

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, AUGUST 20, 2007.

Mayor Benton called the meeting to order.

Reverend George Welch, White City United Methodist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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The next item on the Agenda was Approve Minutes of the Special Meeting on August 1, 2007 and the Minutes of the Regular Meeting on August 6, 2007.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Special Meeting on August 1, 2007 and the Minutes of the Regular Meeting on August 6, 2007.

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

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The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by William & Linda Nunn to construct a **Private Dock** into the Indian River from property at 1807 South Indian River Drive; said property zoned E-1, Single Family Estate Density Zone, and A-1, Aquatic Conservation Zone.

Mr. David Carlin, Development Review Planner, said according to Section 22-38 of the City Code, dock/moorage facilities are permitted only by Conditional Use in the A-1 zoning district. Therefore, the applicant is requesting Conditional Use approval to construct a private dock which extends from the applicant's property located along the western shoreline of the Indian River. The site and adjoining properties located to the north and south of the site are zoned E-1, Single-Family Estate Density Zone, and are occupied by single-family homes. The adjoining property located to the west of the site is zoned I-1, Light Industrial, and is occupied by the Florida East Coast Railway. The Indian River is zoned A-1, Aquatic Conservation Zone. The proposed Conditional Use is not inconsistent with the surrounding land uses. This picture represents the ground view of where the proposed dock will be located. The dock will be 4-feet wide and will extend approximately 400 feet from the east side of Indian River Drive and will be situated in the center of the property. The dock will also include a terminal platform at the end which measures 10 feet by 21 feet in size. In addition, two boat lifts will be constructed on either side of the terminal and one of the dock lifts will be covered. The pilings and decking will be constructed primarily of treated wood. The permits for the latest dock plans have not been obtained to date from the Florida Department of Environmental Protection or the U.S. Army Corps of Engineers. However, the City Code does not prohibit the applicant from requesting Conditional Use approval for a dock prior to obtaining the permits for its construction. According to the City Code, authorization of the Conditional Use will be void after one year if substantial construction has not occurred, unless the City Commission extends the authorization for an additional period. This slide represents the actual plans from a top down view. The red line represents the property lines, the blue line represents the riparian rights line, and the yellow indicates where the dock will

be constructed. Adequate distance remains from property lines and from other docks that potentially may be constructed to the north or south. A total of 13 notifications of the Conditional Use permit were mailed to property owners located within 500 feet of the property. As of today, nine responses have been received - nine of which approve the Conditional Use permit and zero opposed. All affected departments have reviewed the Conditional Use application and have approved it based on it meeting the requirements of the City Code. At the July 10, 2007 meeting, the Planning Board voted unanimously to recommend approval of the Conditional Use. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends approval.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Conditional Use for William & Linda Nunn to construct a Private Dock into the Indian River from property at 1807 South Indian River Drive.

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

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The next item on the Agenda was Public Hearing on Application for Subdivision Review - Preliminary Plat for Kings Highway Commerce Park - submitted by Kings Highway Commerce Park LLC for property on the southeast corner of Kings Highway and White Road; said property zoned C-3, General Commercial Zone.

Mr. Peter Buchwald, Zoning Administrator, said the applicant is proposing to subdivide an approximately 40.6 acre U-shaped property located at the southeast corner of Kings Highway and White Road. It is primarily undeveloped and heavily wooded. The proposed subdivision is surrounded by agricultural or vacant land except for property located and abutting to the west that is used by a refuse company. A site plan for an office/retail warehouse complex known as Interstate Business Park was recently approved by the City Commission for the property located adjoining to the south. The property is zoned C-3, General Commercial. The properties located abutting to the southwest are also zoned C-3. The properties located on the west side of Kings Highway are zoned R-4, Medium Density Residential. And one of the properties located adjoining to the north is zoned R-1, Single-Family Low Density. The other adjoining properties are unincorporated. The property is proposed to be subdivided into 18 lots and one of the lots located on the southeast corner of the subdivision will be used by the subdivision for stormwater management. The other 17 lots range in size from 1.4 acres to approximately 4.2 acres and will be sold individually for commercial development. Each lot will require site plan review and certificates of concurrency prior to development. A new private road, Kings Commerce Park Road, will extend from Kings Highway and connect with White Road which will be improved by the applicant along the northern boundary. Sufficient right-of-way will be dedicated along Kings Highway and White Road. Because of the misalignment between White Road and Experimental Station Road located to the west, a raised concrete island will be installed at the intersection of White Road and Kings Highway that will limit the turning movements to White Road to right in and right out only. All affected

departments have reviewed and approved the proposed Preliminary Plat. On July 10, 2007, the Planning Board voted unanimously to recommend approval of the Preliminary Plat. As the Preliminary Plat meets the requirements of the City Code, Staff recommends approval of the Preliminary Plat.

Commissioner Nelson asked what is that area there not to be platted there? Who owns that and why is that not incorporated?

Mr. Buchwald said Commissioner Nelson is referring to the cut-out property there. It is owned by another party and it is currently being occupied and used by a refuse company. That is not part of the plat because that is not owned by the applicant. The applicant bought the property that surrounds it, but did not buy that property.

Commissioner Nelson asked it is used as a refuse...?

Mr. Buchwald said for some type of refuse transfer station, not for the disposal of waste. It is used by a refuse company as part of their operations. The company that is using that is Choice Refuse.

Commissioner Coke said she has concerns about that piece of property. She knows they have had discussions before about driveway access. Will these people have access onto this new road, will there be a driveway from there, will it only be on Kings Highway? If they go to develop it later on, is there enough distance on their front footage on Kings Highway to allow them to put in a driveway without a variance?

Mr. Buchwald said they have several options when this property goes to develop. As part of the plat they determined prior to it going to the Planning Board that there were some structures that were encroaching onto the proposed subdivision, so what they did is swap out part of the property there to allow the structures to be conforming now as opposed as it was part of the subdivision. But in terms of access, they will have several options. They could apply for a driveway permit there on Kings Highway. None of the other lots there as part of the subdivision will be accessing Kings Highway, so it depends on their distance from White Road. They have to go through the process of being evaluated by FDOT and by the City Engineer and County Engineer. Or, the other opportunity they do have is to access should the subdivider grant them access to Kings Commerce Park Road. So they do have several options there for future development. Certainly they will encourage consolidation of driveways along FDOT and have them access through Commerce Park Road.

Commissioner Coke said that was her concern, because she knows they had spoken a few weeks ago regarding a project and there was some concern that the people wanted to put in a driveway and it wasn't the required number of feet away from the neighboring street. And if they are allowing these people to build a road there and they don't have an existing driveway now onto Kings Highway that is permitted and if they are putting this new road in, they are not sure if they are going to have the square footage or the linear footage from the edge of that road. If they want to put in a driveway, then where do they go to be able to gain access to their property?

Mr. Buchwald said Lot 8 shows that there is at least 298 feet of frontage, so between that and the nearest driveway on Kings Highway is at least 300 feet. So if they take the width of the property that is not included in the subdivision they have roughly there about

500 feet. So 500 feet should be plenty of room to put in a driveway for that property.

Commissioner Coke said that is all she needs to know.

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

**Mr. Jamie Gentile**, Gentile, Holloway, O'Mahoney & Associates, Inc., said they have nothing more to add to the staff's presentation. They appreciate the Commission's consideration this evening. If there are any specific questions, they are here to answer them.

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 Alexander, to approve the Preliminary Plat for Kings Highway Commerce Park submitted by Kings Highway Commerce Park LLC for property on the southeast corner of Kings Highway and White Road.

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

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The next item on the Agenda was Public Hearing on **Notice of Appeal** submitted by A.B. Lowry LLC and White Oak Properties LLC from a decision made by the Historic Preservation Board concerning the Certificate of Appropriateness for Demolition (COA 07-40) for a building located at **500 South Indian River Drive**.

Ms. Kia Powers, Historic Preservation Officer, said before the Commission this evening is the Public Hearing regarding the Notice of Appeal for a Certificate of Appropriateness #07-40 regarding 500 South Indian River Drive. The property owners are appealing the Historic Preservation Board's decision to deny the demolition request for 500 South Indian River Drive. The decisions being appealed are:

(1) Defer demolition for 11 months to arrange a possible alternative; (2) Stabilize the structure to prevent further water intrusion; (3) Salvage and preservation of building materials or architectural details for reuse; (4) Document the structure with Historic American Building Survey style drawings; and (5) Mow the grass weekly and perform remedial maintenance. The grounds for this Appeal are: (1) The structure is not movable from a practical standpoint and (2) the salvage has taken place. The aggrieved party states that the relief which is sought is to allow the demolition to occur immediately. Per Section 23-66 of the City of Fort Pierce Code of Ordinances, the City Commission may affirm, modify, or reverse the Historic Preservation Board's decision.

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

**Mr. Philip "Flip" Gates** said he is the President of River's Edge Historic District and a resident at 711 South Indian River Drive in Fort Pierce. River's Edge Historic District conducted a charrette with the assistance of Visions of Fort Pierce, the public service grassroots organization that they founded over a year ago. As was typical of their events, the charrette was well attended and resulted in significant public discussion and insightful recommendations. Among the topics they talked about was the preservation of historic homes under consideration here tonight. He understands the City

is also considering holding a charrette in roughly the same area as River's Edge Charrette which also included River's Edge Historic Neighborhood. He understands that the City is having financial difficulties with this year's budget. In an effort to provide assistance in their efforts to prioritize taxpayer's money effectively, he would be happy to make their presentation of their findings and solutions to their difficult problems, thus they may be able to avoid duplication of their efforts which may result in unnecessary fees paid to consultants or the Treasure Coast Regional Planning Council, a governmental agency already generously supported by the taxpayers of Fort Pierce and St. Lucie County.

Mayor Benton asked Mr. Gates what does this have to do with this appeal?

Mr. Gates said as always, he is ready to discuss with them the best way to provide assistance to their community. Please contact him at their earliest convenience.

**Mr. Stephen Tierney, III**, said he is representing the appellant of this property at 500 South Indian River Drive. First of all, they found there was a little problem with the notice here as far as being incorporated in the Historic District. M.M.G. Holdings LLC, which is the sister company of the one that now owns it, bought the property on September 6, 2002. Their deed was recorded September 11, 2002.

Notices were sent out to incorporate it into the Historic District on September 12, 2002, which is one day after the deed was recorded, and again on November 9, 2002, which was some time after that. In each case though it was sent to the previous property owner, not to his clients. So his clients were never notified that this was going to be incorporated into the Historic District. So they feel that it should not be included and they did not get a due process right to be excluded. It appears also that the notices that were sent out did not include the designation report which was required by the ordinance. As far as this property is concerned, the building is in very bad shape. Hurricanes knocked it off its foundation. There are very few parts of the building that could be used at all.

Maybe the columns out front are maybe all that is left that could be. It is in very bad shape, termite-ridden. Basically it is not a good candidate for being moved in any event, just because the cost of it would be so high and there is really nothing much left to salvage.

They have objected to the 11 months for a couple of reasons. The primary reason is that it creates a huge economic waste here. If someone who owns a building is required to stabilize a structure, that is going to be a very large expense to go through on this property when it is going to be demolished anyway. It doesn't make economic sense. What would make more sense is to allow it to be demolished.

Mr. Campbell, who is very big in historic things, would like to see if he can get the columns off the front, he may not be able to salvage all of them. Everything else is either taken or gone. As soon as he took those out, demolish the building and get rid of the liability both in terms of an eyesore on Indian River Drive and the real legal liabilities that could be there in terms of personal injuries. The ordinance itself talks about allowing a delay in the demolition and having a period of up to 18 months based on a probable time required to arrange a possible alternative to demolition. There was no evidence in the record that 11 months was a probable time required to arrange a possible alternative to demolition. As a matter of fact, the only evidence in there was that there is really no practical way to move this. There is really not much left of it to salvage it all. What can be salvaged can only be salvaged if they allow it to be demolished because if they are stabilizing

the structure they can't be taking things out. They are going to spend a lot of money to try to get this back up to be a house and then just demolish it in 11 months. They don't think it makes economic sense and it is an economic waste. Mr. Heiser, one of the principals of the owner, is here. Mr. Thomas Cooper, the architect. Mr. Campbell, the fellow who probably has the most knowledge of this, is also here who might be able to answer any questions the Commissioners have about this. But they do think that the 11 months is really counterproductive as far as what this building should be doing. They should salvage what they can and get it off the property.

Commissioner Nelson asked is the owner prepared to indicate what he plans to do with that property if it is demolished and when?

Mr. Tierney said from what he understands, they are kind of in a flux as far as what the market is saying in terms of what to do. Right now they can't say that there are definite plans. He thinks there is going to be a mixed-use for the property in the future is the plan. But again, the market is such that it is hard to commit right now. Right now he wants to get rid of the liability, get rid of the eyesore, and also not have to invest tens of thousands of dollars that would really be an economic waste.

Commissioner Nelson asked what were their plans before the market went south? How is he going to use this property?

**Mr. Michael Heiser**, 7303 North Kildare Street, Lincolnwood, Illinois, said they did have a contract with Opus South, which was going to do a mixed use. He believes they did talk to the Mayor and Commissioners with the preliminary drawings.

Commissioner Nelson asked roughly the square footage?

Mr. Heiser said he doesn't even recall what their square footage was. There is 2.2 acres total, but he doesn't recall what the square footage was.

Commissioner Nelson said so basically what he is looking for now is the authority to tear down and have vacant property.

Mr. Heiser said they originally applied for demolition back in December 2004. So it has been a long time that they have been trying to get this building down. Since then the hurricanes came and moved it off its foundation. When they originally bought the building, they never even looked at it. There were four apartments inside and they had problems with the people. It took time to get them out and everything.

Commissioner Nelson asked was Mr. Heiser aware or consulted relative to incorporating that area into a historic district?

Mr. Heiser said they never received notice, no.

