistent with the Zoning District and the Comprehensive Plan. The five-story hotel will be located in the northern portion of the site and will contain 85 rooms, meeting and breakfast rooms, and a business center with a swimming pool located outside the southwest corner of the hotel. The restaurant will be located in the southern portion of the site and will contain a total of 3,500 square feet of floor space. Sidewalks will be installed along Crossroads Parkway and Wheeler Terrace, and Crossroads Parkway will be improved to Kings Highway as part of the project. The surrounding properties are zoned C-3, General Commercial, and currently are vacant except for a recreational vehicle park located to the north of the site. All affected Departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the requirements of the City Code. At their June 2006 meeting, the Planning Board voted unanimously to recommend approval of the Site Plan with the condition that the applicant work with City staff to improve the architectural features of the hotel. The architect has discussed the preliminary architectural design with staff; and as the design becomes more refined, the elevations will be reviewed by staff and the architect has committed to working with staff to enhance the design. As the proposed Site Plan meets the requirements of the City Code and the applicant has committed to addressing the comment from the Planning Board, Staff recommends approval of the Site Plan.

Commissioner Becht asked what protects the City from the applicant building the hotel and not building the restaurant? What can they do to make sure that both structures are built?

Mr. Buchwald said as a condition of approval, before the Certificate of Occupancy is issued, the Commission can indicate that construction must be underway of one or the other prior to issuance of the other C.O. For instance, if the hotel is under construction and ready for a C.O. and they haven't constructed the restaurant, then the Commission can make it a condition of their approval that the construction must be underway of the restaurant or in various other forms as they see fit prior to issuance of the

C.O. of the hotel. Vice versa, if he constructs the restaurant first and then is requesting the C.O. and he hasn't started the hotel, then that would be as a condition that the C.O. would not be granted until the construction of that is started. That is one method with which they could control that.

Commissioner Nelson asked more specifically, could Mr. Buchwald cite for them the improvements to be made to the Crossroads Parkway going to Kings Highway?

Mr. Buchwald said Public Works identified that as a potential issue because it is currently a sub-standard road. So they have documents in file that they will improve that road to the City Code. That includes widening it to the appropriate dimensions and putting the appropriate sub-base and asphalt top base.

Commissioner Nelson asked are they going to have sidewalks and bike lanes and shrubbery and all this stuff along those lines too?

Mr. Buchwald said no, they haven't committed to that for that portion of the road because that is outside of the boundaries of their site. But because that provides access to the site, they have committed to improving that road up to City standards. But that is the extent they have committed to at this time.

Commissioner Nelson asked Mr. Buchwald can take note of that as a concern that he has and possibly try to induce them to doing just that?

Mr. Buchwald said if he wishes to make it stronger, perhaps that could be another condition of Commission approval that they require sidewalks along that portion of Crossroads Parkway and appropriate landscaping to meet the requirements of the Code.

Commissioner Alexander said they speak of sidewalks installed along the Crossroads Parkway. Does that not suffice or do they need to go into detail?

Mr. Buchwald said the sidewalks that are proposed are just along the boundaries of their property. So those do not extend all the way to King's Highway and would end at the extent of their property.

Commissioner Alexander said maybe he misunderstood. They are expecting this developer to extend it all the way to King's Highway?

Mr. Buchwald said no. At this point the applicant hasn't proposed to do that and is not offering to do that. All he is offering to do is to improve the road, Crossroads Parkway itself, because it is a sub-standard road to King's Highway. He has not proposed to provide sidewalks along that portion of Crossroads Parkway and he has not proposed to include bike lanes or landscaping along that. Just along those portions of his property.

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

Mr. Greg Boggs, Thomas Lucido and Associates, said he appreciates staff's recommendation and he is sure everybody likes a recommendation like that. He is a little concerned about the rest of the improvements. Are they familiar with the location of this?

There are several platted outparcels remaining. He would hate to see his client bear the burden to pay for landscape and sidewalks. To be fair he thinks they could do some fair share like they would be doing in an approved subdivision. Like Mr. Buchwald mentioned, they are doing theirs adjacent to their frontage and they have agreed to pave per Mr. Mimms letter because it is millings. But for them to sidewalk it, landscape, and irrigate it is maybe a little much.

Commissioner Coke asked but they are intending to do that on the part of the property that they are going to be building on?

Mr. Boggs said yes.

Commissioner Nelson said he is glad that Mr. Boggs concedes to putting in the necessary sidewalks and other amenities in front of their property. That is in fact a requirement of the codes. However, they can't look too far down the distant future and others are going to be coming in their besides him and it is going to compound the issue. Mr. Boggs mentioned the words, fair share. Does he have an idea whether or not they can go down that road and recognize the fact that there is going to be a requirement when people moving from his facility going down to that area that is not developed, then of course they might subject themselves to some type of problem due to the lack of sidewalks, due to lack of bike paths, and this kind of stuff. So it would be of benefit to all concerned if they had a plan in place and there was some kind of kitty set aside to accommodate these. Of course, his fair share toward that effort for public safety would in fact be greatly appreciated. How can he address that?

Mr. Boggs said tonight he doesn't know if he can in terms of the overall cost to improve. He doesn't know how they could actually proceed with that. They would have to do engineering estimates, sidewalks, landscaping, irrigation. On other projects, at least in St. Lucie County, they devised a methodology to where his client here tonight would provide his share. He doesn't know whether that could be held in some escrow or some form.

Commissioner Nelson said it would be normally put this in some type of escrow account or fair share kitty for lack of definition and used as appropriate when the time comes. But at least it shows that they are in fact addressing that issue for the future generations to come.

Mr. Boggs said it would be interesting actually to go back and read the record as to when that commercial subdivision was approved in front of this body, did it contain conditions? They are not privileged to the record of how and when it was approved.

Commissioner Nelson said he can see the record. All the records are public records. Mr. Boggs can get it.

Mr. Boggs said now he is getting to understand exactly the ramifications of the record. But his client purchased this tract within an approved subdivision. That is what they are discussing is what is his responsibilities to improve the whole subdivision?

Commissioner Nelson asked is Mr. Boggs willing to work with staff on behalf of his client to try to come up with some type of satisfaction of this concern he has for the benefit of the public in the way of fair share in that area? Certainly he is going to do

what the Code requires in front of his property. But the other properties might be affected.

Mr. Boggs said he guesses he could sit and work with the City Engineer, with Public Works, and with Planning staff, and be prepared to answer that.

Commissioner Alexander said he has to divulge that he did speak to the developer concerning this property and he welcomes them into this City because he knows the other business that they do in the City. He welcomes them because that is a much needed area for hotels and motels and whatever. They need that yesterday. As he reads this, he does become concerned about asking anyone to go to Kings Highway. There is an existing business out there now. They have no sidewalks to Kings Highway on that corridor there? He is not aware because he doesn't walk it one way or the other. There are no sidewalks? He doesn't think they need to put this undue pressure on one individual. If they are going to do it where they pay their fair share, he can agree with that. But they just built a new hotel out there. They just gave a right-of-way for RV units out there. Is this the same area he is thinking of? It is the same area. Did they put that on their shoulders? He doesn't think so. It is just his train of thought now because individual thinking individually.

Commissioner Becht asked does Mr. Boggs know if this is phased or are they planning on building both the restaurant and the hotel at the same time?

Mr. Boggs said this is not phased. This is one development plan approval.

Commissioner Becht asked so his client is going to start construction of the hotel at least at the same time as the restaurant?

Mr. Boggs said that is what is intended, yes.

Mr. David Miller, David Miller & Associates, P.A., said he is the architect for the applicant. He did want to clarify the issue of phasing of construction - what will happen first, what will happen second. The hotel is anticipated to be a La Quinta hotel. It will be a national flag that will be flying with it, which is great for the area. As of yet there is not an entity selected for the restaurant component. It is obviously in the hotel's interest to be able to have a restaurant adjacent to the hotel. There was some talk previously about the possibility of a C.O. not being provided if one thing hadn't started. They are going to work towards naturally getting the hotel started as quickly as possible. It will take longer to build than a freestanding 3,000 square restaurant will.

Commissioner Becht said that was his point. The area desperately needs hotels. He didn't want to see just a restaurant going up and the hotel would be built later.

Mr. Miller said he did want to clarify that.

Commissioner Becht said he is happy to hear that the hotel will be built first.

Mr. Miller said yes, that is the intention. Hopefully they are

going to be able to start it pretty quickly here as well, assuming they can get an approval here this evening. But he did want to clarify that. He would be reluctant right now to encourage them to tie a C.O. of one structure to the beginning of another structure.

There might be some other language that works better to insure that they are not going to just have a vacant piece of restaurant land out there.

Mr. Matthew Margotta, Director of Planning, said it is just no phases. The development needs to get done.