**Ms. Marcia Baker** said before she starts, she wants to say that she has had absolutely no connection with the owners, with the Historic Preservation Board, or anybody else on this. When she saw the agenda item, as they may or may not know, she had become interested in historic preservation. When she lived in Maine some 25 years ago, her home was over 100 years old when she bought it. So when she moved down here and bought a home that was some 30 years old, that was like buying a brand new house. So she went and looked at these properties, both the subject property and the one that is on the

agenda afterwards. She started looking into the records. She is completely appalled at the idea that these buildings haven't been torn down already. To her, it is an abuse of the powers and of the system. These people, whom she does not know at all and they don't know her, bought this property in good faith, applied for demolition permits. Subsequently they were denied because it had become a so-called historic preservation area; and besides that, Code Enforcement put liens against the property because they weren't in compliance. So this was to her a complete abuse of the system. This is not right, especially when they consider that there are other properties, one right across the street from her that was supposed to be demolished two and a half years ago that was condemned, that went through the Historic Preservation Board, was denied, is still condemned, it is still operating, and hasn't got one single lien against it. Whereas these business owners who apparently from the records - and as she said, she doesn't know them personally - have a very good record of doing business properly in this community, they have been penalized for doing the right thing. This doesn't seem fair to her. Unless there is some reason why the only people who can get off scot-free and have Code Enforcement not put liens against them are the ones who get a lot of publicity for schemes and unrealistic expectations. These two buildings, if they were in a condition where they could be rebuilt back to their original format when they were built in 1936, wouldn't be anything special anyway. She looked them up. They are not very attractive buildings, they weren't very attractive when they were built. And they are two years younger than she is, so she doesn't consider them historic.

**Mr. Rick Reed**, 716 South 2nd Street, said this house is in his neighborhood and he lives in River's Edge. For the record, they don't have a Homeowner's Association, so he doesn't know where Mr. Gates purports to be the President of the River's Edge Homeowners Association. As far as the charrette that was held, he believes Commissioner Becht was there, and the only ones who were in attendance in their little neighborhood... Not counting the apartment buildings on Easter Avenue and Indian River Drive there are approximately 19 homes. The charrette that he believes Commissioner Becht attended, it was held at Chuck Enn's house, his mother Katie Enns attended, and the Gates attended. So to stand up here and act like he is representing their community is ridiculous. He, like Ms. Baker, has never met the applicant. He knows the lawyer and his only relationship with him has been adversarial. Mr. Tierney represents Ms. Enns on matters and so he has had an adversarial situation with that. But as far as the house, it is a rat's nest. It doesn't help their community at all, it should be torn down and they want it torn down. It hurts their property. Vagrants stay there. The rest of the houses in the area they have had to get the vagrants and bums out because they live next to the railroad tracks. He can't imagine putting these people through this. It needs to go. Please don't allow anybody to speak for... Commissioner Nelson asked if they were advised when they were made a historical neighborhood. He never received anything, all his neighbors did not, only Ms. Enns and Ms. Gates. He hopes that answers that question. He knew nothing about it. His next question - and he doesn't mean this in an accusatory way, he is just inquiring, so he hopes they don't take offense to this - but he addresses this to Commissioner Becht and Commissioner Coke. A week ago they were having dinner together; and although not illegal, under the Sunshine Law it is probably not appropriate and at best the presumption of impropriety by meeting...

Mayor Benton asked what does that have to do with this item?

Mr. Reed said he will ask. Did they discuss this? Did they discuss anything on the agenda tonight or anything dealing with the budget or anything dealing with City government?

Mayor Benton said Mr. Reed could probably ask that later on. He doesn't think it would be appropriate on this item. Everybody has the ability to ask those questions.

**Mr. Blaine Campbell**, 13607 Indian River Drive, said he does historical work all over the nation. He was brought in by Mike Heiser and Mike Abinanti (Managing Member of White Oak Properties LLC) to work on these houses with Kia Powers and he wanted to address that they did in fact provide the HABS (Historic American Building Survey) reports for the City in concordance with what they had asked for in talking with the Historical Division. They have been working really hard with the City to salvage parts off the other houses and everything else, because they would like to see them donated and continue on as much as they can, because there are a lot of other historical homes that can be salvaged through these parts and all over the area.

If the Commission has any questions for him at all concerning his work throughout the nation on historical stuff, now would be the time to ask. He hopes the 11 months is cut short.

**Mr. Perry Dietrich**, 1508 Seaway Drive, said he retired a few years ago and moved here. He has been wanting to live in Fort Pierce for decades. He first came to Fort Pierce in 1964. He lived for almost a year in a house almost right behind this house. It was a cute little two-story house. On 2nd Street the house he was in was a little higher and he could see over the top of where these houses are, there was a gorgeous view of the river. He rented an apartment upstairs, there was a lady living downstairs. He had sentimental value that he attached to that house. When he finally moved here, that was one of the first places he went to look and see if that house was there. It was gone, some business was there. That house had sentimental value to him. This one they showed up here may have some sentimental value, but he doesn't see where it has any historic value. And he doesn't think they have a sentimental Commission. And he is asking them to let these investors go on with their property and tear this junk down.

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

Mayor Benton asked what is Ms. Powers recommendation on this?

Ms. Powers said as stated by Mr. Tierney and Mr. Heiser and also the representative, Mr. Campbell, the property owners have worked very closely with staff on the salvaging of building materials and have submitted the HABS drawings as required by the Historic Preservation Board. At this point these property owners have met all of the conditions that were stipulated by the Historic Preservation Board with the exception of, once the demolition occurs there will be some more items to salvage this property. At this point with this structure sitting in its current condition, even with minimal stabilization it will continue to deteriorate; and the longer it sits there without being stabilized and without affirmative maintenance, these additional ornaments or details to the structure could deteriorate further allowing it to sit for 11 months.

Mayor Benton said one of the Historic Board meetings he had the pleasure of sitting here for about five hours one night listening

to them. They are a very passionate Board and he does understand and feel they do a great job. But his concern on this structure, being it is going to come down anyway, they are in the middle of hurricane season; and he can just picture if they do have any type of storm, a lot of that building flying around taking out possibly the neighbor's homes and even the City Attorney's office is adjacent.

So that is his concern. He knows it is going to come down; but to keep it up much longer, to him it is a public safety issue.

Commissioner Alexander said he just wants to make one comment to Kia Powers because he knows she does an excellent job and he doesn't want her to think that he is just arbitrarily picking on historical units to deny what the Board presents to the Commission. But he is just looking at the pictures on these properties here. He just doesn't see the need. Again, he is just not going to be picking on the Historical Board. When it comes before the Commission, they all have to understand it is going to be his individual... He just wants to let her know that ahead of time. He wants to know from the City Attorney, do they have anything to stand on as far as the City being liable for making this structure...? It has just not got to that stage of despair. He is looking at these pictures and there is a whole lot of work that should have been taken care of.

Are they safe on the legal side on this, whatever decision they make tonight?

City Attorney Schwerer said the Commission may affirm, modify, or reverse the Historic Preservation Board's decision. The factor they are to consider by the Code is pretty narrow. It says that the Board effectively said they can demolish, but they have to do it in 11 months. And the Code says when that happens, the effective date of the demolition is determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. If they agree with the Board's decision, they can affirm it. If they disagree with the Board's decision, it is certainly within the jurisdiction and the discretion of this Commission to find that based upon the relative significance of the structure, whether it is or is not significant.

They have heard testimony, they have heard some evidence, and they have also seen the record. They are also to consider the probable time required to arrange an alternative to demolition and they have heard that it is not movable and he does not think staff is suggesting that it be moved. Based on those factors, they have the ability to reverse it. They also have the ability to modify it by declaring some time frame in between. The property owner owns the property and the City really has no ability nor do they have any jurisdiction to maintain it, at least not in this forum, not in the Commission forum.

Commissioner Nelson said he wonders whether or not they can extract from the owner how long it would take for him to demolish that building.

Mayor Benton said he would imagine he could have it done within a week. He knows that the properties next door he took down within a week after he was given approval from the Board.

Mr. Heiser said Lee Beckford (LEB Demolition & Consulting Contractors, Inc.) took down the other two properties adjoining it; and as soon as he can get out there and take it down, it will be down.

Commissioner Nelson asked two weeks, 30 days?

Mr. Heiser said he thinks it would be done in two weeks. He is sure he would get out there immediately and take it down.

Commissioner Coke said it might take him longer than that to get a permit.

Mayor Benton said he hopes not.

Commissioner Nelson said he would make a motion that the decision by the Historic Board be reversed, the building be demolished as soon as possible, and not later than 30 days from this date.

City Attorney Schwerer said he would ask the motion maker not to place a time frame on the demolition because it probably isn't appropriate under the jurisdiction. If they give the property owner the ability to demolish, then he has his Certificate of Appropriateness and he can apply for his permit, and that may take more than the time limit. But the time frame for demolition should be up to the property owner. If he doesn't take it down after they have given him the ability to do that, then there are some code enforcement issues.

Mayor Benton asked as soon as possible?

Commissioner Nelson said he can go with as soon as possible. However his thoughts in that were based on the fact that they are in the hurricane season right now and they do have the responsibility to look after the health, safety, and general welfare of the public.

He takes note of the fact that the Mayor had mentioned that they might have some debris being scattered all over the place as a result of this. So that was the rationale for that. But if the owner thinks he can do it in two weeks, if as soon as possible will suffice, he would say as soon as possible.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to reverse the decision of the Historic Preservation Board and that the building located at 500 South Indian River Drive, owned by A.B. Lowry LLC and White Oak Properties LLC, be demolished as soon as possible.

Commissioner Becht asked what is the zoning of this particular piece of property? It is commercially zoned?

Mayor Benton said C-1.

Commissioner Becht said he is bothered by this because when they are going to be hit with the same arguments that seem to make sense for this structure where they are not going to make sense for other structures. For instance, the Governor's House. So he wants to put in the record what is in the record for this matter. Ms. Powers has to help him here because they talked about this on the phone earlier today. As he reads her notes in Addendum C the demolition criteria which is set out in their code, but this is for 509 South Indian River Drive, but it is in Section 8 for this. He is thinking his packet is messed up because the criteria he has is for 509 South Indian River Drive. This is 500 South Indian River Drive, correct?

Ms. Powers said this is 500 South Indian River Drive. The demolition criteria is found in Section 23-49(3).

Commissioner Becht said it seems like she answered the questions for this particular structure. Is the structure one of the last remaining examples of this kind in the city, county, or region? And she says no, which would be an indication that it is not necessarily worthy of saving. The problem he has with this is - and he is going to support it - but he would not support it in other situations. The property was bought apparently in 2002, two years before the hurricanes. The property owner has said it was damaged during the hurricanes. He doesn't have any evidence that it is not true and he has no reason to suspect that it is not true. But that argument could also be applied to the St. Anastasia building, it was damaged by the hurricanes and they are going to great lengths to preserve it. So that argument is not going to work in all situations and all circumstances. The other problem he has is, one man's junk is another man's treasure. So some of them are saying this is a piece of junk and there are obviously people on their Historic Preservation Board who think this has aspects of being a treasure. He doesn't know the difference. He knows what Ms. Powers recommendation is and he is prepared to follow through with that. But he would like to throw out to the Commission a couple of things that may help them in the future. One is making sure that they distinguish this situation from other situations that may come along behind this. The other, there is a \$25 appeal fee?

Ms. Powers said yes, which is required by ordinance.

Commissioner Becht said they burnt that \$25 cost about half an hour ago, so he would like to revisit that as soon as possible. He doesn't know how the rest of them feel about that. That is all he wants to say right now.

Mayor Benton said what he would suggest, one thing they have never done is sit down as a Commission with the Historical Board and their Staff to discuss historical preservation. They created this several years ago, but they really never sat down and understood what is expected with these neighborhoods. He thinks they really need to sit down because the pressure will be on once the market picks up again. For the record, he said he was at the Historical Preservation Board meeting for these properties and other properties they will be seeing. But he also wants to say that he met with the owners, they have kept him up to date on this because this has been ongoing for several years.

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

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The next item on the Agenda was Public Hearing on Notice of Appeal submitted by M.M.G. Holdings LLC from a decision made by the Historic Preservation Board concerning the Certificate of Appropriateness for Demolition (COA 07-42) for a building located on property at 509 South Indian River Drive (a/k/a 510 South 2nd Street).

Ms. Kia Powers, Historic Preservation Officer, said before the Commission this evening is a Public Hearing regarding the Notice of Appeal concerning Certificate of Appropriateness #07-42 for 509 South Indian River Drive, specifically the structure known as 510 South 2nd Street. The property owners are appealing the Historic Preservation Board's decision to deny the relocation of the residential building known as 510 South 2nd Street to the Ruxton Plantation located at 13607 Indian River Drive, St. Lucie County.

The decisions being appealed by the aggrieved party are: (1) The denial of the relocation; and (2) Referral to the Special Magistrate

for Affirmative Maintenance. The grounds for the Appeal are: (1) This is a non-contributing structure in the River's Edge Historic District; and (2) There is no reasonable alternative for preserving the structure on the site. The relief which is sought by the aggrieved party is to approve the relocation. Per Section 23-66, the City Commission may affirm, modify, or reverse the Historic Preservation Board's decision.

Mayor Benton asked when it comes to relocating the structure, he thinks the issue was it was leaving the County?

Ms. Powers said the issue before the Historic Preservation Board was that the structure was going to be leaving the River's Edge Historic District.

Mayor Benton asked has there been any effort from any of the Board members or anyone to relocate that within the Historic District there, River's Edge, or within Fort Pierce? Nobody has come forward?

Ms. Power said no.

Mayor Benton said he knows a lot of the people who sit on that Board are very involved in Historic Preservation and one has really done a beautiful job fixing up a lot of older homes. He is sure it would not be appropriate for a Board member to ask for that... He guesses they could call it a garage. It is just one of those questions he felt he should ask, because if they couldn't find a place in Fort Pierce to relocate it, he could understand it going there.

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

**Mr. Stephen Tierney** said he is representing the appellant. 510 South 2nd Street is a non-contributing structure in the district; and that has significance in that it has already been determined to be not a significant historical structure. They are asking to allow it to be removed to the Ruxton Plantation which is in St. Lucie County. He thinks Ordinance Section 23-50 indicates that a structure such as this inside the Historic District may be relocated and they believe the Ruxton Plantation is a good place for this. They say it is a non-contributing structure from the standpoint of history. It is also a non-contributing structure in terms of its use for the property. It is like a sore thumb there. It can't be used either as a residence and really it can't even be used as a garage, so it really serves no practical purpose there. It is like an isolated outbuilding on that piece of property and can't really be incorporated into anything of use by anybody. The only possible way it could be used is if somebody wanted to use it in a situation like the Ruxton Plantation where they could put it with other historic buildings and preserve it. He thinks in this case the owner has gone to some trouble to find somebody who would like to take it and they would like the opportunity to get this building somewhere - and apparently it can be moved - but get it somewhere it could serve some purpose, instead of being in a place where it can serve no purpose and serve no function. It is nice to preserve buildings whether they are non-contributing or not; but if they can't serve a function, it doesn't make sense. They are asking to in a sense preserve even a non-contributing structure, but do it in a place where it is more appropriate.

**Mr. Blaine Campbell**, 13607 South Indian River Drive, said this structure is not habitable and it is not good for a garage. It is

a pier and beam, so if they tried to pull a car into it, it would fall through the floor. It really can just be used for storage. And the Ruxton Plantation who has agreed to take it has several other buildings and are on the historical list. They have been working really hard to restore their buildings and those structures, so they would like to pull them all together, use it as a storage building and bring it back to its original carriage house.

**Mr. Rick Reed**, 716 South 2nd Street, said it being part of his neighborhood, he walks his dogs past it every day. He can't believe anybody would want to haul it away. He will be glad that they are. It looks like an outhouse. If someone is willing to take an outhouse and get it out of his neighborhood, God bless them.

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

Commissioner Alexander asked he is looking at a one-story picture and they are talking about a two-story?

Ms. Powers said she will back up a couple of slides so they can see the carriage house. A carriage house is also a detached garage. This was an accessory structure to the structure located on the site which had already been approved for demolition and has been demolished. The first floor of this structure is where they would park a carriage and the second floor has been converted into a very small apartment - there is a bedroom, a very small kitchenette, and a restroom.

Commissioner Alexander asked so this has nothing to do with that?

Ms. Powers said this carriage house was its accessory structure.

Commissioner Alexander asked what was the purpose of this one?

Ms. Powers said this structure which Commissioner Alexander is pointing to is the structure which is located on the relocation site they are proposing. That structure is on the Ruxton Plantation.

Mayor Benton asked what is Staff's recommendation?

Ms. Powers said Staff reviewed the relocation of this structure utilizing Section 23-50. The structure which is located on the Ruxton Plantation site is compatible with the carriage house and it will serve as in addition to the Ruxton Plantation with regards to it being architecturally integrity to that improvement or structure.

Commissioner Becht asked does she know if they are going to keep the balcony that is on the side?

Mr. Campbell said they are going to keep it. It will have a view of the river, because the house is in the River District in the County.

Commissioner Becht asked would that balcony have been there as originally constructed?

Mr. Campbell said yes, they would have thrown hay off it to the horses down below. It was hay storage up top originally.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to reverse the Historic Preservation Board's decision

and to allow the applicant, M.M.G. Holdings LLC, to move the structure located on property at 509 South Indian River Drive (known as 510 South 2nd Street) to the Ruxton Plantation located at 13607 Indian River Drive in St. Lucie County.

Commissioner Becht said he would like to plug into the record Staff's comments here. In going through the criteria in Section 23, is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as a significant historic architectural site or structure? Staff has answered that question in the negative. Has their position changed since they made that determination?

Ms. Powers asked is Commissioner Becht speaking with regards to 509 South Indian River Drive or 500 South Indian River Drive (the previous Agenda item)?

Commissioner Becht said 509 South Indian River Drive.

Ms. Powers said the demolition criteria which Commissioner Becht is reading for the property located at 509 South Indian River Drive was for the residential structure which was known as 509 South Indian River Drive. Demolition criteria is not applied to requests for relocation.

Commissioner Becht said all right, but it is in his packet.

Ms. Powers said that is because it was part of the Staff Report to the Historic Preservation Board on that Certificate of Appropriateness application. There were two requests - one was to demolish the structure which is known as 509 South Indian River Drive; and two, to relocate the carriage house which is known as 510 South 2nd Street. So the demolition criteria which Commissioner Becht is reviewing was for the structure known as 509 South Indian River Drive.

Commissioner Becht said which is gone.

Ms. Powers said correct.

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

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The next items on the Agenda were Ordinance Nos. K-499 through K-507, Extending the Territorial Limits of the City.

Mayor Benton asked would the Commission like for the City Clerk to read all of these and then take them individually like last time? (The Commissioners agreed.)

(The City Clerk introduced Ordinance Nos. K-499 through K-507 by title only.)

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Ordinance No. K-499 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **LOTS 12, 13, AND 14 (LESS SOUTH 20 FT) OF OLEANDER PARK**, LOCATED ON THE EAST SIDE OF OLEANDER AVENUE, NORTH OF TUMBLIN KLING ROAD; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: V. Boombotz, Inc.)

Mayor Benton declared a Public Hearing on Ordinance No. K-499 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-499 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-499 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-500 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3146 AND 3158 MCNEIL ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: Ivan & Jackie Harber and Michael & Linda Van Rixel)

Mayor Benton declared a Public Hearing on Ordinance No. K-500 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-500 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-500 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-501 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE APPROXIMATELY **15.98 ACRES LOCATED ON THE EAST SIDE OF SOUTH 25TH STREET, SOUTH OF EDWARDS ROAD AND NORTH OF MIDWAY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: Creekside IS LLC)

Mayor Benton declared a Public Hearing on Ordinance No. K-501 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. K-501 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-501 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-502 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **PALM LAKE GARDENS SUBDIVISION** LOCATED ON THE WEST SIDE OF SOUTH 25TH STREET, NORTH OF DEVINE ROAD AND SOUTH OF EDWARDS ROAD; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: Various Owners)

Mayor Benton declared a Public Hearing on Ordinance No. K-502 in session and asked if anyone in the audience wished to be heard.

Mayor Benton said they do have a letter (from the Palm Lake Gardens Owners Association dated August 14, 2007) that is on record.

**Ms. Patience Anderson-Thomas**, 2604 Palm Lakes Avenue, President of Palm Lake Gardens Owners Associations, said Mayor Benton did say that the letter is in the record. These are several reasons why they would like to kind of postpone this annexation. She thanks Mayor Benton for that meeting with him and staff. They do know there are several letters on file for this annexation now that they have met with him. They would still like to postpone this. As they did discuss, they have several issues with the tax base in the neighborhood and things that are going on at this particular time. Their taxes have increased substantially in the neighborhood; and right now with the way that the market is, they can't get out from underneath their homes if they wanted to. There are several people who bought to flip and are stuck with houses. They have \$2,400 to \$2,700 mortgages. They are having to rent those things out for substantially less just to be able to make ends meet kind of sort of. They are still kind of obviously behind and in the red. As a whole, their Homeowners Association Board of Directors is going to meet with the Tax Assessor's Office and try to work out some issues, so they would like to have a 90-day delay on this particular item.

Mayor Benton said just for the record, he did meet with Ms. Thomas and Ms. Colburn because they had several issues since their last meeting. One of them is true with the Homeowner's Association, he thought they could only go up 3%, but in their case several of their properties have gone up considerably more than 3%. And also he thinks what they are looking for is the ability to explain to their homeowners that no only is it going to affect their personal property but it does affect the Association properties.

Ms. Anderson-Thomas said the Association's assessments as well.

Mayor Benton said that will up their taxes on that and up their Association costs considerably. So they do have a request in front of the Commission to postpone this for 90 days.

Commissioner Alexander asked is there City sewage and water there?

Mayor Benton said yes.

Ms. Anderson-Thomas said there are four homes that have wells and septic. The rest of the community does have water and sewer.

Commissioner Coke said she would like to get some clarification from Mr. Schwerer. It seems to her whether they vote on this tonight when they have already paid for the advertisement or 90 days from now, this will not take effect until January 1, 2008 and it will not be on a bill until September of 2008. So delaying this is only going to cost their taxpayers more because they will have to readvertise. And it will not have any effect whatsoever on the ultimate outcome of the annexation.

Ms. Anderson-Thomas said while they understand that, they would still like that time to be able to discuss this with their homeowners at a meeting. They got the letter about these two meetings, the meeting on August 6th and this one tonight, they got that after their annual meeting on July 27th, so they weren't able to discuss this with the entire group of homeowners or send out notifications, this will affect their assessments as well as their taxes. So they need to call another meeting with their homeowners to be able to explain everything to them as well as explain to them what they are doing as far as the tax office and how they are trying to help in that manner as well.

Commissioner Coke said she knows a couple of people who live in that neighborhood obviously by her letter here. The two people she knows who live in that neighborhood both said they were invited to a meeting to discuss this; and not only was there a meeting where they were circulating petitions to get the City not to annex them, but then there was a subsequent meeting where they could just go in and sign the petition if they didn't go to the general meeting.

Ms. Anderson-Thomas said at the general meeting there was a petition that was brought by a homeowner who wanted to suspend the annexation altogether. Obviously they cannot do that because there are annexation agreements, so that particular petition kind of died in the wind. They all know that can't happen as far as the Board is concerned. That petition, like Commissioner Coke said, was available on a subsequent day; but that subsequent day was not a general meeting, it was a meeting to vote on their Board of Directors, it was a meeting to vote on their changes to by-laws and declaration rules that have not been changed since 1991. So it was not advertised to come please vote for annexation or not annexation, that had no part of the packet that went out to their home owners.

City Attorney Schwerer said as he understands it, this property will not go on the tax roll until 2008. So that means it will be effectively on the tax rolls of January 1, 2008, and the bill on this will not be sent until certified at the end of the year. What is it, November when that comes out? So basically there won't be any tax bill due on this property as a result of the annexation into the City of Fort Pierce. Actually it is not due in November; there is a deadline, he thinks March of the following year, that is the drop dead deadline. There is a discount offered in November. He

thinks November is the first month they can pay. So the bill will not even go from the Tax Collector's Office until November of 2008 and it is payable then for the next four or five months. So in that respect Commissioner Coke is correct. The fiscal impact of taxes will not be on any of these properties until a year and three months from now.

Commissioner Becht said he is just having a hard time understanding what tangible benefit she receives by them delaying this 90 days, because the net effect come November 2008 is going to be the same. Unless they are going to challenge the annexation?

Ms. Anderson-Thomas said at this time they are not planning on challenging the annexation. They are only trying to further inform their members of what their benefits are, what their tax base increase or decrease might be, and those types of things. They want to talk to the tax office and get the information from them as far as whether they are going to lower their tax base in the neighborhood itself, in which case that would kind of completely... The annexation wouldn't be an issue if their tax base wasn't so high. So they would like to talk to the Tax Appraiser's Office before they have a vote for this to happen, only so that it is kind of to calm their neighbor's nerves about what is going on and whether they are going to be taxed out of their home. They have a lot of people who are just very concerned that they are going to be taxed out of their homes. She understands that the increase in taxes isn't going to happen until 2008 and the bill won't come until November of 2008. They are kind of looking for an answer. What is going to happen to them now? Should they put their house on the market now, because it may take them two years to sell it.

Commissioner Becht said he doesn't want to put words in her mouth, but he is trying to find the tangible benefit they receive by them taking a delay here; and the only thing he heard that was tangible was that they are going to calm the property owners in the neighborhood so she has a chance to meet with Mr. Furst and go over the assessed value on their common property.

Ms. Anderson-Thomas said yes. That way if people need to put their homes on the market now, they can do that without detriment and that way they have a full two years or whatever to...

Commissioner Becht said he is not sure he understands or follows what she says, without detriment. She is the lady who was here at the last meeting?

Ms. Anderson-Thomas said yes, that is correct.

Commissioner Becht said he has a couple of points and would like feedback from her. The letter he received in his packet from Palm Lake Gardens Homeowners Association is not signed. Is there a signed letter anywhere?

Ms. Anderson-Thomas said the one she has here is signed, but it is actually her original before they made changes after their meeting with the Mayor. If they would like she could come forward and sign that letter for them.

Commissioner Becht said this is the City Clerk and he is asking her, does she have a signed letter? Because he didn't get a signed letter and that is one of his pet peeves. He likes people to sign the documents that they are asking him to read.

Ms. Anderson-Thomas said both Ms. Colburn and herself are here and do not have a problem coming forward and signing the letter.

Commissioner Becht said he is going to ask them to sign it before they leave tonight. That will solve the problem. He just likes having the letter signed. The other thing, and maybe she acknowledges this now, but he asked Mr. Thiess to find the recorded instrument that subjects their subdivision to the annexation issue, and it is a recorded document.

Ms. Anderson-Thomas said there are several, to be honest with them.

Commissioner Becht said he asked Mr. Thiess to find the document, so he found him one; and it is recorded in OR Book 681 at Page 029. That means a whole lot to him as an attorney, it may not mean anything to a lay person, but this is the public notice that their property was subject to be annexed at a later date. This should be in the title work to anybody who bought it. If it is not in there, they may have a different recourse.

Ms. Anderson-Thomas said if they read Paragraph 2 in the letter, it says this may be a case against title companies or the developers in this case.

Commissioner Becht said but that is not the City's issue.

Ms. Anderson-Thomas said she knows that is not their issue.

Commissioner Becht asked in short terms and simple for him, other than calming the residents, what is the tangible benefit they will receive if the City incurs an expense and delays this?

Ms. Anderson-Thomas said they will be able to put houses on the market and may be able to sell them before this takes place. They have a couple of extra months to have houses on the market so people don't fall into foreclosure.

Commissioner Alexander said he has heard the concerns of the citizens. Even when they annexed areas in his district, it was a scare tactic that taxes are going to go sky high. Maybe Mr. Beach can revisit with him when they came to a point that it is not going to be that much of a raise. Is he right?

Mayor Benton said until this point when these ladies came to see him the other day, he has always supported annexations and he will in this case. But they did get his ear because these are pretty good size homes, these are 3,000 square feet plus homes, which means they are looking at an additional probably somewhere between \$1,000 and \$2,500, he does not know the exact number.

Commissioner Alexander asked who determined that?

Mayor Benton said the value of their home, Jeff Furst.

Commissioner Becht said about \$1,500 on a \$300,000 assessment.

Mayor Benton said it is \$1,500. It could be more.

Commissioner Alexander said along with that, they are getting all of the services of the city and their beaches.

Mayor Benton said in this case this is a private subdivision gated, which means policemen cannot write a ticket, they can drive through.

But they own their own roads, so the City won't be doing roads, they won't be doing sidewalks. This is something they are going to have to get out ahead of, because there are a lot of subdivisions even ten times bigger than this along Jenkins Road that the County has approved that probably the owners don't know this is coming. He thinks it would be good for the City to get in there and get the word out. The reason they got his ear was Fort Pierce is that bad City that is going to increase their taxes. In this case it is going to increase their taxes and he knows how tough it is for a lot of families at this time. The last few years have been difficult. Like he told them, he can't stop it. But he just thought for public relations for the City of Fort Pierce it might be good to give them a little time to explain it to their Homeowners Association and their membership, which is 82 homes. That was his opinion. In the past it hasn't affected a lot of people more than a few dollars. When he says a few dollars, usually maybe a couple of hundred dollars.