Mr. Miller said yes, it is not phased. The entire parking lot is going to be done all at one time. They are not looking at breaking it into pieces.

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

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the Site Plan submitted by Deva Matha Investment Group LLC for construction of an 85-room hotel and a 3,500 square foot restaurant to be located at the northwest corner of Crossroads Parkway and Wheeler Terrace.

Commissioner Nelson asked are they making any provision for the applicant to work with staff and see what they can do about getting some of those amenities for future requirements along that Crossroads Parkway?

Commissioner Coke said not to being one to argue with Commissioner Nelson; however, it appears to her that the applicant is going to do the sidewalk and everything along the whole length of his property. Is that not his fair share?

Commissioner Nelson said yes, he guesses he could say that.

Mayor Benton said he thinks that is all they can ask is to do his fair share and they hope the next guy does his fair share.

Commissioner Nelson said all right. If someone gets run over by a train, it is not going to be his fault.

Mayor Benton said there are no trains out 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 Public Hearing on Application for **Waiver of Distance** required in Section 3-7 of the Code of Ordinances submitted by Dave McDonald to obtain a 2-COP license in order to serve beer and wine for consumption on premises in **Eckle's Restaurant**, a 36-seat restaurant located at 1701 North 25th Street in Fort Pierce, Florida; said property zoned C-3, General Commercial Zone.

Mr. Peter Buchwald, Zoning Administrator, said the applicant has recently acquired the property and business now known as Eckle's Restaurant and is applying for a 2-COP license to serve beer and wine for consumption on the premises in a restaurant and for package sales of beer and wine. The proposed establishment will have seating for at least 35 persons and permanent kitchen

facilities. The property is located at 1701 North 25th Street and zoned C-3, General Commercial. No existing establishments are located within 1,600 feet of the proposed establishment. However, Garden City Elementary School is located 856 feet to the northeast and churches are located 718 feet to the southwest and 888 feet to the southeast. In accordance with Section 3-9 of the City Code, the applicant is requesting a waiver of the required distance of 1,600 feet between the applicant's proposed establishment and churches and schools. Although the proposed establishment is located within 1,600 feet of two churches and a school, the churches and school are situated in such a manner off of North 25th Street that it does not appear that traffic will be generated which may adversely affect the safety of those persons attending the churches or school. The Planning Board voted unanimously to recommend approval of the Waiver of Distance for the 2-COP Alcoholic Beverage License with the condition that adequate buffering such as a fence and shrubbery be provided along the west property boundary which is along a residential zoning district to comply with the City Code, and that sales of beer and wine be limited for on-site consumption while ordering and consuming food to comply with the City Code. Package sales of beer and wine may not be permitted in addition to on-site consumption according to the City Code. The applicant has agreed to these conditions. A notification of the Waiver of Distance was mailed to the owners of properties located within 500 feet of the establishment. A total of 38 notifications were mailed. Eight responses were received, only one of which approved the Waiver of Distance. The seven disapprovals included the School District. As the applicant has agreed to the conditions of the Planning Board and the proposed establishment meets requirements of the City Code, staff recommends approval of the Waiver of Distance for a 2-COP Alcoholic Beverage License. However, it should be noted that this approval of the Waiver of Distance based on the negative responses received, including the one from the School District, is at the discretion of the City Commission.

Commissioner Coke said first of all, she didn't get a recap sheet of numbers of letters sent in her package. And if that was just an omission, if they could go back to including those figures, she would appreciate it.

Mr. Buchwald said it should be under the Property Owner Response Summary. It is a separate item they now include with further details.

Commissioner Coke said they used to get just a separate sheet, but she will look for it.

Mr. Buchwald said it should be a separate sheet. That includes more detail than ever before.

Commissioner Coke said she sees on their Application for Waiver of Distance, it says: Also have package license to sell off premise consumption package beer and wine. Is that not directly opposed to what Mr. Buchwald just said, that they were only allowed to do this in the restaurant?

Mr. Buchwald said that is correct. They would not be allowed to have that package sales or to continue to sell package sales of beer and wine.

Commissioner Coke asked but they already have this license in

place?

Mr. Buchwald said his understanding is, yes.

Commissioner Coke asked then can the Chief tell her if they have had any problems at this location with the sale of alcoholic beverages?

Chief of Police Eugene Savage said they haven't experienced any major problems in that area. There are a couple of other places in the general vicinity that are often problematic; but this particular location, no they have not.

Commissioner Nelson said Mr. Buchwald mentioned that no existing establishments are located within 1,600 feet. He left off something - that sells beer and wine. There is a little store right across the street from there called One Stop that sells beer and wine. Across diagonal from that in front of that store, there is a facility that sells beer and wine. Just south of there, less than 1,000 yards is his old shopping center that has a liquor store in that. He has some concerns in that area. How does he justify saying there is no existing establishments?

Mr. Buchwald said the City Code defines in this case an establishment is one that sells hard liquor such as liquor store or an existing restaurant that has beer and wine for on-site consumption. It does not pertain to beer and wine for package sales.

Commissioner Nelson asked so on-premise consumption is what he is talking about?

Mr. Buchwald said yes.

Commissioner Nelson asked Mr. Buchwald mentioned that he got a lot of negative responses to include negative responses from the school system?

Mr. Buchwald said yes. Marty Sanders from the School Board sent back a response indicating he disapproved of the Waiver of Distance.

Commissioner Nelson said with respect to parking in that area, there is a two-story building there with four businesses down in the bottom and residential living up at the top. Did he consider the amount of parking required for that type of facility?

Mr. Buchwald said yes, he did. They have parking both in front and back. He counted the parking spaces and they have adequate parking based on the gross floor area.

Commissioner Nelson said that area parking-wise is shared by the business immediately to the north. It is not dedicated parking. He tells him that from a historical standpoint.

Mr. Buchwald said he was unaware of that. When he met with the applicant at the site and they showed him the parking, they indicated that parking was for them.

Commissioner Nelson said he is telling him factually what is the case. Even the driveways are in fact jointly used.

Commissioner Alexander said he just wanted to let Mr. Buchwald know

he too had those negative calls. His property is right across the street from 25th Street. He doesn't recall getting a letter from the City of Fort Pierce concerning this. Maybe it is something overlooked. But if he didn't get it, he is a Commissioner and that is right in his neighborhood. Concerning the negative calls he has gotten concerning that, one of the main points was about the parking area. If they say there is parking in the rear of that place, there was parking there before that place was built from what he understands and what he recalls. But again, he is taking notice of the calls he has gotten. He thought this place had business for beer and wine. They do have a drive through portion of that. It does have it now?

Mr. Buchwald said it has been, from what he understands, a bar and restaurant in the past. It was built in 1995 and has had several various establishments within that. That is new information that Commissioner Nelson provided regarding that the parking behind it is not a part of their property. It is through an agreement from what he understands. If that agreement is not strong...

Commissioner Alexander asked they wouldn't even know where the property line starts or begins or ends. But he is concerned about the individuals who live adjacent to that business. They are not too happy about this.

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

Ms. Norciss Plummer said she lives in that area. She is here to speak against selling more beer and wine or any kind of beverage of alcohol in that area. They have enough liquor stores and beer stores around here now. They have enough people hanging around now with beer and liquor and young people. She doesn't think they need another one.

Mr. David McDonald said he is the new owner of Eckle's Lounge. When he first started there he leased the property and there was beer and wine selling there. So that is the reason why he bought the place with the intention that he could do that. But if they see otherwise, he can't fight against it.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to deny the Application for Waiver of Distance to obtain a 2-COP license for Eckle's Restaurant located at 1701 North 25th Street.

Those voting in favor of the motion 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 second and final 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 Becht, that Ordinance No. K-431 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-431 on second and final 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 second and final 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 Becht, that Ordinance No. K-432 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-432 on second and final 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 second and final 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.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that Ordinance No. 433 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-433 on second and final 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; CREATING SECTION 2-48; 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 second and final 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 second and final reading.

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

The next item on the Agenda was Mr. Michael D. Minton to present Final Report from **Committee for a Sustainable Treasure Coast.**

Mr. Michael D. Minton, CSTC - Chair of Natural Systems, said also with him tonight is Melissa Meeker, who is the Chair of their Committee for a Sustainable Treasure Coast, and Stefan Matthes, who has worked with him on a number of the Committees. They have a power point presentation and copies of that for the Commissioners. Hopefully each of them also received the copy of the final report.