But this is the first time he has seen it really go up where people are going to have to redo their mortgage because everything is in escrow. This is something they haven't dealt with before.

Commissioner Coke said she certainly sympathizes with everybody's plight. But she doesn't think delaying this 90 days is going to do anything more than cost the City money because they will have to readvertise. At worst what it will do is set a precedent. They will be treating neighborhoods differently. She will put to them and all these homeowners, when they are a part of the City of Fort Pierce they want to be treated the same as every other resident is treated. And were they to delay this annexation for them, then they would be under - as far as she is concerned - an obligation to anytime they have a Homeowner's Association come in with x-number of people in it to afford them the same delay. She has supported everyone on this Commission as far as treating everyone the same. They have to paint everybody with the same brush. They cannot treat different areas, different neighborhoods, individual people, or people who have a group that they can stand up and speak louder than somebody else. They cannot in her mind treat them any differently than they treat the individual home owner who comes in. She doesn't care if their tax goes up \$20 a year because their house is less expensive, it still puts a proportionate burden on those people as it does from the people living in \$400,000 homes. It is a proportionate thing. So she can't support treating one neighborhood differently than any other.

City Manager Beach said he would like to offer just one other thought on that subject. The reason that people who live in unincorporated County have approximately 20% less tax bill than the people who live in Fort Pierce or Port St. Lucie is because all of the residents of Fort Pierce and Port St. Lucie pay for the law enforcement bill for unincorporated County. The longer they allow that to continue, the more the problem is going to be compounded. If the County were to equalize law enforcement and equalize taxes, there would be no difference between living in the City and living in unincorporated County. Any time the City doesn't exercise their ability to expand their corporate boundaries and to bring these people in and help them share in the cost of the burden of local government, then they are doing a disservice to the people who live inside their community.

Commissioner Nelson said he sympathizes with her request. They have contractual relationships. They have an equity thing. Commissioner Becht tried to press her for tangible benefits they

will receive. He thinks they have gotten an explanation from the City Attorney as to when they are going to incur these costs. She will have, in his opinion, ample time to coordinate with her group to explain to them what the financial impact is going to be. By the time the Property Appraiser sends out his notice, it would be in October or November 2008 and they have until April of the following year to pay it. He thinks they will have ample information. As a matter of fact, if they should pass this tonight - and he thinks they should - they have more solid information because they can say for a fact the Commission has passed this, they have executed their portion of agreement, and they are going to annex into the City. Please understand the dilemma here. He feels for them. She is a great spokesperson.

Commissioner Becht said he got a call from his own mom today because she got her proposed tax bill and she is not happy either. He doesn't mean to make light of this because they are all going to get hit with a pretty solid tax increase next November. He asked her what is the benefit to them of the delay. He is going to share with them that there might be a downside to the City if they delay. The County has actually started a dispute resolution process with the City in times past based on what they call a serpentine annexation process where the City skipped certain properties. They can't annex other properties unless they are contiguous. Unfortunately the time has come for them to come into the City; and if they delay that, they in essence delay their ability to continue building the puzzle as it is and that is a little detriment to the City. But he is not hearing a solid benefit to the subdivision of the delay, other than maybe some of their homeowners could sell their property. And he was bothered by that. They could sell their properties before maybe the next buyer found out that there was going to be an annexation?

Ms. Anderson-Thomas said not before the next buyer found out there was an annexation, no. Now that they know about it, it is their responsibility to make sure that the next person knows about it. She is just saying, to get that extra couple of months on the market. Right now the market is very slow in the entire County.

Commissioner Becht asked he understands that. So what is the benefit then if they are going to have to disclose? She has lost him. What is the benefit? He would like to help her, but he is not understanding the benefit.

Ms. Anderson-Thomas said so the homeowners may be able to get out of the neighborhood and get out of having to pay the higher taxes before that starts; and have that extra couple of months on the market, since the market is slow, to be able to sell their houses before their mortgages go up \$400 a month.

Commissioner Becht said he doesn't mean to be dense, but how is delaying the annexation going to help them or a buyer avoid paying the taxes next November?

Ms. Anderson-Thomas said she is not saying the buyer, she is saying the people who own in there now, the 10 or 15 people who have written the Board saying they are going to end up in foreclosure. They can't afford to have higher bills. They are kind of living month to month as it is, this group of homeowners. If this is passed - which they all kind of know that it is going to be passed - they are trying to respond to these people, but there are more letters coming in as they are responding. They need to get their houses on the market now if they can't afford for their bills to go up. That way they

can get their houses on the market a couple of months earlier. That is what she is asking.

Mayor Benton said even if they did give a 90 day waiver on this or postponed it, that would bring it back in December; and that means it would still go on the tax roll and start in January of next year.

So it really wouldn't help, other than it would be a public relations move on the City's part. He does appreciate the request and understands the situation. He just knows that legally they have things the City is required to do. What does it cost for the City to advertise, just a ball park estimate?

City Clerk Steele said this particular ad runs twice. She believes it came to about \$1,600.

Mayor Benton said that is substantial. If it is one property, it would be considerably less; but because of the magnitude, \$1,600 is quite a bit of money.

**Ms. Marcia Baker** said she would like to call everyone's attention, Commissioner Becht's mother objected to her tax bill and she is obviously a homeowner and has the Save Our Homes exemption and she probably got hit with the 3% increase on the assessment. However, the flippers and the new homeowners in this subdivision and every place else have had a substantial decrease in their taxes because the assessments have gone down. If they got their notices in the mail today or in the last day or two... She got her notice in the mail today and she had looked it up last week. So those who got their notices in the mail today and that is the earliest they could have gotten it, would have seen that they would have gotten a reduction. Anybody who is looking at their last year's tax bill is misinformed because their taxes have gone down. If they bought their home within the last year or two, and if as this young lady said the property values have gone down in her area, then their assessments have gone down and their taxes have gone down. Have them take a look at their notices.

Mayor Benton said that is why they are going to see Mr. Furst. They did bring him their bills and he did see them and they definitely have something to see Mr. Furst about.

**Ms. Joyce Sgarlato**, 2616 Serenity Circle North, said she would like to address this lady here (Ms. Baker). Show her where her tax bill has gone down. This is St. Lucie County. And if they go into Fort Pierce at 5.5%, that is going to be a lot of money.

Mayor Benton said this is about the proposed annexation. He has seen some of their tax bills and he does understand. That is why he directed them to Mr. Furst's office, because those shouldn't have gone up any more than 3%. If evaluations went down, those should have come down. So he really thinks they have an argument with Mr. Furst and that is what he is there for. He understands they do have an appointment with him.

Ms. Sgarlato said when she bought into the community, she was told her taxes were going to be between \$1,700 and \$2,100. She moved in and she started at \$4,300. That is a big difference. Now they want this area to be annexed, so add another \$4,000 taxes?

Mayor Benton said probably about \$1,500 is what the estimate was.

Commissioner Becht said it is .5% per \$100,000.

Ms. Sgarlato said they were told at the last meeting their taxes would be going up being annexed 5.5%.

Commissioner Becht said no, it is not 5.5%. It is 5.5 mills, so that is about half a percent of taxable value.

**Ms. Kelly Colburn**, 2704 Palm Lakes Avenue, said she is the Vice-President of Palm Lake Gardens Owners Association. This annexation is going to hurt a lot of people in 88 homes. They have called her crying - they can't afford this, they are going to lose their house, they can't sell their house. She doesn't know what to tell them. They came in and met with the Mayor. They explained to him that they have people in there with little kids to seniors.

It is a mixed neighborhood of ages. There are people who can't now retire who planned on retiring in this next year. Because of this annexation they will not be able to retire because their mortgage is going to go up and up each year. Her house was assessed last year at \$285,000. It has now been assessed at \$298,000. So do the math on that and it will tell them how much more. She is already paying \$5,200 in there. By the time this is all said and done, she is going to be looking at close to \$10,000 a year to live there. This is why people want the extra time to put their houses on the market in hopes...

The reality, is it really going to happen? No. But to get those houses on the market so they can get out so they don't have to file bankruptcy, they don't go into foreclosure, they don't screw up their credit, they don't do any of these things. That is all they are asking for from the Commission is to allow a community a chance that had no idea. They had everybody check their titles. She took what they said seriously at the last meeting. She called her own title company and that is how she got the piece of paper finally. They went on line and they looked it up and they faxed it to her. It was not in her original document. Shame on her for not knowing they were going to be annexed. But when she asked several different title companies, they said they don't look for houses being annexed. It is not a lien, it is not anything like that, so there would have been no way for a title company to tell them they were going to be annexed. That is what she was told. What she is asking is for this community giving them the chance. She is not moving yet. She plans on moving. Her husband is going to put a transfer in. They are going to move out of the neighborhood.

That is going to happen because of this. She just put one son in college on Sunday and she has a 16 year old daughter who she now can't put any money into her college fund because they have to pay the mortgage. Anything they had extra went into her fund, they can't do it now. They are going to put their house up on the market. She is one of the fortunate ones who can sit and wait on it. But they are going to sell it and they are going to leave the State of Florida. Yes, it was her in the paper on Friday, she was very serious.

When she found out her assessment went up after they were told it was going to be a roll back, she was furious and she did call the paper and she did let them know ahead of time before these bills came out what everybody's assessment was going to be. She is here to ask the Commission again to please before they make this decision think about 88 homes. If they don't want to give them 90 days, give them 60 days. But let them meet with Mr. Furst first, find out about these assessments, find out if the assessed value is correct or not, because three different counties have three different ideas on what they are supposed to use. Nobody is in consensus, is it 3% or 2.5%, nobody knows. She is asking before they make their decision to vote on this, please rethink. They are not asking to be treated any differently. She would expect the Commission to treat everybody

in the City who comes before them with a matter like this the same way. She is not asking to be treated any differently. She is asking them if somebody comes to them, give them this opportunity, give them the opportunity they are asking for and the community is asking for.

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

Commissioner Nelson said he empathizes with the speakers, but he feels there is going to be no tangible benefits that can be derived as a result of their delaying this. As he indicated earlier, they will have more concrete information with respect to speaking with their constituents and of course the Property Appraiser himself, which may result in a reduction in the amounts they might have to pay. Those things do occur sometimes when they talk with the Property Appraiser. So he is going to move forward on this annexation, even though it might make some pain for those concerned.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that Ordinance No. K-502 be passed on second and final reading.

Mayor Benton said he was going to support the postponement. But knowing eventually they are going to be annexed into the City and 90 days is only going to cost the taxpayers \$1,600 more to revisit this... He does feel for them all. And they are going to have to get ahead of a lot of these big subdivisions because there are a lot of families out there. This is the first time he has heard the public outcry about the additional taxes. This is really going to hurt people, so they do feel for them all. Hopefully sitting down with Jeff Furst is going to help. He is with them on it, but just to bring this back up and spending more money on it just doesn't make sense. They have had a policy and the City Attorney tells him it is going to happen, legally it has to.

Those voting in favor of the passage of Ordinance No. K-502 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-503 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4305 SOUTH 25TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: Rita Stikelether LLC and Margaret Ewan LLC)

Mayor Benton declared a Public Hearing on Ordinance No. K-503 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 a Public Hearing closed.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-503 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-503 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-505 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3306 SOUTH 7TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: St. Lucie County Warehouse LLC)

Mayor Benton declared a Public Hearing on Ordinance No. K-505 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. K-505 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-505 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-506 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4375 SOUTH 25TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: Gamalier & Jennies Falcon)

Mayor Benton declared a Public Hearing on Ordinance No. K-506 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-506 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-506 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-507 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4401 SOUTH 25TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; 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: Bible Baptist Church of Fort Pierce, Inc.)

Mayor Benton declared a Public Hearing on Ordinance No. K-507 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. K-507 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-507 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-508 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED IN **SURFSIDE PLAZA UNIT 1, BLOCK 8 - LOTS 6, 7, 8, & 10**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Kevin Hendrickson)

Mayor Benton declared a Public Hearing on Ordinance No. K-508 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-508 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-508 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Mr. Bill Thiess, Director of Fort Pierce Utilities Authority, to present **FPUA Annual Budget** for the Fiscal Year ending September 30, 2008.

Mr. Bill Thiess, Director of Fort Pierce Utilities Authority, said he is going to give a brief overview on the 2008 Utilities Authority Budget. The first slide is a comparison of their 2007 amended budget, the fiscal year they are wrapping up with the 2008 approved budget.

A couple of things he wants them to look at here on the revenues for 2007 amended they are down about \$13.7 million from their projected original budget, on the O&M (Operations & Maintenance) costs they are down about \$2.5 million, and on the Capital Expenditures they anticipate to trim at least \$9 million off that by the end of the year. Approved budgets for 2008 are on the right hand side. Another thing to look at on this particular slide is the revenues on the top line and add the O&M expenses and the Capital, there is a deficit on both years. In 2007 that deficit is about

\$47.5 million, which is considerable. They are working on that by using the cash reserves and also FMPA pool loan and other financing.

They get over to 2008, if they subtract the O&M and the Capital from the projected revenues they have a deficit, but it is not near as bad as it was in 2007, and they also intend to compensate for that deficit through some small rate increases that will probably occur in January. This bar graph shows revenues. The dip in the 2007 revenues is the decrease of about \$13.7 million they talked about. A lot of that is the power costs were less this year. They got some significant drops in the power cost adjustment for this year, that accounts for a whole lot of that. They also had lower than expected revenues from water and sewer connections. A lot of the developments they had assumed were going to connect and they prepared to budget in 2007 never did connect and never got built.

So that is the reason for the dip here in the 2007 revenues. Also the 2008 revenues, likewise they are looking at a significant increase in the power cost adjustment and cost of power to them and that accounts for quite a bit of this increase when they get up here into the 2008 revenues. Part of the reason is also the growth. They actually anticipate some of the growth might get going, so their revenue projections do account for a little bit of that. They talked about the power cost adjustment going up. That is a factor of really two things. FMPA lost two of their big low cost power contracts.

And power they are going to replace that with, obviously the new contracts are going to be a higher cost, so that is a big part of it. The other part is taking the King Plant off line. They are going to lose the capacity credits they had for having that capacity on line.

Commissioner Alexander said he needs an explanation. When Mr. Thiess spoke about that power cost adjustment that showed up on the monthly statements, they had taken that off at one time, right?

Mr. Thiess said they reduced it. They made a couple of big reductions, he thinks one in October and another one later, because the cost to the FPUA was reduced. As the cost to FPUA was reduced, they passed that along to the customer.

Commissioner Alexander said he is noticing now in the statement - he doesn't pay attention to it, he just pays his bills - but he did notice that cost back on there again. It is substantial, right?

Mr. Thiess said no, they haven't had another increase. There is going to be a \$2.00 increase, he thinks it is maybe going out in this month's bill.

Commissioner Alexander asked a \$2.00 increase?

Mr. Thiess said they are going to increase it \$2.00 a month.

Commissioner Alexander said maybe he will pay attention to it. He just remembers a couple of months ago...

Mr. Thiess said they had a major reduction. They had one that was \$5.00 and another one that was close to \$10.00.

Commissioner Becht asked Mr. Thiess is expecting to go to \$16.00?

Mr. Thiess said right, over eight months, \$2.00 a month.

Commissioner Becht said for a total of \$16.00.

Mr. Thiess said back in the other direction. Those are pass through costs.

Commissioner Alexander said they were speaking about the sewage attachments, the hookups of sewage in their budget. He thinks he heard Mr. Thiess say something to him about the FPRA coming in on that.

Mr. Thiess asked is he talking about the Avenue Q extension?

Commissioner Alexander said Avenue Q. Maybe it is just him, he has been feebleminded for the last two or three weeks, but he thought this Commission asked Mr. Beach about splitting the cost with the FPUA or something to pay for that little section out there of Avenue Q and 29th Street.

Mayor Benton said that should be finalized. That work should be starting any time.

Mr. Thiess said his understanding was that the Avenue Q sewer extension, which is about a \$150,000 project, was in the FPRA capital improvement program.

City Manager Beach said that is correct. It is part of their Capital Improvement plan.

Commissioner Alexander said he just wants to be sure to clear his mind that they as a Commission did not say in the Commission Chambers that was to happen. Is he correct? They were supposed to find the monies to have it done, because he remembers that night Commissioner Coke saying let's find that money. They found it. Now they are telling him it is in the FPRA and that has been final?

Mayor Benton said they have discussed it and this work is supposed to take place. He doesn't know who needs to take the lead. Because they got to the point where they needed to know if septic tanks needed to be replaced.

Commissioner Alexander asked weren't they suppose to split that cost with the FPUA?

Mayor Benton said all he knows is that it was funded through the Redevelopment Agency.

Commissioner Alexander asked it is funded 100% by the FPRA?

City Manager Beach said his understanding was that it was a 50/50 split, that the Utilities Authority was going to pay half and the Redevelopment Agency would pay half.

Commissioner Alexander said it is not in his budget, that is what he is asking.

City Manager Beach said Mr. Thiess would have to answer that.

Commissioner Alexander asked that is what he is saying, right?

Mr. Thiess said that is the first he has heard of the 50/50 split. His understanding was and his last conversation, he talked to Jon Ward tonight, was that the project was in the FPRA Capital Improvement Plan. His understanding was FPRA was going to foot the bill for it. The FPUA typical contribution to those is four years revenue.

They would be willing to do that, he is sure. The Board would be willing to do that in this case too.

Commissioner Alexander asked what does Mr. Thiess mean by four year's revenue?

Mr. Thiess said four year's of anticipated sewer revenue. The FPUA would contribute the equivalent of the estimated four-year revenue for that area. That is the same thing they have done with Harmony Heights, the same thing they have done with Sunland Gardens, and every other MSBU. Their contribution usually they cap it at the anticipated four-year revenue for that utility.

Commissioner Alexander said again, Mr. Thiess assured him that little section of town which has been in the City of Fort Pierce for umpteen years... And he promised the people, they see him in church and they ask him about that and he assured them that was taken care of.

Mr. Thiess said he wrote a note to himself tonight. They are going to get with the City Manager and the FPRA Director and they are going to see what the funding commitment is on the FPRA side and they will work it out.

Commissioner Alexander said he always tries to be happy go lucky and believe him he doesn't lie to anyone when he told them that was taken care of. And he doesn't lie and he won't be made a liar. He guarantees somebody is not going to like him if he becomes a liar.

Mayor Benton said he believes there was \$156,000 from the FPRA.

Commissioner Alexander said that is for a whole block and he doesn't see it. He told him it was 27th Street to 29th Street from Avenue Q to Avenue P, and that is a whole block. Are they telling him it is going to cost \$156,000 to complete that project?

Mr. Thiess said that was their engineer's estimate was \$156,000. He thinks there are 14 lots involved.

Mayor Benton said he thought it was a done deal.

Mr. Thiess said when they get back to the office, they will check with FPRA and see what the funding commitment is on that side and then they will go from there.

Commissioner Alexander asked does that mean he has to make an amendment because of that 50/50 or he wasn't planning to do anything?

Mr. Thiess said they need to see what the FPRA commitment is and they will go from there.

Commissioner Alexander said he is talking to them now, right?

Mr. Thiess said anything over \$25,000 has to go to the FPUA Board. Their typical commitment is four year's revenue.

Commissioner Alexander said but it was supposed to have been taken to the FPUA Board, this is what he is saying. This is not just a new conversation tonight. This has been going on since he has been a Commissioner and that has been a few years now.

Mr. Thiess said he was told the FPRA was going to fund it. Until tonight, he didn't know that wasn't the case.

Commissioner Alexander said all right. He is going to leave it alone.

Commissioner Coke asked when Mr. Thiess finds out where that is being funded, when the project is going forward, can Mr. Thiess provide them with a written report?

Mr. Thiess said sure, he would be glad to. The next slide here is showing the expenses - O&M. Again, they have the little dip there in 2007. That is about a \$2.5 million decrease from the original budget to the actual budget. Again, this is also affected by the purchased gas and purchased power cost. They weren't charged as much and they didn't collect as much. They also have other increases like the personnel costs, insurance costs, etc.

Commissioner Coke said Mr. Thiess is talking net of transfers. Can he define that for her?

Mr. Thiess said if they want to get into technical definitions, he will have to ask his capable assistant to come up and give that one.

Commissioner Coke asked are the transfers to the City included in these figures on O&M or not?

Ms. Nina Hurtubise, FPUA Acting Director of Corporate Services, said yes, the transfers to the City. The transfers they are referring to here are transfers to Capital.

Commissioner Coke asked so the transfers are showing in this graph?

Ms. Hurtubise said the City transfers are included in this graph, yes that is correct.

Commissioner Coke asked including the deficit from last year?

Ms. Hurtubise said no, that is not included.

Commissioner Coke asked where is that showing on their report?

Ms. Hurtubise said they are not showing that as a liability.

City Manager Beach said the transfers to the City in this FPUA budget are the transfers based on their bond covenants, which is a 60/40 transfer agreement. It was the agreement that existed prior to the referendum that changed the transfer to a 6% gross. They are currently in dispute with the Utilities Authority regarding that subject. FPUA is continuing to calculate the transfer to the City on the 40/60 formula. The City is taking the position that even though their bond covenants may require that, there is a referendum and a City Charter that requires 6% of the gross. They haven't pushed the issue hard, but it is the position of the City Attorney's office that that money is owed to the City and will be transferred at some point in the future.

Commissioner Coke said she wasn't looking to push the issue this evening, but she had received that memo. So she wanted everybody to still be aware that some place along the line it should be plugged in.

Mayor Benton said he spoke to Mr. Koblegard, he spoke to Mr. Thiess, and he just spoke to Mr. Schwerer. He is going to sit down with both the attorneys and try to clear the air on that. He thinks the

best bet is to put the attorneys at the table and walk away agreeing with it.

City Manager Beach said when they see their budget proposal, they will see at the bottom page that income is not projected as part of their income, but it is noted on the income section of their budget that they believe that to be due and payable from the Utilities Authority. Does that answer that question?

Commissioner Coke said it does. But she has some concerns in that she really doesn't want to see any of the Commissioners get into the middle of something that should be handled between attorneys, because Mr. Schwerer speaks legalize and he is not as likely to try to play nice.

Mr. Thiess said they do anticipate working that out with the City. They are not quite there yet. They had a discussion with their own attorney last week.

Commissioner Coke said she just didn't want them to forget about it.

Mr. Thiess said they haven't forgotten it. Moving right along. The distribution to the City of Fort Pierce. If they look at this chart, this says FY-07. That is the FY-07 paid based on FY-06 financials. That is the one last year where it took probably a \$600,000 plus or minus hit because of the 40/60 criteria instead of the 6% of gross. In 2008 it is going to go back up there again. This is the transfer they will make in March 2008 based on FY-07 financials. It will be back up to \$4.7 million. It is showing a little less in 2009, but he wouldn't worry about 2009 at all because they anticipate to wipe out any deficit with a small rate increase.

Commissioner Coke said she hasn't finished worrying about 2007 yet.

Mr. Thiess said they are still thinking about that. Here it is in actual numbers. This is a little confusing because this is actually the 2007 fiscal year that is going to be transferred in 2008. It is showing about \$319,000 short. And that is again the 60/40 calculation, because that would overrule at least for payment in this year the 6% of gross. So it shows them about \$313,000 short.

That shortage will be dealt with in the same manner as the one from last year, whatever they work out with the City. In 2008 it is showing an even greater deficit; but he wouldn't put any stock in that because they intend to bring a small rate increase to the Commission - he is talking in the 3% to 5% range - that will eliminate that deficit.

They also intend every year to incrementally adjust the rates, hopefully very small amounts or not at all, to make sure they don't get in a deficit situation from this point forward.

Commissioner Becht asked are they still using the Federal Courthouse building, any portion of it, or is it all rented?

Mr. Thiess said they may have some very limited storage in there, but it is not all rented. There is some usable space, but it is very difficult to use because of the security requirements of the Federal Courthouse.

Commissioner Becht said let him tell them where he is going with this and they will talk about it later. But it seems to him in the next three years the FPUA is going to owe the City over \$1 million; and they could wipe that debt clean by just transferring that building to the City.

Mr. Thiess said they can make that part of the discussions. The last offer they had was \$3 million.

Commissioner Becht said he knows the U. A. is cash poor. So there is an asset there, as soon as the new Federal Courthouse is built, that will not be generating any income, so they could transfer that to the City and wipe out that deficit.

Mr. Thiess said he appreciates his generous offer.

Commissioner Becht said he is there for him.

Mr. Thiess said again on the capital side here, they are about even with the original budget of 2007. Their Capital Budget this coming year is about 50% rate funded, about 17% on estimated Capital Improvement charges, and about 8% Grants. That leaves about 25%.

The other 25%, they are asking FPRA to fund the State Road A-1-A electrical work and they will probably ask for some additional on the sewer work. And whatever doesn't get funded by FPRA, the U.A. will probably have to finance or find alternate funding. He just wants to show them a couple of major capital projects. These are the ones that are really shaping the landscape for capital because these are pretty big projects. The first one is the Hartman Substation upgrade at \$11.3 million. That is required because when they get rid of the King Plant, when it is decommissioned, they really have two main feeds from FP&L to supply their system; and they have to update the transformers in the substation to accommodate that and give them the flexibility. That is the biggest project they have next year, \$11.3 million; and that apparently will be funded through rates as it is outside the FPRA. When they look at the rest of these, they have \$3.9 million. A lot of that they are asking for the FPRA to fund on A-1-A. A lot of these substation improvements down there - Lawnwood, the A-1-A work, and some more improvements down here that are growth related. That comes to a grand total of about \$23 million if they add up the projects on this page. That is almost half of their capital budget.

Commissioner Nelson said during their workshop he stressed very strongly that he thought the need for addressing the removal of the wastewater treatment plant on the island.

Mr. Thiess said this is budgeted in the 2008 fiscal year for Mainland Water Reclamation Facility projects. And really if they look at all these projects, these are all projects that have to do with the backbone of the plant itself - the deep injection wells, force mains go under the plant. So everything that is on this list, 40% of that approximately is for relocation of the 10 million gallon capacity out on the island. That totals up to about \$9.5 million, so 40% of that is for the relocation. Also prior to this year when they close out fiscal year 2007 they will have spent \$7 million already on the mainland plant. So if they add the \$7 million and the \$9.5 million that is \$16.5 million and 40% of that is for relocation.

Commissioner Becht asked how much did they get from South Florida Water Management District?

Mr. Thiess said they got \$7.9 million. Part of that is shown there in the \$5.4 million.

Commissioner Becht asked so South Florida Water Management District has helped pay for 40% of that capital cost so far, is that a fair statement?

Mr. Thiess said yes, to the tune of \$7.9 million. It is not paid yet, but it will be by the time they close out the contract. The \$7 million they have in this fiscal year, that is largely U.A. money. There will be a little bit of the \$7.9 million, but a lot of that is from rates and financing, mostly from rates and cash or pool loan.

Commissioner Nelson said as a follow up there, relative to the standby charge he calls it that they charge now for some of these snowbirds, they have to have the power available for them to use and they pay a certain amount. To what extent are they monitoring that? Are they getting any feedback? Because he is getting negative feedback saying that they charge a certain amount for the standby charge and the garbage people charge and the transfer charge. All these things add up and he is getting a lot of feedback on that in a very negative way. How do they handle this situation with vacant houses where they have the standby charges?

Mr. Thiess said they just put that system in place very recently. He thinks last month is when they first started making the charges. Let him get back again to the reasoning behind that. When they have customers who are here six months out of the year, the other six months the U.A. has costs they incur to keep that capacity ready to serve them - their people still go out and read their meters, their plants are still running, their people are still out there doing maintenance on their valves and fire hydrants. So when the rate consultant looks at what it costs for that capacity to be ready to serve them, that is where the fees came from. He thinks the fees for water and sewer combined is about \$11 and it is \$5 and change for electric. But that is the U. A.'s cost, what it costs them to keep that capacity there. If the people who are having the suspension service weren't paying those costs, they would put that back on their other customers who are hooked up year around and they pay it. So it is a fairness issue really. The people who are using the services, in this case not using them, but they still have a cost to keep it there for them, they should pay for that cost. It is not abnormal in a utility to do that. A lot of utilities have a similar charge.