Ms. Melissa Meeker said thank you for the opportunity to speak. She served as Chair for the Committee for a Sustainable Treasure Coast and is currently the President of Sustainable Treasure Coast, Inc. which is really their follow-on group. They would like to give a brief overview of their report; and then at the end of this, hopefully the Commissioners will ask their staff to look through the report and the recommendations to see if there is anything that is applicable - and she thinks there is - that the City may want to look into in their future planning. Mr. Minton introduced himself, herself, and Mr. Matthes, but they also have three other members from the Committee in the room that she would like to introduce. The first is their very own Commissioner Nelson who was also

appointed to the Committee. They also have Gerald Mabus and Stacy Ranieri. Just to give a real quick overview of why the Committee was actually formed. It was actually the brainchild of Senator Ken Pruitt who was dealing with local municipalities and local counties who were dealing with some coordination issues. He had first hand knowledge of industry that wanted to come into the area and was having trouble trying to determine if they had enough water for their industry, all these economic development type issues. There was very little coordination among the municipalities. So the idea was, how can they as a region pull themselves together to try to address some of these issues so they maintain their quality of life or even improve their quality of life as they move forward and continue to grow? So Senator Pruitt made the recommendation to Governor Jeb Bush, who then passed an Executive Order and appointed 37 of the region's local leaders to serve on this Committee. And the intent of the Committee was to look at cooperation and coordination among the region. The region was defined by three counties - Indian River County, St. Lucie County, and Martin County - and how they could come up with recommendations addressing some of their future planning efforts. One of the first things they did was set a mission - and it goes back to that coordination and cooperation - really looking at consensus building. One of the things they are holding is the final report. That was a consensus document. Every one of their members voted on it. They all agreed with the recommendations. So what they see there is a representation of a very broad reach of their community representing the different groups within their community agreeing on what they felt was important to create a sustainable future. If they look at their present condition and how they are growing, if they do not address some of their key issues such as natural resources, economic development, the rural lands, and the quick transformation they are seeing from agriculture to houses, these types of issues, then they are not going to have the quality of life that they need and want for their future. If they address those key features and come up with some key recommendations, they see their vision and their future being very bright. So what they looked at was actually developing some outcomes. They developed principles, action steps, and suggested tools for implementation. This reflects Committee consensus. It is based on a broad community support. They had a lot of public meetings, had a lot of public input throughout the process. And they really hope that the final document will be a decision making guide for the Commission as decision makers in their local community. They had this broad range Committee, each with their own interests and background that they came together with. What they wanted to do was break themselves up into groups; and not stick people necessarily where their educational or employment background was, but in creating their sub-groups to be very diverse as well, which helped them as they formed their recommendations. So they really focused on five key areas - Natural Systems, Built Environment, Economic Diversity/Prosperity, Social Systems, and Rural Lands. What they are going to do is sort of hit on each of these and some of the key principles and action steps that they identified. Again, just a very brief presentation on some of the key ones. They hope that City staff at least hopefully will look through it and see some of the great work that the Committee really put into it. This slide shows their region. One of the things she likes to point out on this slide is the red areas are actually very strong urban areas. These are areas where they have a lot of development and they can see that they are really getting the pressure from the south and they are getting the pressure from the north, and it is sort of in the middle they are trying to figure out how to handle that

pressure and how to sustain themselves and not just be homes to Palm Beach County and this type of thing. When they put this graphic together (Treasure Coast Region Population Growth), it was two years ago. This is underestimating where they are actually going to be. St. Lucie County is actually projected to be at 250,000 by 2010, so they are a little bit off on their graphic, but it does show the incredible growth that they have seen. She is going to turn it over to Mr. Matthes and let him talk about the specific plans.

Mr. Stefan Matthes, CSTC Member, said they spent 18 months trying to narrow down those five topics into what they could consider to be goals and then action steps for those goals. The Built Environment came down to a lot of input, but four primary goals. He is going to go through those goals and the action steps and try to relate it in how this City is actually already on course to some of those things that came out of the report. The first goal was effective comprehensive planning is guided by a shared long-term vision for the region and the local communities. The action step that they came up with is to establish policies/joint planning agreements that address interconnectedness of communities in the region. A prime example of what they already have done is the intergovernmental review that they have taken on with their development projects with St. Lucie County. That coupled with taking a good hard look at the Comprehensive Plan updates, he thinks they are well on their way to meeting that action step. He would really commend them for it and recommend they continue with that process. Vibrant city centers and redevelopment in urban areas contribute to sustainability. That really is true. The action step is provide incentives for preparation and implementation of redevelopment revitalization master plans; infrastructure investments; and give preference to development forms and designs that minimize the dependency on automobiles. Once again, the City is doing that very well in the downtown redevelopment areas. They are putting monies into the infrastructure. They are looking at approving projects that would not normally have been approved in the past. He thinks this is one place where they have seen that higher densities don't necessarily always mean problems with projects. In fact, if projects are done correctly, they can actually minimize the dependency on automobiles and on the infrastructure that they as a City need to provide.

Mr. Minton said if he can interject here, when they had their Committee discussions, Historic Downtown Fort Pierce was used as an example of what they were trying to achieve throughout the rest of the region, so what they are doing downtown is certainly paying off.

Mr. Matthes said that is an excellent point. One goal is development, redevelopment, and construction incorporate energy, efficiency, and conservation. The action steps are to set green building goals for all types of buildings and amend their LDR's to include model provisions addressing energy efficiency/conservation in the built environment. They suggest the City give strong consideration to these while they are reviewing their LDR's. Communities and the region are served by an interconnected multi-modal transportation system that maximizes access and mobility. There are a plethora of action steps there. He doesn't think he needs to take time to read them all. He thinks what it comes down to is that as a community, if they push their state agencies and their districts and the FDOT hard to continue to look at this as a region that needs an interdependence, that they can actually

achieve some of the goals of decreasing the demand on the system. He is going to go through the Social System goals too. In this segment, they actually narrowed it down to three. He thinks they will see very clearly that the three are very important. The first one was education. They in the Treasure Coast feel they need to have an exemplary system of lifelong learning. They think they need to improve quality and accessibility of Pre-K programs. They need to use the existing Treasure Coast Regional Planning Council collaborative process to create interlocal agreements for school concurrency requirements. They need to develop land banking programs to provide for their future school systems. They need to also encourage better communication to their citizens of the adult education programs that are available currently in this area with Indian River Community College, FAU, and all the programs that they do in collaboration with their sister schools. Next goal is health care - affordable and accessible healthcare services provide physical, mental, and preventive care. The action steps are to address the roles of local communities in achieving health gains and eliminating disparities through coordinated comprehensive health planning approach; participate in the Elder Ready Community programs; and establish regional health care district. He thinks they all realize that this is probably the number one financial problem facing their community today. And there is no one answer. It has to be a collaborative effort with all those involved in the Treasure Coast.

Mr. Minton said in fact, in the middle of their deliberations they had the twin hurricanes of 2004. They actually took a step back from their deliberations to focus on the effect of those twin hurricanes and put together an action report that went to the Governor as well. One of the primary issues for their area was how they deal with the emergency needs of their healthcare recipients during that type of emergency.

Mr. Matthes said the last one in the Social System goals is culture and arts. They would like to see institutions, programs, and events that promote the arts, preserve and communicate the unique heritage of the region, and respond to culturally diverse changing populations. The action steps are to coordinate regional efforts to support existing facilities and expand cultural opportunities; establish community centers throughout the region; develop regional oral history programs based on work of IRCC; and develop the Treasure Coast heritage trail. The City has done a wonderful job with the support they have done for the Sunrise Theatre. He thinks that they also need to take advantage of the natural resources that are available in the area and expand on those from a cultural and arts social standpoint.

Mr. Minton said one of the other areas they focused on was Economic Diversity. To succinctly state it, are there going to be jobs here for their children and grandchildren? Will there be jobs of the quality that they will want to move back to this area and live in this area, to live and work and raise their family? They focused on the fact that it needs to be a regional strategy for that economic development with great emphasis on their Florida Research Coast approach. They have one of the highest collections of PH.D's anywhere without their own freestanding four-year university, which hopefully they will be able to evolve to that as well. But with what they have available in the Treasure Coast right now, and the activities out at the Research Center and with Harbor Branch

and with the Entomology Lab up in Vero Beach and all of the other attributes they have to draw upon, there is no reason why they can't really market their community for those high-skill high-wage jobs to go along with that. One of the biggest challenges they face - and they spent a significant amount of time on the discussions - really lie predominantly outside the City boundaries, but it is as important to them as it is to everybody else who lives in this region; and that is, how do they maintain their Rural Lands and how do they maintain their natural systems. They had a separate rural lands group that met, chaired by Peter Spyke. It is very important that they maintain a functioning network of agriculture and open space in natural areas. It is essential for the region's sustainability. And frankly, he thinks it is their heritage. It would be a shame if they lost that. That is part of what makes their community what it is. He is afraid if they don't do something now, if they don't act now, ten years from now they may wake up and decide they don't want to live here any more because it is not the same community. That would be a crying shame. Current weakness in their ag sector - there is a long list and it just depresses him to go through them all - but the global competition, canker, and hurricanes are three of the major ones that have changed the face of agriculture and the rural aspects of their community. They are seeing what is happening throughout the State. But what has really happened significantly here is the conversion of the rural lands to some more intense urban development because of the fact that financially it is more rewarding to convert than it is to continue to do what they have been doing because of all the rest they have been having to deal with with the changes of their ability to grow agricultural products profitably. Land values for development are greater than the values for ag production, and that is the major concern that is causing so much of the conversion going on. The primary land use designations outside the urban service areas and municipalities in all three counties allow for significantly ranchette-type development, whether it is 5, 10, or 20 acre ranchettes. If that is all they want and if that is what they are going to get, it is going to look like a patchwork quilt. They believe that is not in the best interest of the natural systems or the heritage of their communities. Now there are certain places where ranchettes will work fine; but there are other areas where they would like to maintain more of the natural system in a complete functional system. So what they identified in this report are ways that they could address these differently than what is currently being done in their land development codes. DRI's historically allow for piecemeal sprawl. The fact that the primary development outside the cities and outside the municipality areas and urban service areas is ranchettes encourages significantly more land to be incorporated into cities, to being annexed, as they have seen in the southern part of their County. To maintain some rural and open space, they must address three things. First, they must find a way to maintain agriculture as a profitable endeavor. And it is not just looking at what is being produced on that land as the currency, but finding other currencies that agricultural land could realize so it can continue to be maintained in agriculture in the future. Whether that be transfer development rights, whether that be looking at the environmental benefits from having the property in open space, whether it be from endangered species, whether it be for mitigation banks, there is a plethora of opportunities here. But they must look beyond the box that they currently are in. They must try to find those other types of currencies. The combination of future ag profits and income from TDR's must be equal to or greater than the land value one would realize from converting it to

development in order to assure that they can maintain significant amounts of rural and agricultural lands. The Rural Lands goals are designed to accomplish the three things mentioned just a minute ago. A combination of tools and strategies that work effectively to retain functional, connected network of rural lands. Rural lands retention supports natural systems. And rural lands will allow them to maintain the open space that they need. It is a model part of their heritage in their community. The Rural Lands action steps of the report provides that use of resources create new development and innovative tools to fund retention of rural lands. Partnerships with urban, governmental, and ag to maximize the values to enhance the agricultural profitability. Reviewing their comp plans and land use regulations to include incentives/requirements for preservation of rural lands, identifying the potentials for transfer of development rights, stewardship programs. St. Lucie County has taken the lead, the forefront. Much of the types of currencies are new growth patterns they are talking about. Foster stronger relationships between urban/rural through education and outreach. Make sure all the stakeholder groups are involved in evaluating their progress. And establish acreage goals. Let's go ahead and set some goals that they want to attain. Evolving from the Rural Lands program naturally then fits the natural environmental goals of their natural systems. Probably the strongest recommendation of their report is the full implementation of the Comprehensive Everglades Restoration Plan; and in particular, the north and south elements of the Indian River Lagoon. If they can have full implementation of that plan, they will achieve a significant part of their natural systems goals by being able to preserve the Indian River Lagoon in a healthy system, enhance the St. Lucie River Estuary, and preserve significant lands of western Martin, St. Lucie, and Indian River Counties in a function that serves more as the natural system than it would be if they allow it to be subdivided and sold in a ranchette development. Identify new funding sources, incentive-based mechanisms for land acquisition. Looking at conservation easements, looking at development rights, looking at mitigation banks. There are a number of different ways that they can identify new currencies that are more than just taking taxpayers dollars to buy property and take it off the tax rolls. Where government can help them is identifying land use planning and development regulations that support natural systems. Regulations that encourage development to be on the land that it is most suited for and discourage it from the areas that are adjacent to the natural systems they wish to preserve. They need to ensure that decisions are compatible with sustainability of those natural systems, adopting minimum development standards, and steering development to lands that have least impact on functioning natural systems. They have significant amount of lands that has already been impacted that might be better suited for this type of development than allowing development to go onto land that has not been impacted that still serves much of the natural systems. Action steps that they discussed, these are basically arrows that are in the quiver. There are a number of different ways to address this, but they talked about a wide menu and many of these can be combined with one another. Acquisition programs, stewardship programs, conservation easements, clustering, rural lands stewardship program as they are now contemplating here in St. Lucie County, transfer development rights. All of these create new currencies that can be used to retain the land and also new currencies that could be used to acquire additional lands needed for the Comprehensive Everglades Restoration Plan and the Indian River Lagoon elements. The overarching principles of their report address the fact that they

need cross-sector, intergovernmental collaboration, cooperation throughout the region. They need active effective public involvement and education. That is part of what they are trying to do through their Sustainable Treasure Coast, to get out and help the public understand what they are trying to achieve, get them actively involved, make sure they are having people throughout the region look at the region and not just look at one specific area. Obviously throughout their community he thinks they have all seen opportunities where they could have conflict resolution. They also have discussed dynamic planning tools using the technology that is available - better mapping, using a matrix of ranking and point systems to identify key criteria. For example, trying to identify those lands that are better suited for development versus the lands that would be better suited for their natural systems. Interactive community planning. Sustainability indicators. This report is 100-plus pages in length, has 30-plus principles, over 180 suggested action steps and recommendations. It has something in there for everyone. They know there is a lot in there and there are a number of things that don't necessarily apply to the City of Fort Pierce. But what they ask is that the City have staff review it and identify those action steps that might apply or could apply to the City of Fort Pierce, and contemplate ways that they could start taking those steps and start involving the action steps of this report. Also they ask that the City be involved regionally with them as they go around and educate the other parts of the community. And when they start addressing some of the more larger regional issues that they recognize the fact that, though it may be outside the boundaries of the City of Fort Pierce, what happens throughout the region impacts on all of them. Moving forward they have formed a not-for-profit organization called Sustainable Treasure Coast Inc. Its process is to act as an information conduit and facilitation group and educational activities. They have already had one barbeque where they were educating people about the Rural Stewardship program and what they are doing here tonight. It is also an Institute for a Sustainable Treasure Coast which has been formed between FAU and IRCC. It will be undertaking many of the more specific tracking of sustainability indicators and developing the matrix he mentioned earlier. They thank the Commissioners for their time this evening and hope they have the opportunity to digest the report and they are here to answer any questions the Commissioners may have at this time.

Commissioner Nelson said he is glad they all came and educated him again on what he is supposed to do. He did serve on the Committee for 18 months or so. It was one of the most enjoyable experiences he had dealing with all the members that served thereon. With respect to the Executive Order coming from the Governor's Office, urged by Senator Pruitt, what do they plan to do now and follow up to insure that some of the recommendations made are in fact enacted? They have an autonomy of sort as individual counties and cities and other institutions. Are they going to have something coming out of the Governor's office? Is one of the Department Heads or somebody riding herd on this project to see that they follow through with some of the recommendations made?

Mr. Minton said he doesn't know that having someone out of Tallahassee come to the Treasure Coast and tell them what they need to do to address their community will get the results that they would like. He thinks they from within know what they need to do here locally. What they are doing now is trying to effect that grassroots support. The Sustainable Treasure Coast is going to undertake seminars. They have one scheduled for later this month

up in Indian River County. They are going around to all of the different municipalities in each of the counties, making presentations like they are here. They plan to undertake any type of effort they can to raise the visibility to the recommendations that they have created that they have jointly come up with. There are a number of volunteers who are going to follow through with this. He really thinks that is going to be more effective for them than having Executive Orders and other edicts from Tallahassee telling them what they need to do. They know what they need to do here, it is just finding the time and effort for people to get out and get involved to make it happen. One thing he omitted. Sustainable Treasure Coast asks each of the municipalities to provide them an ex-officio member to join them to sit with them as the board deliberates so they can keep the dialogue going between all the municipalities. He knows Commissioner Nelson served with them on the Committee for a Sustainable Treasure Coast. So they hope this body will consider at one time naming somebody as an ex officio to join them as well for those deliberations as they talk about how best to implement these goals and objectives.

Mayor Benton said they thank Mr. Minton, Ms. Meeker, and Mr. Matthes very much, and thank the Committee for all the time and effort. Hopefully it will lead to a better quality of life with the growth they are going to be looking at in the next several years. So any help the City can be, they are updating their Comprehensive Plan now, maybe they can get some ideas from this.

Mr. Minton said they will be glad to come back at any time or participate in any of the public meetings to discuss just that.

The next item on the Agenda was Mr. Philip Gates and Mr. Robert Phoenix discussion and information update on development of **Harbour Isle**.