Commissioner Nelson said his charge is roughly around \$20 or \$25.

Mr. Thiess said he thinks it is \$11 and \$5, or \$16 for all three utilities roughly, between \$16 and \$17.

Commissioner Nelson said but when they add on the garbage bill, the fuel adjustment.

Mr. Thiess said they don't have any of those charges on the standby, the readiness to serve charge. The garbage is the City's, that is not FPUA.

Commissioner Nelson said he realizes that. But he represents the people of the City and he gets calls trying to explain what is going on. And he sees a situation where they have zero usage in gas, electric, and water, and yet still they have to pay these costs. He can appreciate the standby charge because they have to go out there and read the meter. But when they have the zero usage and they have to pay the garbage and all that stuff along with it, what kind of relationships do they have with the Solid Waste people?

Mr. Thiess said all they do is bill it. They do the billing for the City on the Solid Waste and that is it. That is the City service and the U.A. bills it.

Commissioner Nelson asked is there a fuel adjustment when they have a zero usage in gas?

Mr. Thiess said if they have a zero usage and they are just getting billed the ready to serve charge, there is no fuel adjustment, it is a flat charge. It is \$5 and change on the electric and he thinks \$11 total between the water and sewer. If they had all three utilities they would pay \$16 or \$17 a month, period.

Commissioner Nelson said he has a handful of bills he probably needs to talk to him about because he is having a hard time explaining that.

Mr. Thiess said he would be glad to go over it with him.

Commissioner Nelson said this budget of the U.A. bringing it before the Commission, he thinks somebody is always telling them what their duties are. He has only been a Commissioner for a short period of time. Does the Commission have line item authority on the U.A. budget?

Mr. Thiess said he does believe that may be the case. The City Attorney might be able to advise them on that.

Commissioner Nelson asked is there any particular item Mr. Thiess would recommend they should veto out here?

Mr. Thiess said absolutely not. They have gone over this budget with a fine tooth comb and they have cut quite a bit from the original submittals to a level they are comfortable with to provide good service.

Commissioner Nelson asked they are considering the Drop Plan and a COLA for his people?

Mr. Thiess said Drop Plan yes, COLA no. They were told by their Board to bring the COLA back maybe in a year. But the Drop Plan he believes was passed by the Retirement Board this week and it will come to the City Commission probably in their September meeting.

Commissioner Nelson said he wasn't at the Retirement Board, that is why he had to ask that question.

Commissioner Coke said it was passed. She did ask Mr. Bergalis if he could please get them the actual cost to the Utilities Authority to institute that because she believes it is going to be in excess of \$70,000 a year.

Mr. Thiess said that is just for the first year. It is going to be a declining cost to where in five years it will be zero.

Commissioner Coke said her concern is, if the U.A. doesn't have the money to give that they owe the City and they are implementing new programs...

Mr. Thiess said the Drop Plan he thinks is a good thing. In fact, he was one of the main proponents. It is a good plan in this day and age. One of the reasons it is a good plan is because they don't have a COLA. What the Drop Plan allows people to do who are getting

ready to retire that haven't saved enough money to retire is go into Drop and build up a retirement nest egg.

Commissioner Alexander asked how many years do they have to be there to get into the Drop Plan?

Mr. Thiess said they just have to be eligible for City retirement, the same as it is on the City side. It would be 25 years if they are under 60 years of age. It is the same as the City.

Commissioner Nelson said they just put out a handbook that covers all those details.

Commissioner Alexander said he does not have time to read all these thousands of pieces of paper. He just asked one question.

Commissioner Becht said he would compliment Mr. Thiess - he hasn't heard any negative and he actually heard a couple of positives on the standby charges. At one point in time he gave him a projection on the dollar figures he thought that program was going to generate, which saved the full time residents and the full time rate payers money. Does Mr. Thiess have any projections or hard numbers tonight?

Mr. Thiess said he thinks that was about \$500,000 a year between the three utilities.

Commissioner Becht said so he is very happy that he adopted that program.

Mr. Thiess said those are real costs. He thinks that is where they need to be right now.

Mayor Benton asked do they have a motion to approve or accept the U.A. Budget?

City Attorney Schwerer said let him basically tell them what the Charter says. They don't necessarily have to approve it. What the Charter requires in Section 176, Paragraph 12, is that it places the duty on the Utilities Authority to prepare annually a budget and to submit it to the Commission at least 45 days prior to the beginning of the next fiscal year. They have done that. If 4/5ths vote of the City Commission does not approve any line item in the budget or any amendments thereto within 30 days of the date of submission, basically the budget and any amendments thereto shall be approved as submitted. They have 30 days basically to veto any line item in this budget by 4/5ths vote. If they do nothing within that 30 day period, it is automatically approved. So if they want time to look at this budget, if they want to bring back an item within 30 days, the Commission has that prerogative. He is just reminding them of their duties. So his recommendation basically would be take their time with this document. He assumes the 30-day clock is clicking today because it has been presented to them. If they feel anything should be brought back for that discussion, do so. They cannot increase any amounts in this budget. They can only decrease by 4/5ths vote line item veto power.

Mayor Benton said he has already seen it twice. They did make some changes between the first and second, adding in issues that had to do with the Wastewater Treatment Plant.

City Attorney Schwerer said just a legal caveat of course for the record. They have discussed it. There is an issue concerning the

transfer to the City. It is not technically a line item issue. It is really an issue between the Charter and the Bond Covenants. So therefore they are preserving all rights with respect to that issue even if this budget gets adopted 30 days by default.

Commissioner Nelson said he will be waiting to see how that sewage activity is going to pan out on Avenue Q when they work with the FPRA guy.

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The next item on the Agenda was Mr. John L. Donahue, LBFH Inc., to give State Road A-1-A Status Update.

Mr. Jack Andrews, City Engineer, said Mr. Donahue is not with them tonight, but has provided the project status update in their package. He will be happy to answer any questions they have on it. One item that always comes up is the Harbour Isle Roundabout, the permit. He again checked with FDOT today. FDOT has not yet approved it, they said it is still in their review process and they estimate it will be back from their consultant in 10 days and then they will evaluate it. He will keep checking with them.

Mayor Benton said this is absurd. This is another one like the problem with the sidewalk because there was a mangrove close by holding it up for months. What can they do?

Mr. Andrews said his office calls them weekly, if not twice a week, on this item.

Mayor Benton said he thinks he and Mr. Beach need to get on the phone to Fort Lauderdale or maybe Tallahassee, because this is absurd. It was because of a coconut tree at one point, the landscaping in the roundabout was an issue, he can understand that. But now they have been waiting for years, the residents there have been waiting for years. This is a health and safety issue. It needs to be started. They don't need to start it in the middle of the winter time.

Commissioner Coke asked didn't they at some point in time discuss withholding some final C.O.'s over there until this was approved?

Mayor Benton said no, this is FDOT.

City Manager Beach said they actually have a letter of credit from Harbour Isle on this project.

Commissioner Coke said she does understand that this is FDOT. However, they might be equally if not more so responsive to a developer pushing them a little bit as to the City.

Mayor Benton said their members on the TPO can maybe push some FDOT staff there. But this is ridiculous. This is one reason why the cost of this project has gone up \$9 million.

City Manager Beach said what he would suggest is, let's try to get the individuals involved in this permitting process, including FDOT, to attend a Commission meeting and describe to them why this has taken x-number of years.

Mayor Benton said tell them they are bringing Hector Arias to the meeting so he can let them have it.

City Manager Beach said he thinks it may be appropriate to try to get those folks in front of the Commission to help them understand why this is so difficult.

Mayor Benton asked does Mr. Andrews think he can request that FDOT be at their next meeting? Because this is a timely issue.

Commissioner Coke said she just wants to bring up one more point with this. She understands that now they are looking at the Harbour Isle Roundabout and they have been discussing it since day one. But one thing she thinks they all need to look at is Phase 2B, east of Seaway Drive to Binney Drive excluding the Harbour Isle Roundabout.

Because she thinks if they read that carefully it has been saying the exact same thing in their project update. She went back to December of 2006 - it says that they are working on permits, they are working on drainage easements, they are talking to the Smithsonian, they are talking to the Pelican Yacht Club - and it has been almost a full year that their little update under 2B has not progressed at all. If Mr. Andrews could please ask Mr. Donahue that Commissioner Coke would like to see something else there next month.

Mr. Andrews said that is still the case. They have their permits from South Florida Water Management District, they have their permits from FDOT. They do not have a signed easement from the Smithsonian, which they continue to work through legal. That has gone back to them as late as last week. The same thing with the Pelican Yacht Club, that is in their legal's hands and they are still waiting for that.

Commissioner Coke said she will tell them that she personally went and worked on the drainage issues at the Pelican and walked the property and talked to everyone, the powers that be, with the last Commodore. They are into a new Commodore and his term is almost done. So it had to be at least a year ago that she went and did that with them. At some juncture in time if they are not making any progress there, she might know some people over there that they could call and talk to.

Commissioner Alexander asked along that line, is there any expirations on these permits that they have?

Mr. Andrews said no, for FDOT there is not. South Florida Water Management District he believes is five years on their permits.

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The next item on the Agenda was Request by Pastor Paulette Walton, New Beginning Church of God, Inc., for Tent for Public Assembly for Comprehensive Community Development Program at 702 South 29th Street for 30 days.

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, to approve request by Pastor Paulette Walton, New Beginning Church of God, Inc., for Tent for Public Assembly for Comprehensive Community Development Program at 702 South 29th Street for 30 days.

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

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City Clerk Steele introduced the following resolution by title only.

RESOLUTION NO. 07-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, TO AMEND THE **LOCAL HOUSING ASSISTANCE PLAN** FOR FISCAL YEARS 2006-2009 TO INCLUDE THE DEFINITION OF **ESSENTIAL SERVICES PERSONNEL** AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ACT, SUBSECTIONS 420.907 - 420.9079, FLORIDA STATUTES, AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Matthew Margotta, Director of Community Development, said Sadie Cooper (Program Specialist) is present to answer any questions.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 07-35 be adopted.

Those voting in favor of the adoption of Resolution No. 07-35 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 07-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, STATING THE CITY IS IN SUPPORT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION UPDATING THEIR PRELIMINARY DESIGN AND ENGINEERING (PDE) STUDY AND THE **WIDENING OF US HIGHWAY NO. 1 (SR 5)** FROM FOUR (4) LANES TO SIX (6) LANES FROM EDWARDS ROAD (SR 611) TO VIRGINIA AVENUE (SR 70). THIS RESOLUTION TO BE FORWARDED TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Motion was made by Commissioner Alexander, seconded by Commissioner Alexander, that Resolution No. 07-36 be adopted.

Mayor Benton said he won't be supporting this because he feels that it is just going to put a lot of businesses down there between Edwards Road and Virginia Avenue in a predicament, and they can't afford to lose another business in Fort Pierce. Eventually he can see their wanting to six-lane all the way through Fort Pierce and it will be very difficult for people to stop and shop. That is his opinion.

Commissioner Coke said she is just going to clarify one point, just so they are aware of the fact that there is money put aside. Not that any of the money is available to actually do this project, but they have budgeted money into the projected cost to help with business relocation, so it will not hinder or hurt any businesses along U.S. #1.

Mayor Benton said he will believe it when he sees it, especially when the State deals with their own budget.

Commissioner Coke said she doesn't think she is going to live long enough for FDOT to find the funding.

Those voting in favor of the adoption of Resolution No. 07-36 were: Commissioners Alexander, Becht, Coke, and Nelson. Those opposed: Mayor Benton.

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

City Clerk Steele said they have applications in front of them. There will be a resolution on the next agenda.

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The next item on the Agenda was Submittal of Applications for Appointment to the **Keep Fort Pierce Beautiful Advisory Committee**.

City Clerk Steele said they have applications in front of them for consideration and there will be a resolution on the next agenda.

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The next item on the Agenda was City Commission discussion on scheduling a **General Fund/FPRA Budget Workshop**.

Mayor Benton said they are looking to find a date that they can all get together in the next couple of weeks.

City Manager Beach said there is an Agenda item on this subject that describes what they are dealing with. Attached to that Agenda item is a list of when Commissioners are available. Staff is certainly available on whatever date the Commission selects. The budget documents were passed out today. They are prepared for the workshops whenever they can get the Commission together.

Mayor Benton asked when is a good time for everyone? He doesn't know where these numbers came from, but maybe it is because this week he was trying to make himself available. He knows they talked about doing it Thursday and then they talked about Wednesday morning.

But usually Monday, Tuesday and Wednesday especially in the mornings are difficult for him. Usually he is in this building every afternoon and Thursday and Friday are very available.

Commissioner Nelson said any time after 10:00 on the week of the 27th of August.

Mayor Benton said they have two who can come Thursday morning.

Commissioner Becht said he doesn't know. Are they going to have a real FPRA budget and a real balanced General Fund budget?

City Manager Beach said that is correct. They have an FPRA meeting this Wednesday and he thinks several of these issues may surface during that discussion, so they may have some of it worked out prior to August 30th.

Mayor Benton said he believes Mr. Beach has everybody scheduled for discussions before this?

City Manager Beach said that is correct.

Mayor Benton said so everybody meet with Mr. Beach so nobody is blindsided.

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The next item on the Agenda was Mayor Benton discussion regarding the funding of **St. Lucie County School Board Resource Officers** by the State of Florida.

Mayor Benton said one of the jobs the Commission gave him was once a month he gets together with the Mayor of Port St. Lucie and the Chairman of the County Commission. They have come to an agreement that they should all respond to the State Legislature and ask them to help fund this position or to fund it; because when they said they were going to put restrictions on cities and counties, they said they wouldn't touch schools. Taking law enforcement out of schools creates real problems in this time of gangs and everything else. Right now the Sheriff has agreed to fund the schools through

September, to put in their resource officers; but come October with the new budget, it is up in the air.

Commissioner Becht asked what are they looking for, a letter?

Mayor Benton said they are looking for a letter.

Commissioner Becht said that is a good idea.

Mayor Benton said he wants it from all of the City Commission. It is already from the County. But just so they know, Port St. Lucie has been funding through the Police Officers in their schools to a tune of \$1.4 million it would have cost them this year and that is without School Crossing Guards.

Commissioner Alexander asked they already do that, right?

Mayor Benton said Fort Pierce has not done it. The Sheriff has been very good and Port St. Lucie has done it in some of the schools. But because of the budget crunch, the Sheriff does not have the ability. He knows they are meeting and talking. They all agreed that the Legislature really needs to reconsider and consider funding this.