Mayor Benton said the Commission has their request here in front of them. He has asked Mr. Beach to see if he can put together a response and address this concern.

City Manager Beach said this is probably a good subject for the Commission's information. The question in front of them is whether or not the City should withhold Certificates of Occupancy to Harbour Isle to insure the construction of the roundabout that is to be located there at the entrance to Harbour Isle. This subject has quite a long history. The roundabout itself is almost distinctly separate from Harbour Isle. What Harbour Isle has done several years ago is put up a letter of credit to the City of Fort Pierce that insures the construction of that facility. As they all are aware, that project is being privately financed and privately designed and constructed. It has been going through a design and permitting process for years. Culpepper & Terpening are the designers. The most recent report he has, they were within two to three months to having those design approvals through the Florida Department of Transportation. He thinks the answer to the question that was raised is that the roundabout will not have any impact on the Certificates of Occupancy relating to the Harbour Isle development.

City Attorney Schwerer said he briefed the City Manager on the legal dictates of the agreement that is in existence with Harbour Isle. What the City Manager indicated to the Commission is a correct restatement of that document. There is a Letter of Credit that is in essence a bond that stands good for the approval.

Recall that the project was approved with the specific condition that the roundabout be built. But as a condition precedent to that happening, of course they had to get FDOT approval. That is what has been taking this time. So it is two separate issues. The Certificates of Occupancy for the development have nothing to do with the roundabout construction. That is covered under a totally separate agreement which is bonded at this time.

Mayor Benton said during their Workshop a week ago, that was a topic for discussion because it is very important to this City to get that up and going as soon as possible. Their understanding is that plans are ready, it is just getting FDOT up and rolling on it. Does that help with their concerns?

Mr. Philip Gates said it is a pleasure to be here tonight to address the Mayor and the Commissioners of the City of Fort Pierce.

He is President of Visions of Fort Pierce. It was so nice earlier this evening to hear that people in this community in a grassroots organization are moving forward to get a vision for the St. Lucie County, the Treasure Coast, and even the City of Fort Pierce. That is what Visions of Fort Pierce is, a grassroots organization that moves forward to try to help different organizations. Recently they had a neighborhood summit at which there were 12 different neighborhood organizations, business associations, and historic districts that came to ask questions of City Staff. They applaud Mr. Recor and City Staff for having come. They had a very good summit where they were able to ask questions of City staff and it was very positive and they really appreciate that. He thanks Mr. Recor very much for having done that. Again, they want to be very positive as they move forward in envisioning what is going on for their new community. But what they have here and what they wanted to talk about and what Mr. Phoenix wanted to talk about here tonight is a health and safety issue that the Harbour Isle residents seem to have. With that he would like to introduce Robert Phoenix, President of the Condominium Association of Harbour Isle, who represents 900 residents at Harbour Isle.

Commissioner Coke asked for a point of clarification, are there not several Homeowners Associations or Condominium Associations there?

Some of them have not even had elections or have a President. And the total population there is divided in representation between these different Homeowner Groups, are they not?

Mr. Robert Phoenix, President of the Condominium Association of Harbour Isle, 3 Harbour Isle Drive East, Apt. 202, said in reference to Commissioner Coke's question, there are at the current time one standing Homeowner's Association known as the Harbour Isle Condominium at Hutchinson Island East. There is currently a standing Property Maintenance Association. And there is a developing, but not yet established, Harbour Isle at Hutchinson Island Condominium Association West, which is still under the control of the developer. The East Association, of which he is the President, is a condominium association of 288 units. The remaining 600-plus units will be under the domain of the West Association. He stands representing the East Association exclusively, but has been asked on the part of some West Association homeowners to speak on their behalf. He wants to thank the Mayor and the Commissioners for the opportunity to bring the concerns of more than 912 homeowners and investors of the Harbour Isle Condominium property before the City. As President of the Condominium Association for the east side, he represents an increasing number of Harbour Isle property owners who have growing

concerns for their own safety, the safety of their children, and the safety of the citizens of Fort Pierce who use Seaway Drive as a means to travel to and from work, and home, and to the beach as a source of their recreation. The same property owners are also concerned about the entire site plan which was approved by the City Staff and this body. Their concern is whether or not the entire site plan as it was approved will be developed or will the developer be allowed to close his operation and move along? They did have some partial answer to that question. They are still not sure. With this in mind, what he and more than 900 property owners want to know is after five accidents in this year alone in the immediate vicinity of the Harbour Isle entrance, what is the City proposing to do prior to the development of the roundabout?

Mayor Benton said the City can't do anything. That is a State road. The City's intent is to get that roundabout in that section of the road and this A-1-A reconstruction finished as soon as possible. They had a Workshop and that was one of their topics for discussion. There is no one in this audience who is more frustrated with this project than he is. He was the one who got the money for this reconstruction project some five or six years ago. Between two hurricanes and drainage issues and every issue they can imagine throughout the whole project, it has been a nightmare. But it is their understanding that it is on track. He can't tell them a date, they still don't know the specific start date for that phase of the project. But he drives through that intersection several times a day, so he does see the concerns and he sees the dangers there. It is their intent to get done as soon as possible, but their hands are somewhat tied when they are dealing with the Florida Department of Transportation. Does Mr. Arias have any idea what time they are supposed to start this phase of the project, a date on that?

Mr. Hector Arias, City Engineer, said he thinks it is going to be another four or five months to start the project on that particular roundabout.

Mayor Benton said the drawings are done, so it is their intent to get it done as soon as possible. That is all he can tell them. Like he said, he has been as frustrated as they are with that.

Mr. Phoenix said he appreciates that. He has noticed that at the base of the South Bridge that there is a speed recording device that was placed by the City of Fort Pierce. He would like to ask whether or not something more pro-active can be done as far as regulating traffic in that area, if there is the possibility that staff on the public safety portion could perhaps increase their patrols and begin to slow traffic down, just to make that section of the island safer.

Mayor Benton said he will be asking them again. They will try to do that regularly. Also, the number of dump trucks, those are back again. He passed what might have been six or eight trucks in a row the last few days. He knows there is a project down almost to Jensen Beach once again. They could writing many tickets a day with the speed those trucks are going. That is his biggest concern. If the Chief can get traffic control out there and start writing tickets again please. It is getting out of hand.

Commissioner Alexander said he at one time questioned about the two lanes on the east side of that bridge coming to one lane without signage directing anyone from out of town. He noticed over the

weekend they had a lot of people from out of town and they were barreling down those two lanes, not knowing that it comes to one lane. He didn't see a signage. He did see an American flag flying. Is that City property? He has no problem with the American flag, but what if that flag dislodged itself and draped somebody's car? He doesn't know who put it there. Did the City put it there?

Mayor Benton said no. There is a resident who every year usually puts a flag up there.

Commissioner Alexander said if he is going to put it up, they should make sure it is secured, because that is very dangerous. Back to the roundabout. He understands they have a bond. With the escalation in costs, is that going to cover and make sure there is no cost to the citizens?

Mr. Arias said yes. There is a clause in the agreement that Harbour Isle will pay whatever price increases included on that.

Mayor Benton said he hopes that answers some of Mr. Phoenix's questions. Call his office any time. They have been working very hard getting this up and going.

Mr. Phoenix asked so as he understands it, they are going to see some action within four or five months?

Mayor Benton said four to five months. Also they will get some policemen out there regarding that traffic, the speeding, and hopefully slowing people down because it does get bad.

Commissioner Alexander said they do need the signage out there.

The next item on the Agenda was City Manager report and recommendation concerning request for an additional voting position for a Fort Pierce City Commissioner on the Public Safety Coordinating Council.

City Manager Beach said they have an Agenda item commentary on this subject from him and it essentially describes the reaction of that Committee to the request that was made by both the City of Fort Pierce and the City of Port St. Lucie. His suggestion to the Commission and what is included in this memo is that they consider a proposal to their Legislative Delegation to expand the membership of that Committee, specifically to include a member of the City Commissions in both cities in St. Lucie County.

Commissioner Becht asked is it possible to try to coordinate this with Port St. Lucie, so that they would adopt perhaps a joint resolution where both municipalities would request the Legislature to deal with this issue?

City Manager Beach said if it is a decision of the Commission to move this forward, that is how they would move it forward.

Commissioner Alexander asked did they not say that this was the Council the Mayor also serves on?

Mayor Benton said he doesn't serve on it. He sits there and listens. If they ask for input, he is usually there or somebody from their staff or somebody from this Commission.

The next item on the Agenda was Status Report on proposal to provide **insurance benefits** to widows of slain police officers.