Commissioner Coke said interestingly enough they must all be on the same page, because she shared with the Chief a copy of a letter she sent to the Governor telling him she felt that the intent of the Florida Lottery as passed by the voters was to fund education. And the most important thing was to fund their Crossing Guards and their School Resource Officers, and that she was certain that they had a mechanism in place already to do that from the lottery money; and could he please let her know how they could pass that along, because their Police Department was in a budget crunch.

Mayor Benton said he just wanted to get everybody in agreement on this because he thinks they are going to hear from 15 elected officials hopefully loud and clear, and hopefully it will catch on throughout the State of Florida. So he will get a letter put together.

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The next item on the Agenda was Mayor Benton discussion regarding the City becoming a member of the **Downtown Business Association of Fort Pierce, Inc.**

Mayor Benton said several months ago he was at one of the DBA meetings and was asked why the City wasn't a member. The City could be a member, it is the biggest employer downtown. It would give them an idea to understand what the businesses are dealing with; and also any kind of rumors that go around on what the City is doing, especially with all of their projects, it would be easier to just meet with the DBA once a month and get the facts out. They finally after six months came in with an application the other day. He knows they are part of Main Street. He thinks one of the biggest things the DBA needs to do now is partner with Main Street and work with them. It appears the new President is willing to do that.

Commissioner Becht asked who is the new President?

Mayor Benton said his name isn't on here.

Commissioner Alexander asked they should have an agreement with them, is that what he is asking?

Mayor Benton said what he is looking for is the Commission's agreement for this. That way anybody on this Commission can join. He thinks the question the City Attorney had was whether they would be in a predicament if they were a voting member. He doesn't feel that is really an issue, just being there.

Commissioner Nelson said he doesn't like to be a negative person, but he does have some reservations about them being a member of that organization as opposed to being a member of any other organization.

They want all of their organizations to succeed. They want to be able to offer some assistance to anybody and everybody. Sometimes when they get involved with these organizations from an inside standpoint, they don't necessarily come away with the unbiased action or thoughts. So he would that they look at this very carefully because of that possible connotation. He doesn't join one organization because he is concerned about all of the organizations.

One is just as good as the other. But when they get involved with it, they give them a false sense of access, they might be slanted with respect to giving them aid or assistance over and above somebody else.

Mayor Benton said that is why he brought it to this Commission. He knows when it comes to the two Main Streets and a lot of the other people who come in here and ask for money, they sit on those boards.

Sometimes it is a position that is required by their jobs and sometimes it is something they hold personally. But this is just another organization that would like one of the Commissioners to be at their meetings and the City to be a partner.

Commissioner Nelson said they can be ex-officio like the Sunrise Theatre, the Marina, the Utilities Authority Board and all that. But to be an active member in there and to hold office in those organizations might in some way tint their judgment.

Commissioner Coke asked is the Mayor looking for somebody to serve on their board or just be a general member?

Mayor Benton said just a general member. That is what the application is. He doesn't think it would be appropriate to sit on their Board.

It is just one of the Commissioners or City staff or Mr. Beach or anybody. Mr. Ward could go to their meetings and they would be a member. That way they are on their mailing list. He thinks it is very important that they know what the business community is doing in downtown Fort Pierce. And also with all the construction, it is explaining to them time frames; because a lot of times they get it in the newspaper, but they need to get it from the City.

Commissioner Nelson asked could they do it as a private citizen as opposed to...? He guesses the Mayor and City Commission is there 24/7, but if they go in there they are going to say Mayor Benton or Commissioner Becht. Those are his thoughts on it.

City Manager Beach said he is sure they are all aware that as a City they are a member of the Chamber of Commerce; and the DBA, although they are not an extension to the Chamber of Commerce, they still provide very similar activity.

Mayor Benton said that is why he thinks it would be important for the City to be a member.

Commissioner Alexander said yes.

Commissioner Becht said he is sharing Commissioner Nelson's reservations. But he thinks in this particular instance the DBA is easy enough; and if they got into any area that was in controversy, they could get out.

Commissioner Coke said quite frankly she thinks one of the Commissioners or a staff member with a positive attitude going and participating as a DBA member, not running for the Board there but participating as a member, can do nothing but assist the way the DBA runs downtown, the way they interface with Main Street, the way they can work joint projects with the Lincoln Park DBA and the Lincoln Park Main Street. She thinks the more interaction they have between the City and each and every one of those groups, the better off they are. So she would support them becoming a member.

Commissioner Nelson asked are they going to have the request now from the Lincoln Park Business Association too to have a membership?

Mayor Benton said it could be.

Commissioner Nelson said he has enough meetings to attend now so don't nominate him.

Mayor Benton said he doesn't think they are nominating anybody. They are just going to be a member.

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The next item on the Agenda was Mayor Benton request Status Report on the formation of the **Fort Pierce Youth Council**.

Mayor Benton said what he is looking to do is have 15 young people from 9th Grade through the first couple of years of college. They have a lot of IRCC students who would like to be a member. He has met with three different groups. They have Youth Councils out in the community now. He has a lot of names who are interested. But what he wanted to find out from this Commission is, do they each want to appoint three members or do they want the Mayor to take care of it?

Commissioner Alexander said when the Mayor came up with the idea, that was something he was just following the lead on. In the past he has seen how they do it in other cities and he thinks it is a good thing that they bring their young people on board to learn. Again, they can just open the door to great things for these kids in this community. He thinks it should be done by each Commissioner having appointees to that.

Mayor Benton asked does everyone agree? He wants this to be a makeup of the community. What he will do is within the next three weeks have a list. The list is going to be a long one. He will have a list in front of this Commission.

Commissioner Alexander asked are they speaking strictly to the City of Fort Pierce?

Mayor Benton said yes. They have to be residents of the City because it is just that important. And he thinks 15 people is plenty. Any more than that it is hard to get a consensus. He will have something back he hopes by the end of September.

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The next item on the Agenda was Director of Planning submittal of comparison between the proposed **Fort Pierce Impact Fees** to the current

impact fees in St. Lucie County, Port St. Lucie, Indian River County, Vero Beach, Martin County, and Stuart.

Mr. Matthew Margotta, Community Development Director, said this is a continuing discussion regarding impact fee comparisons. He hopes the information helps draw a little bit clearer what is going on in the surrounding communities regarding what they are charging for impact fees. First he just wanted to show them the general table of some pretty common items that they would see in Fort Pierce if they were to enact impact fees. One of the main points he wanted to make is that area (in Table 1) where non-residential uses typically did not get assessed for parks and recreation. A business itself doesn't really affect those, however it does have an impact on government, solid waste, and transportation. So there is some of the rationale behind things. The next table is a comparison between various communities and trying to show that in a linear fashion just for the amount of dollars that are different.

Commissioner Coke said looking at this chart, maybe she is misreading it, but it would appear to her that they are still comparing apples to oranges because she notes they have a notation at the bottom that Port St. Lucie does not collect any impact fees for the County. Is she correct in the assumption that the City of Fort Pierce does?

Mr. Margotta said right now the City of Fort Pierce does and this chart includes the full impact fees from the County.

Commissioner Coke said maybe the last two or three times they talked about this, she didn't explain herself properly. She wanted to be able to look at this and say if somebody is going to come and build in Port St. Lucie, according to this it is going to cost them for a single-family home \$10,558 and in Fort Pierce it would be \$13,926. However that is not the case, because the County is still going to charge the impact fees for Port St. Lucie.

Mr. Margotta said then he misspoke. This chart does take into account what she asked for. The current situation is that Port St. Lucie has enacted impact fees. It does not charge those particular impact fees from the County. There is an Interlocal Agreement between them and they are just not charged. Through an Interlocal Agreement Fort Pierce currently has, they do charge the County's impact fees. The numbers they are seeing includes the Impact Fee Study that was done by TischlerBise and the County impact fees. So what they are seeing is the net effect of Fort Pierce's impact fees and the County's, and the fact that Port St. Lucie does not charge those County fees.

Commissioner Coke said but the County still collects them from people who build in Port St. Lucie.

Mr. Margotta said they collect transportation fees.

Commissioner Coke said those aren't reflected here.

Mr. Margotta said it is reflected.

City Manager Beach asked are they reflected in the Port St. Lucie figure? Is that specifically a Port St. Lucie figure of \$10,558; or does that include Port St. Lucie and St. Lucie County fees?

Mr. Margotta said if there is a development within Port St. Lucie, they do not collect the impact fees for the parks, public buildings,

and so on of somebody who would be developing in unincorporated St. Lucie County.

City Manager Beach said they understand that. If they added the impact fees that Port St. Lucie established and then added existing St. Lucie County impact fees within Port St. Lucie...?

Mr. Margotta said it is a total conjecture because it does not happen right now, those numbers are not applied, it is not applicable, it does not happen on the ground. To be able to compare to another city, this is what they are charging.

City Manager Beach asked would Mr. Margotta say that if the County charges impact fees, those would be in addition to this \$10,558?

Mr. Margotta said that is correct.

City Manager Beach said okay. He thinks what he understood the request of the Commission - and they can correct him if he is mistaken - he understood what the Commission wanted to know was the total of all impact fees collected on a piece of property. He will use a single-family house as an example. If they were to build one in Port St. Lucie and they added all of those impact fees of the County and Port St. Lucie, they have a certain figure. And the same thing with Fort Pierce, if they build here and this Commission would implement an impact fee in addition to the County's impact fee, they have to add both of those together to get the real impact. That he thinks is what Commissioner Coke had asked for previously.

Commissioner Coke said the way she is reading this chart, the figures under Fort Pierce are reflective of exactly that. If she were going to go in and build a single-family home, it would cost her \$13,926 on the mainland in Fort Pierce. That would be Fort Pierce impact fees and the County's.

Mr. Margotta said that is correct.

Commissioner Coke said the way she is reading this chart, the figure for Port St. Lucie does not include the additional impact fees that the County would also charge those people.

Mr. Margotta said it does. It includes the fact that they collect the transportation impact fee from the County.

Commissioner Coke said she guesses where she got confused is down at the bottom they have a line here that says Port St. Lucie does not collect impact fees for County parks, public buildings, or roads.

Mr. Margotta said that is correct. They have an Interlocal Agreement to that effect.

City Manager Beach asked then who collects them?

Mr. Margotta said those are not collected. They are not charged it. If there is a house that is built in Port St. Lucie, they are not charged the County impact fees for parks, public buildings, or roads.

City Manager Beach asked that information came from where?

Mr. Margotta said Port St. Lucie and the County. There is actually an Interlocal Agreement between them.

City Manager Beach said that is interesting.

Mr. Margotta said it is very interesting. It confused Staff for a little while too.

Commissioner Coke asked the larger retail, someone who is going to build a 100,000 square foot retail operation in Port St. Lucie, the County does not charge them a road impact fee?

Mr. Margotta said they do charge them a road impact fee. What is not charged is the parks, public buildings...

Mr. Peter Buchwald, Assistant Director for Community Development, Planning Division, said these are the actual Port St. Lucie impact fees for themselves. They have their own impact fees for roads, parks, and public buildings; and then they charge the County impact fees for schools, libraries...

Mr. Margotta said that is all in here.

Mr. Buchwald said right.

Commissioner Coke said she understands that Port St. Lucie is not collecting the County's. But it was her understanding that the County was then billing the developer.

City Manager Beach said that was his understanding as well.

Commissioner Alexander asked would they be able to find that out and bring this back?

Mr. Margotta asked what they have in front of them is the actual amount they are going to get charged, correct?

Mr. Buchwald said right. This is the actual calculation fee form that includes the Port St. Lucie...

Mr. Margotta said the timely assistance he is getting basically explains that the figures they are seeing before them includes what they will get charged for those County impact fees. If they come forward with a single-family home, that includes the County impact fees, just as the Vero Beach includes the Indian River County and the Stuart includes the Martin County fees. It is as apples to apples as they could get.

Commissioner Nelson asked are these actual fees that are paid now or proposed?

Mr. Margotta said the Fort Pierce figures would be proposed.

Commissioner Nelson asked is Mr. Margotta proposing that for the mainland \$13,900 for Fort Pierce versus \$9,100 for Vero Beach and \$10,500 for Port St. Lucie.

Mr. Margotta said he is not proposing anything for Vero Beach, Port St. Lucie, or Stuart. Those are existing fees.

City Manager Beach said the figures they are looking at are the result of the impact fee analysis that was conducted by their consultant and these impact fees have not been approved by this City Commission. They are still in the process of discussion.

Commissioner Nelson said but the \$13,900 is theoretically proposed, and the \$9,100 for Vero Beach and \$10,500 for Port St. Lucie are actual. Meaning Fort Pierce proposed is going to be greater than their actual. Fort Pierce is trying to increase their base population and entice people to come here, is that right?

Mr. Margotta said let him go to the next slide. Fort Pierce is the dark green color and the light green color, Stuart is red, Vero Beach is tan, and Port St. Lucie is blue. The City of Fort Pierce, the proposed fees are generally in line with everybody else. When it comes to single-family homes in comparison to everything else going on, they are very much in line with everybody. When they get into larger developments like retail and multi-family, that is when they start to spread apart. And that is significant, because typically a single-family home is an end user and a builder builds that cost into the development.

Mr. David Recor, Deputy City Manager, said this is probably the third meeting that staff has come back with trying to address the concerns of the Commission, which is to make an apples to apples comparison with their surrounding jurisdictions. However, in the event that they were to decide that they wanted to move forward with impact fees and they were to look at... Let's take the single-family and say they want to be less than their neighbors, they want to be less than Port St. Lucie or Stuart. The decision to do that is a bit more complicated than simply saying they don't want to charge \$13,900, they want to charge \$7,000. Because they need to take themselves back to the impact fee study that TischlerBise prepared where they spent a great deal of time going through the data that was provided by their City Departments and the adopted levels of service in their Comprehensive Plan. In other words, another way of saying that is that the \$13,900 number was not a number that Tischler Bise just pulled out of its back pocket arbitrarily. It was a calculated number based on the policies and adopted level of service standards that they have in their Comp Plan. While he really hopes they have hit the mark in terms of allowing the Commission to make an apples to apples comparison, if they really want to adjust that number, it is more of a broad policy decision in terms of those vary things, rather than saying they want to be less than.

Commissioner Nelson asked how do they rationalize the difference for the beach versus the mainland in terms of cost? Even if it is a small amount, is it more expensive to operate on the beach?

Mayor Benton said the taxes and insurance are considerably higher.

Mr. Margotta said actually that comes from a system that is already in place with the County, that there is a suspension zone for the Fort Pierce beach of certain fees. It is already part of the County Impact Fee structure.

Commissioner Nelson asked so the fees for the beach would be higher or lower?

Mr. Margotta said lower. They already have the roads. They already have the parks. There are no new impacts basically coming from the beach and he thinks that is the rationale.

Mayor Benton said he knows they have heard his questions about exempting business or his concerns about the small business person. Would it be possible to exempt the CRA from impact fees?

City Manager Beach said the deferred area that Mr. Margotta referred to essentially is their Community Redevelopment Area. They can show them a map of what it consists of. When the County put the deferred areas together, they excluded the vacant property on the Island. Harbour Isle for example is not deferred from impact fees. It also excluded the Port and the Port is not deferred from impact fees. But everything else within the CRA area in these older neighborhoods, those impact fees are deferred.

Mayor Benton said that is what they are doing now. But his concern is in the future they would be opening the whole City up.

Commissioner Alexander asked what percentage of the City is the FPRA District?

City Manager Beach said about 20% to 25%.

Mr. Margotta said these are impact fees on new development. A lot of the new development they are seeing is in the western part of the City.

Mr. Recor said if they recall a discussion the City Manager had with them previously, there was a strategy behind that; and that was, to direct new development into the infill area.

Mayor Benton said he is just looking for a way to give a break to the small business guy. The big business which he sees locating out near I-95 can afford it, but the little guy is just getting beat up so bad.

Mr. Margotta said this might help. New development as far as impact fees go, it is only the net addition. If there was a 10,000 square foot office building in their Redevelopment Area and it was redeveloped and now 12,000 square feet, only that 2,000 square feet is what is charged in impact fees. It is not the whole thing again. That is the way the study came out with it. That does encourage them. One of the reasons they have impact fees is to encourage infill and redevelopment in built environments.

Commissioner Nelson asked the new Gaines Berger Toombs building over there on 7th Street and Citrus Avenue, were they charged an impact fee? And also the Renaissance, was there an impact fee for those people?

Mr. Margotta said those would be under the current County impact fee, yes.

City Manager Beach said but they would be in deferred areas.

Mr. Margotta said it might have been a different amount than outside of the area. They would have been charged for the additional square feet that was created. He doesn't have the paperwork in front of him, but that is how the process is.

Commissioner Nelson said he is thinking there was not an impact fee levied or there was one or they were deferred. Which one would they say it was?

City Manager Beach said his understanding is that they are in the deferred area. But he would refer specifically to the County's Impact Fee Ordinance and he would look back at the Building Permit applications to verify that. He knows they are in the deferred areas.

Unless they fall under some special category that is defined in the ordinance, he would just have to look at that to tell them. He thinks that is a good question. He would like to know that himself.

Commissioner Nelson said his thought is, and the reason why he is sort of anti-impact fees, is he wants to see more of those type buildings coming into the City of Fort Pierce. If they don't have that impact fee there, it might serve as an enticement to have them come in here versus going up to Lakewood Park or down into Traditions or whatever the case may be. He wants those type of buildings to come into this City, which is going to help them greatly.

Mr. Margotta said those buildings were charged the net additional impact that they created when they were built. So it is done during the building permit process.

Mayor Benton said the Fort Pierce Area Council is looking for a presentation on this in the very near future.

Mr. Margotta said maybe he needs to back step, because they have been after this for a couple of months. The intention was to have the City Commission ask staff to go ahead and develop the ordinance so they can bring that forward for adoption. That is the next step they intended to do. He is sure there should be a road show that goes with that, that they may be going to the Downtown Business Association or some others. He was looking for the Commission to basically give him a thumbs up or nod so he knows to create the ordinance to adopt this.

Commissioner Nelson asked did Mr. Margotta by any chance go back and look at the prior Commission's discussion on this impact fee issue as he suggested a long time ago during the Eddie Enns era, did he?

Mr. Margotta said it wasn't positively reviewed. The impact fees were not approved.

Mayor Benton said he thinks what he heard from the Commission here was they wanted presentations or at least input from the Chamber of Commerce and the Treasure Coast Builders Association prior to having a formal schedule in front of them to set fees. Is he hearing right from the Commission?

Commissioner Becht said yes.

Commissioner Nelson said he would like to see what those guys have to say. That would be a good idea.

Mayor Benton said that is why the Fort Pierce Area Council is basically the Fort Pierce business community, a part of the Chamber of Commerce.

Mr. Margotta said both the Main Street organizations and the Downtown Business Association.

Mayor Benton said the DBA, he thinks a presentation should be made. And with the Chamber of Commerce, he will make sure they can schedule this as soon as possible.

Commissioner Nelson said the Economic Development Council and the Board of Realtors.

Mayor Benton said they have a lot to cover.

Commissioner Coke said maybe Mr. Margotta could just invite them all to one presentation.

Mayor Benton said they will put it together.

Commissioner Coke said just for a point of clarification, at some juncture in time maybe one of them could sit down with her because it is just beyond her comprehension that they would have impact fees that were \$112,000 more than Port St. Lucie on a 50,000 square foot office building. She just can't buy into that. Unless they are reflecting something that they are not.

Mr. Margotta said transportation.

Commissioner Coke said they can explain that to her so she can buy into it. Because she can't buy into that. She doesn't want the City to be charging \$112,000 more than Port St. Lucie because nobody is going to come and build here.

Commissioner Nelson said that is his point exactly.

Mr. Margotta said he believes that Interlocal Agreement that Port St. Lucie somehow finagled with the County is showing. It does show as a significant amount once they start getting up there in the size of these developments. Easily the amounts get up to \$100,000 if not more very quickly.

Mayor Benton said when they get input from the business community and the building community, he thinks they can maybe get this back in front of this Commission and fine tune it a little bit so they can move forward. Let's see if they can arrange those meetings.

City Manager Beach said they will go through this chart again. His experience with St. Lucie County is, as it relates to their relationship to Port St. Lucie on these issues, is the County typically will grant the same latitude to Fort Pierce that they grant to Port St. Lucie. If they have somehow decided to quit collecting impact fees there for County facilities - which he can't imagine that happening - but if they did, they would grant that to Fort Pierce as well. They need to look at this again and refine it before they start taking steps to talk to the public or the business community about it.

Commissioner Coke said okay, they will see Mr. Margotta in two weeks again.

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The next item on the Agenda was Staff Report on proposed **Waterfront Charrette** from Fisherman's Wharf area south to Florida Avenue.

Mr. Matthew Margotta, Community Development Director, said since the last meeting he drew up a map to clarify the waterfront charrette area that they are discussing - working out the cost, the time line, and just how they are going to conduct this. The borders are actually very significant, this is a pretty important part of the discussion as he goes forward to the Treasure Coast Regional Planning Council.

What is shown on the map is the South Bridge, that is Fisherman's Wharf, and that would be Indian River Drive and 2nd Street. What this shows is including the Edgartown area. And then some of the significant areas they are looking at for redevelopment such as the J.C. Penney parking lot and the Marina Square area. Also the City Marina is about to expand back to its original size. The King Power

Plant that is being redeveloped was part of their discussion earlier. Keep in mind they have things they already know about, he believes it was brought up that there has been charrettes, there have been discussions. Things kind of get dated after a little while. It is kind of worthwhile to use those as base material for when they go into discussion again. This area does include or goes down into the northern portions of the River's Edge Historic District as was directed. This is all the downtown area. It is all connected. He believes the charrette is going to talk about those connections.

They are not talking about replanning or doing anything major, other than he doesn't know land use-wise if something is going to come out of the mix than what they currently have on the ground. He thinks the discussion needs to happen because this is an area they are looking at some redevelopment pressure. So that is their next step. He was hoping by now to actually have at least some of the preliminary results back from the TCRPC so he could report those to the Commission.

But since their last meeting at least he has the map done and they are moving forward.

Mayor Benton said hopefully by their next meeting they can have proposed dates and they can put some pressure on the Treasure Coast Regional Planning Council. Is that agreeable to everyone? (The Commissioners agreed.)

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

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

a. Approve Change order No. 3 to contract with Johnson-Davis, Inc. for Emergency Culvert Replacement at Mayflower Canal and Maple Avenue in the amount of \$118,812.00. (Funds SMU Bond No. 2 and USDA Natural Resources Conservation Service - NRCS)

b. Accept Proposal from Johnson-Davis, Inc. for Emergency Drainage Repairs - storm sewer replacement and mitigation work - along Surfside Drive and Coconut Drive in the amount of \$187,465.00. (Funds from FEMA and SMU Bond No. 2)

c. Approve Specific Authorization No. 8 to contract with Tetra Tech EC, Inc. for additional 25 acres of Fort Pierce City Marina Seagrass Survey, soil testing, and geotube bench testing in the amount of \$124,799.00. (Funds from Marina Enterprise Fund and seek additional reimbursement from FEMA)

d. Approve Application for Public Funds submitted by Future Generations of St. Lucie County, Inc. for \$1,000 for advertising concerts and community youth performances.

e. Authorize foreclosure on property at 317 North 12th Street, owned by Rousseau Mortgage Corporation, for Lot Clearing & Demolition Liens in the amount of \$7,905.56.

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**Ms. Marjorie Harrell** said first she wants to thank the Commission for their support of the **Summer Youth Program** that she had. It was extended from 30 participants to 80. It was stressful, but they did it. She will send them a letter and report on the entire program and the finances and everything soon.

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**Ms. Marjorie Harrell** said she is on the **Historic Preservation Board**.

She wanted to be here when M.M.G. Holdings came before the Commission (Agenda Item re Appeal from decision made by the Historic Preservation Board). One thing she suggested when he came before that Board was that they discuss with the City Commission, there was talk approximately two years ago about a Historic Village out at the Fairgrounds with the County. She would like for them to consider going back and taking a look at that, because there is a carriage house that is being moved that if they had a site for a historic village, that could have been saved and kept in the City. But she wants to thank the Commission for allowing him to do what he needed to do in order to develop in this County.

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**Mr. Charles Wilson**, Media Arts Group, 1057 6th Avenue, Vero Beach, said he represents the **St. Lucie Association**. Their mission is to convince government to make the needs of taxpayers the priority when it comes to taxes and spending, instead of government employees and special interests. Over the past few weeks since their last meeting or the last time he appeared before them, many of them have met privately with some of their members. He very much appreciates their time, the Commissioners have been very generous, they have had good frank discussions. Commissioner Alexander, welcome back. He hopes he is feeling better. Sorry he missed some of those discussions.

Their members have reported back that there is a great deal of agreement between the Commission members and some of their members and some of their wishes. There is still some disagreement, which they will continue to work on. They are very pleased that they are making what they feel to be some progress. Since their last meeting they have received many questions through their website at [www.stlucieassociation.com](http://www.stlucieassociation.com). Since he doesn't have the answers to them, he thinks he would like to pose them to the City Commission and perhaps they can do these answers for them. The first question that came in was for instance, they approved a \$700,000 expenditure for a new roof on the St. Anastasia building. A local contractor wrote to tell the St. Lucie Association that the building has so much termite damage that it is structurally unsound. So he asked if the City... He is asking the question.

Mayor Benton said that would be a question he should be posing to the Fort Pierce Redevelopment Agency on Wednesday.

Mr. Wilson said he will do that. He appreciates it. He hopes they are ready to be able to answer that question on Wednesday providing he is able to appear there. They will remember this is the third time he has requested a place on the agenda and have been denied that place on the agenda, so he is not quite sure whether he is going to be able to pose this question on Wednesday.

Mayor Benton said he will have the same opportunity that anyone else does at the end of the meeting.

Mr. Wilson said then he will go to his next question. Another question that came in, in a recent series of articles written by Henry Stephens of the Scripps Newspapers it shows that Fort Pierce is the most expensive City on the Treasure Coast when it comes to taxes. Fort Pierce residents pay \$2,002 more in property tax than Vero Beach residents. What services does Fort Pierce offer that Vero Beach does not?

Mayor Benton said this is not a question and answer forum. It is Comments from the public. So they have Mr. Wilson's comment.

Commissioner Becht said if Mr. Wilson would reduce these to writing and get them to him - not at 9:30 at night in public forum - he will try to get him answers in writing. But he doesn't know the gentleman Mr. Wilson is referring to and he doesn't know where he came up with \$2,002 from. So if Mr. Wilson will reduce those to writing and get those to him, he will get them to the City Manager and they will try to get him intelligent answers.

Mr. Wilson said he appreciates that very much. He did try to make an appointment with the City Manager to discuss these items. Unfortunately, he is a very busy man. The only opportunity he has to bring these out is a public forum and that is what he is trying to do. They can answer them or not answer them, it is completely up to them. But the question is still valid. It is a published report by a published newspaper article, it was referred to the St. Lucie Association by a member of this community, and he simply asked the question. So if they don't want to answer it, they don't have to answer it.

Mayor Benton said when Mr. Wilson did come in and sit down, they talked for an hour. He told him any time he has questions, if he would bring them in. He can't respond to that right now; but if he can look into it, he will get back with him.

Mr. Wilson said he thanks him. The fact is, according to a newspaper article it is \$2,002 more in taxes to live in Fort Pierce than it is in Vero Beach. He thinks when they are going through their budget hearings that they should consider whether - just like they were talking about with the impact fees, why is it that Fort Pierce should have a higher impact fee than Port St. Lucie - why is it that Fort Pierce should have a higher tax than Vero Beach, Stuart, or Port St. Lucie?

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**Mr. Rick Reed**, 716 South 2nd Street, said he decided that he wanted to remodel his home. Living in a Historic District, he called Kia Powers (Historic Preservation Officer) and talked at length and told her that he wanted to do whatever he needed to do to remodel his home, doing everything that was required, and looked forward to working with her. He then called Mr. Margotta (Community Development Director) and had a very pleasant conversation. Then he spoke to David Recor (Deputy City Manager). He then hired someone who has impeccable credentials to be the liaison between him and the City and he wouldn't have to get involved. Of course, his property is in the historic district, it is non-conforming. The gentleman came to the City to speak to Kia Powers and to Matt Margotta and to David Recor. In the process while he was speaking Mr. Buchwald (Assistant Director of Community Development - Planning Division