City Manager Beach said this is a subject that has been before the Commission on a number of occasions. There has been quite a bit of research conducted in regards to the State law that governs this. The two questions as he understands them have been, who is eligible and how can the City do this? The Deputy City Manager had reviewed the availability of private insurance. They had ruled out using their own insurance because of complications with non-employees and so on. The Deputy City Manager received some quotes from private insurance companies to insure these folks. And then the last thing to be done was to determine who was eligible for this. The City Attorney has rendered a brief opinion indicating that the Commission has the authority to do this under certain circumstances, if they choose to do it.

Mr. David Recor, Deputy City Manager, said staff has completed a review of the relevant statute to determine the eligibility for continuing health coverage for the widows of their slain police officers. They have determined that two of the four affected widows are eligible under the requirements of the statute. Two have remarried, which thus renders them ineligible for coverage under Section 112.19 of the Florida Statute. One of the two eligible is currently covered under the City's existing policy by way of a COBRA premium in the amount of nearly \$500 a month. The last eligible widow is retired but has no health insurance coverage at this time. They also have researched the cost for providing health insurance coverage through Blue Cross/Blue Shield's top tier and it amounts to approximately \$6,000 per year. So they have answered the question with regard to eligibility. They have coordinated with the City Attorney's office. And at this point they believe they can effectively respond to their questions as to whether or not should they elect to move forward with this.

Mayor Benton asked in other words, they got quotes from other companies?

Mr. Recor said he spoke with Blue Cross/Blue Shield, giving them a hypothetical situation based on the facts as were presented to their Director of Human Resources, to receive an estimated cost. Now recognize that an actual application for health coverage would need to be completed by the applicants, which is pretty exhaustive. He believes it is a 36 question questionnaire. And he has the logistics as far as any kind of waiting periods and the funds that would be necessary to initiate the coverage as well.

Mayor Benton asked would they be ready to start this coverage as soon as possible?

Mr. Recor said six to eight weeks.

City Manager Beach said if the City Commission gives authorization to move this forward, Staff will start the process moving and then will report back to them as it evolves.

Mayor Benton said his only suggestion, is there any way that one of the widows who now presently uses the City's policy, couldn't they just start paying that premium as soon as possible, like next

month?

City Manager Beach said that gets to be a technical legal issue. One of the things they ran into in trying to evaluate that before had to do with non-employees on the insurance premium. His suspicion is, the answer to that is yes, because she is part of the program now. That is his suspicion, but he doesn't want to tell them that without legal and finance assessing it.

Mayor Benton said he spoke to Mr. Schwerer earlier about it and he believes it is something they can start doing in good faith now; because it is his understanding she was the only one...

City Manager Beach said she was one who was eligible.

Mr. Recor said Ms. Wouters is the widow that they are referring to and she is an eligible widow.

Mayor Benton said to him it would be in her best interest to start this as soon as possible.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to move forward with paying Ms. Wouters COBRA insurance through the City as soon as possible; and that they also go ahead and get the other eligible widows an application for the policy Mr. Recor has found; and as soon as that time frame is up, provide her with health insurance also.

City Attorney Schwerer said just some legal cleanup here. Technically the motion is being made to simply extend the benefits of Florida Statute 112.19(2)(g). In essence, what they are doing is setting the eligibility by virtue of that statute, so it is clear for the record that all the terms of the statute apply for eligibility, but they are just making it retroactive. He wanted the record clear that it has been a public finding by the Commission. He wants it absolutely clear that is part of the record.

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

The next item was the Consent Agenda. City Clerk Steele said she would like to remind the Commission that Items 18m and 18n have been removed by staff and will not be voted on.

Mayor Benton asked does any Commissioner wish to remove an item?

Commissioner Alexander said he would like Item 18h (Main Street Fort Pierce request regarding Historic City Hall) removed for discussion.

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

a. Approve Specific Authorization No. 3 to Agreement with Captec Engineering for **State Road A-1-A** Roadway Improvements, Phase 2A, for engineering and inspection services.

b. Approve Change Order No. 2 to Contract with Sunshine Land Design for **South Beach Stormwater Improvements** in the amount of

\$88,096.00 in order to complete the final phase of the project.

c. Approve Contract Proposal from Burkhardt Construction for improvements at FEC Railway railroad crossings at **Orange Avenue and Avenue A**, decorative stamped asphalt, in the amount of \$58,092.00.

d. Accept proposal from Lucas Marine Construction for construction services for **Fairway Drive Stormwater Pipe Replacement**, Grandview Boulevard to Trinidad Avenue, in the amount of \$293,377.57.

e. Approve Specific Authorization No. 1 to Agreement for Professional Services with LBFH, Inc. for the Final Design and Permitting of **Moore's Creek Linear Park**, Phases 3 and 4, in the amount of \$196,750.00. Purchase Order No. 021875

f. Authorize submittal of Fiscal Year 2007-08 St. Lucie River Issues Team Surface Water Restoration Grant Application for the **Moore's Creek Retrofit Project**, Phases 3 & 4, to South Florida Water Management District.

g. Approve negotiation of a contract with Burkhardt Construction for the design/build replacement of the **8th Street Bridge** crossing Moore's Creek.

i. Approve addition of **LookingGlass Viewer** (ARCview GIS) for Land Based Applications that reside on the City's Mainframe and secure the service of SunGard HTE, Inc. for software, installation, and training in the amount of \$12,675.00. (Single Source Vendor)

J. Approve expenditure of \$20,586.00 to secure the services of CDW-Government, Inc. for Computer Hardware and Software to connect the **Sunrise Theatre** to the City's Mainframe.

k. Approve travel and attendance by City Manager Beach to the 80th Annual **Florida League of Cities** Conference in Jacksonville on August 11-12, 2006.

l. Rescind Code Enforcement fine of lien in the amount of \$17,250.00 against **1011 North 22nd Street**, owned by Linda Hooper, contingent upon administrative costs of \$801.00 being paid within six months.

o. Approve refund of \$100 in Code Enforcement administration fees paid by Harvesttime Community Economic Development Corporation for **1217 Avenue D**, now owned by St. Lucie Historical Society, Inc.

The next item considered was Item 18h, which had previously been removed from the Consent Agenda: Request by Main Street Fort Pierce for \$13,693.00 to pay balance owed on roof repairs to **Historic City Hall** at 315 Avenue A, and to provide insurance coverage for Historic City Hall by adding the building to the City's insurance policy.

Commissioner Alexander said it just is his concern that it is being offered to the City to pay the insurance policy. They have a lease on this property, right?

City Manager Beach said yes, they currently lease the building.

Commissioner Alexander said within that lease, it requires them to

keep insurance on this?

City Manager Beach said that is correct. The City owns the building, and they are asking that the City place it with their insurance.

Commissioner Alexander said not too long ago he questioned them about the insurance on Indian Hills Golf Course whether they had suffice insurance. What about all the City buildings? He requested that before about the update on all City-owned properties whether they have insurance or whether insurance is being carried. Does this have anything to do with their lease if they were required to keep insurance on that, that the City is going to...

City Manager Beach said his recall of the lease, and it has been some time since he looked at it... The history of the Old City Hall project is probably something that is relevant here. The City was in the process of getting ready to demolish and tear that building down. St. Lucie Preservation came forward and asked to have the building leased to them and they agreed to do any number of things - they would restore it, put it back together, and lease it. They borrowed money, they got some grants, they leased the bottom floor to an accountant, and all of those resources is what they used to put the building back together. In fact, he thinks the FPRA gave some money toward this project. They continue today to manage the building. If someone wants to reserve it or use it, they call the Main Street association to use the building. The City however has been doing a tremendous amount of the maintenance since it was reconstructed. The City does all the grounds maintenance, the mowing, and so on. As he understands it from this letter from Ms. Tillman, that the return they are getting on their leases is simply insufficient to cover the cost of maintaining and operating the building and covering the insurance.

Commissioner Alexander said he just wants to know for sure that they are not opening up a can of worms, so everyone who owns or utilizing or lease City-owned properties, they are going to come back and ask the City to do the same.

City Manager Beach said he doesn't know of any other situations like this that they have, but he thinks he is right. If they are doing that somewhere else, he would expect that request to come at them rather quickly.

Commissioner Alexander said he has some concerns about that now, but again he will leave that in their hands. But his last question concerning this matter is that he read that one of the City staff members is the person who took the lead on a change order on this repair on the roof.

City Manager Beach said that may be true.

Commissioner Alexander asked they have staff who can allow that type of change order?

City Manager Beach said he doesn't know that they demanded it so much as suggested it. It had to do with the type of barrel tile roof that was being put on the building. They were trying to get it more historically accurate, he thinks.

Commissioner Alexander said he has no problem with that. It is a

lovely building. But again, if this is a Main Street ordeal, then how is it that City staff has interjected?

City Manager Beach said the City owns the building and they have a tremendous interest in its well-being.

Commissioner Alexander asked but staff can make a change order of almost \$14,000?

City Manager Beach said he wouldn't think they could have done that without the agreement of the St. Lucie Preservation.

Commissioner Alexander said he doesn't want anyone to be pointing fingers, but that is what it seems like this letter states that, it was approved... He will leave it alone. If it is a Main Street venture, then Main Street needs to handle this. He would be the first one to say that they are doing a good job. They just started another Main Street and he is on the Board, so he is learning as they go. He just wanted it to be an even playing field when the next individual steps forward and asks for a request as such.

Commissioner Coke said two things on this issue. First of all, she would think that perhaps Main Street should be applying for a grant from the FPRA people to fix those roof repairs.

Commissioner Alexander said it has already been done.

Commissioner Coke said she wouldn't think that would preclude them from applying for a grant from the FPRA to pay for it, rather than the City of Fort Pierce.

Commissioner Alexander said okay.

Commissioner Coke said if the City had a building leased to Main Street - and she loves the organization - but Main Street is leasing it out, collecting the rents for anything on the second floor and the first floor, and now the City is going to go ahead and add them to its insurance policy and pay the premium. She has a concern that the City is going to end up with a dozen other people here saying they are leasing the Garden Center from the City, but they want the City to pay the premium.

City Manager Beach said he is unaware of any other circumstances that they have similar to this. If anybody on the staff is aware of it, it would be helpful if they would point it out. He is unaware of anything.

Commissioner Coke asked so he feels confident they are not opening a can of worms here?

City Manager Beach said he doesn't believe that in itself will be an issue.

Commissioner Coke asked does Mr. Beach feel that this \$13,693 is appropriate for the City or would it be eligible for a FPRA grant?

City Manager Beach said if the Commission authorizes it, staff will find the most appropriate place for it to be paid from.

Commissioner Coke said the Commission can't authorize FPRA monies being spent tonight.

City Manager Beach said if that is their direction, staff would bring it back to the FPRA Board. But the amount of it is not of enough consequence to devoting a lot of time to figuring that out. Commissioner Becht said the problem with insurance is multiple. The company terminated coverage and said they would not insure it.

The coverage that the City can buy because of its bulk buying is better coverage for less dollars than Main Street can get on its own. So that is one of the reasons why they are pushing for the insurance coverage. The Pandora's box that he thinks they are opening with the FPRA is that, he is not going to say they have a clear policy, but he thought they had established a policy where they didn't like giving grants to buildings that were under lease.

Here they have a building that the City is leasing to Main Street, which is sublet out to some private enterprises and some non-profits.

Commissioner Coke said he is right.

Commissioner Becht said so he doesn't think that the FPRA... He just thinks it is sticky wicket whichever way they go. There are several churches and there are some educational groups who hold functions in this building. Again, the history that Mr. Beach laid out where these groups, and it wasn't just Main Street, where they saved a building of some architectural significance, some heritage.

He thinks this is pretty easy. He for one is not concerned about any precedent because this is the only non-profit that is leasing the City's property next to City Hall.

Commissioner Nelson said he thinks there is a clear case involved in this that they need to bring to their attention. The Garden Club is owned by the City. They do in fact repair the Garden Club.

They have put on new roofs, they have painted it, put in air conditioning, and a few other things over there. With respect to the Old City Hall over here, they have in the past fixed the air conditioning on that at City cost. Commissioner Becht is right with respect to the cost for insurance on the City's policy versus the independent policy is a benefit. The lease he thinks calls for the Main Street or the Historic Preservation or somebody else to maintain it. But as any landlord will tell them, sometimes when they have their own property that might go down because of neglect by their tenant, it is better on their part to step in there and do something about it. In this case, he thinks that is what they are doing. He finds it rather embarrassing to go over there and see some of the maintenance that is needed, particularly in the interior of that building - the ceiling is cracking, the molding is coming down from the inside, it needs painting in certain respects.

So he is for this and he thinks it would do them in good stead to approve it.

Commissioner Alexander said he just didn't want to let them think he was against this. He just wanted to question that it is an even playing field for anyone who leases City properties. Again, he makes that just for his interest, his information.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve request by Main Street Fort Pierce for \$13,693.00 to pay balance owed on the roof repairs to Historic City Hall at 315 Avenue A; and to provide insurance coverage for Historic City Hall by adding the building to the City's insurance policy.

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

Mayor Benton asked going back to Consent Agenda Item 18d, the drainage pipes on **Fairway Drive**, do they know when that is going to start?

Mr. Hector Arias, City Engineer, said he thinks it is going to start in a couple of weeks.

Mayor Benton said for the residents along Fairway Drive who have been waiting for this drainage improvement so their front yards don't wash away...

Mr. Arias said it is going to be all the way from Grandview Boulevard to Martinique Avenue.

Mayor Benton said they have been waiting a long time.

Ms. Marcia Baker said she first wants to commend the **Planning Department** in particular, Mr. Recor, and the Commission for being able to do a do-over on all the mistakes that were made in the past three or four years. It is not very often that they can do do-overs in time to prevent major damage. She would like to make some recommendations that might solve some future problems. She thinks in the future when a zoning change is being requested and a plan is being presented, that as part of the package in the Planning Department there should be a due-diligence form. That would instruct the developer what is going to be required of them to fulfill the rules and regulations so there will be no confusion about dates, times, permits, meetings, and so forth in the future.

She would also like to call the attention of the Commission to the situation with Planned Unit Redevelopments. She brought this situation on another project to the Commission's attention some time ago. It was finally discovered that she was correct. She would like to bring to the Commission's attention, in the City rules it says that if an amended preliminary redevelopment plan is not submitted within 75 days of the City Commission decision to require such an amendment or if the redevelopment plan is not approved or approved with conditions, the City Commission shall initiate proceedings for rezoning all of the property in the Planned Unit Redevelopment. That is shall - not may, should, or could - but shall. This is a requirement the Commission had in the last Planned Unit Redevelopment failure and that they will have again come September in this next one. She would like to suggest that this time it get done right. Now as to some of the subjects that were brought up this evening and in the past, she will just reiterate some of her concerns. On the South Beach Overlay District and on the Comprehensive Plan, she had strongly urged that when a plan is being presented to the Planning Department for site approvals and so forth, preliminary site approval plans, that if they are in a shore land zoning area or flood hazard area, that a qualified engineering opinion be attached as to the feasibility of the architect's preliminary renderings being usable in a shore land zoning area in terms of wind speed, flood conditions, and so forth.

They can have an architectural review plan and it can look very pretty and people can talk about the heights and the turrets and this and that and the other thing; but if it cannot be built properly and engineered properly for the 140 mile per hour wind zone and for a flood zone, then the whole process is useless. So she would suggest that as a requirement on preliminary plans that a

qualified engineer vet the plans first. Her next to the last thing, on the Comprehensive Plan and in particularly the overlay district, she again strongly urges them to eliminate the possibility of having nursing homes and assisted living facilities on the barrier islands as a permitted use even with special permissions or conditional use or whatever. Those should be completely and absolutely prohibited, banned, forbidden, and not considered. She thinks this is a very urgent thing. And last is the sand trucks. They went through this before. Martin County is not permitting the sand trucks to come over their bridges and their roads to do the repairs on Martin County property. They are coming down and destroying Fort Pierce roads, their safety, and their peace of mind. Someone was supposed to do something about this last time around. She doesn't know what has happened on that.

Mayor Benton said he can respond to the dump trucks with the County. Basically he showed the County where it was less mileage to go through Martin County and they still decided to go through Fort Pierce. He thinks this is a private project. He hopes that these trucks he is seeing now aren't going into Martin County. If they are, they will do something about that. But he followed them. He knows there is a project just north of the Power Plant he sees them going to and just south of the power plant in St. Lucie County. All they can do is write a ticket for every one that goes over the speed limit. That is what he would like to see done.

Mr. Pete Whitridge said he lives over on Bonfish Court. He may be asking a question about something they have been dealing with. But **Code Enforcement** over on the beach side, there is a variety of homes on Gulfstream Avenue that the doorways are open. He is just interested and concerned.

Mayor Benton said they are in court with those folks. They would have liked to have seen those structures on that whole block down a year and a half ago. Maybe the City Manager can give them an update on those on Gulfstream Avenue. It is their frustration too.

Mr. Whitridge said yes, he is sure.

City Manager Beach said he doesn't have a current update on that. Does Mr. Alcorn have any more recent information on the status of the removal of those properties off of Gulfstream Avenue?

Mr. John Alcorn, Director of Building & Code Enforcement, said the Assistant City Attorney is close to finalizing an agreement so that those will be demolished within 60 days of signing that agreement. It appears pretty close.

Mayor Benton said hopefully that will be soon, because hurricane season is on them and there could be definitely debris flying around them. There is a new condo right across the street. It has been very frustrating for all of them. There are several structures on the beach and throughout Fort Pierce that need to come down, but they have run into some legal battles.

Commissioner Coke said she wants to remind staff that she is looking forward to the **retention pond** as a water feature ordinance coming before the Commission.

Mr. Hector Arias, City Engineer, said they are working on that.

Commissioner Coke said okay, that is what she wanted to hear.

Commissioner Coke said she appreciated all the information Ms. Steele got them on the different **Boards** that they have as far as reviewing term limits and length of terms. Although reviewing length of terms wasn't something they had discussed, but when she was looking at it, one Board in particular that she noticed was the Planning Board that their terms are only two years. She really thinks with a Board like that they ought to consider extending the length of that term to maybe a four-year term, especially if they are putting a two-term limit. However, she thinks it takes a couple of years on that type of Board to get their feet wet. The only other thing when she was reviewing all those Boards is, she noted with the Civil Service Appeals Board, they listed the members of that Board who are City-appointed; however, if they are going to make any changes to that Board, she thinks they need to recognize and make the appropriate changes because there are also two members and two alternates who are elected by the employees at large, and one member and one alternate who is appointed by the Board itself. So any changes that they make, she thinks they need to make those unilaterally to all members.

Commissioner Nelson said there was a major **water main break** on Avenue E and 13th Street last night. He would like to commend the U.A. folks for moving to repair it with dispatch. However he got negative feedback regarding the fact that there was not a boil water notice put out immediately thereafter. It is a main line that services that area. They did flush the lines and all, but to his knowledge there was no boil water notice before they start using it again. He would appreciate it if the Mayor and the City Manager sitting with the U.A. Board would ask them to make sure that the U.A. staff inform the public via some type of public announcement about this in the future.

Mayor Benton said he heard it on the news tonight on Channel 12.

Commissioner Nelson asked the Mayor heard it on the news tonight? It said boil water? He didn't hear it.

Mayor Benton said he did, on the 6:00 o'clock news.

Commissioner Nelson said they fixed it about 11:00 or thereabouts and someone can drink a lot of water during that time between then and now.

Mayor Benton said the normal procedure is they are supposed to notify people in the area, so hopefully they did.

Commissioner Nelson said what he is saying is the notification didn't come shortly after the break or shortly after repair.

Commissioner Nelson asked what is the status on the **parking lot at the Police Substation** on Avenue D?

Mr. Hector Arias, City Engineer, said there were no bids. Nobody bid on the project.

Commissioner Nelson asked \$180,000 and no bids?

Mr. Arias said no bids. They are having problems with other

projects too. They are talking to Burkhardt to see if they want to do it, somehow with a fixed price. They don't know what to do at this time. They just didn't have any bids. Commissioner Nelson said they do have some in-house capabilities. He thinks Bob Hood and his crew can do it.

Mr. Arias asked build a parking lot?

Commissioner Nelson said yes, they did the whole street over there by the old Sewell Hardware building. They are good. They can do it.

Commissioner Alexander said as much money as the City spends with Burkhardt, they are telling him Burkhardt would deny putting in a parking lot at one of their public facilities?

Mr. Arias said no, what he is saying is they went out for bids on the project and nobody came in with a bid.

Commissioner Alexander said Mr. Arias didn't hear what he said. As much money as the City spent with Burkhardt, there should not be a question, it should be - how fast can they do it?

Commissioner Coke said she doesn't think Mr. Arias said they wouldn't do it. Mr. Arias said nobody submitted a bid. And now he is going to ask them. Is she correct? Or did he ask Burkhardt and they refused?

Mr. Arias said Burkhardt submitted an estimated cost and the City refused the cost because they put a high cost on the removal and replacement of the wall. Then the City decided to go for bids and here they are now. He is pretty sure Burkhardt will be willing to build it; it is just they are going to have to start talking to them about a price.

Commissioner Nelson said if they could have some follow-up on that to make sure that is completed in a timely fashion, it certainly would be appreciated.

Mr. Arias said he will.

Commissioner Nelson said that **American Flag** being displayed off the lamp pole on the South Bridge. It is against the general law and flag etiquette to display a flag in that fashion. He hopes that once it happens in the future, that they will in fact see that it is taken down with dispatch. That was just a real desecration of the flag from any veteran's standpoint, which he happens to be one. That wasn't a proper display of the flag.

Commissioner Alexander said he has a concern on Avenue D and Angle Road. He happened to be going in that direction, thinking he was going a short cut. Traffic is getting to be very congested out there in that area. He noticed a trucking company out there that has taken up an old business that used to be a bar. There were all kinds of trucks and stuff parking out there. That is the entrance way to Fort Pierce. They already have one ordeal going on out there with those companies out there that are taking it to be a light industrial area. Do they know what is that zone out there?

Mayor Benton said from watching the County's **Code Enforcement** meetings, they are trying to deal with that, because that is County property out there. He has seen several of those folks out there,

they have been cited for many things. But he thinks there is a lot more work. They can imagine if they build 900 units next to Westwood High School, what the traffic is going to be on that road. Commissioner Alexander said that is just his concern. That is a feeder road to this community. They don't have but two or three thoroughfares - Avenue D is one of them - going from the east to the west. He just has a concern with looking at all those trucks out there. That is very distracting.

Commissioner Alexander said his other concern is on **29th Street and Orange Avenue**. On the north side of Orange Avenue, traveling that thinking to take short cuts, there are some potholes in those roads that people have to swerve to miss. The road is not so wide. People almost literally are running head on trying to duck and dodge. He just thought they did that pavement improvement, resurfacing. They won't even consider that area?

Mr. Hector Arias, City Engineer, said they will now. They are trying to get the mapping for the next district for the \$1 million they are going to be spending this year. That area is included.

Commissioner Alexander said he has a concern with the corridor to the Chester A. Moore School there. It is dangerous enough without the light, which they have no control over.

Mr. Arias said that is right.

Commissioner Alexander said but to go down that area with two cars passing at one time, if somebody hits those pot holes on the edge of the road, City property right-of-way.

Mr. Arias said they will fix them. He is pretty sure Mr. Hood is making a note of this right now. They will fix those now and then they will handle the resurfacing later.

Commissioner Becht asked can Mr. Arias get him some printed information or e-mail information on a time line for the **Sunrise Boulevard roundabout**? If he will get him that information, he will disseminate that information, so some of the residents have an idea of when that intersection is going to be reopened.

Mr. Hector Arias, City Engineer, said sure.

Commissioner Becht said he is not sure that they gave any direction to staff or if they want to give it. He knows he wants to give direction to staff. But he is not sure that the rest of them want to talk about the report they got from the **Committee for a Sustainable Treasure Coast**. There is a great deal of information in it. There are some goals in it that he felt were appropriate for the City. They are in the process of amending the Comp Plan. He is wondering if there is any consensus up here to have staff read it and get back with the Commission; and then they can direct Calvin Giordano to put those goals in the Comp Plan as it is being amended.

Mayor Benton said he thinks not only staff, but also the Commissioners. He thinks they should have a formal response that everyone agrees on. It is very important.

Commissioner Alexander said he agrees.

Commissioner Becht said there is a lot of good work in there.

Mayor Benton said at the Workshop recently the Commission talked about their Agendas. Now that they are live on TV, he knows there has been some concern. Because of the way the City's Code is, he guesses they are going to have to change their ordinances so they can change the time that their **City Commission meetings** are to 6:30 p.m. While they are changing it, he is asking the Commission if they would consider maybe putting it on their next Agenda to see how Port St. Lucie and St. Lucie County deal with requests to be on their Agenda, because they never know what they might get when somebody submits a letter. He thinks in their case, a lot of times people get that five minutes; and then if there is enough support from the Board, if there are three votes, then they take it to the next step in making it an Agenda item and deal with responses.

Commissioner Coke said she thinks that is an excellent idea.

Mayor Benton said if everyone agrees, they can have something brought to them at the next meeting, because it would be added to that same ordinance change. They never know what they might get on live TV. It could cost them.

Commissioner Coke said she could come and give them a 45 minute dissertation on floral arrangements.

Commissioner Nelson said he is remiss in not mentioning something earlier. The approval of the \$500,000 to 600,000 for the **8th Street Bridge** crossing. They didn't say where they are going to get those monies from. What is the plan on that?

Mr. Hector Arias, City Engineer, said the funding is coming from the Stormwater Management Utility. They have that funding already. It is under the CIP (Capital Improvements Program.)

Mayor Benton said he just wants to tell everyone on Thursday night (August 10th) here at City Hall from 6:00 p.m. to 8:00 p.m. they will be having a Charrette to help plan **Veteran's Memorial Park**. They have some plans together.

There being no further business, Mayor Benton declared the meeting adjourned at 9:00 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER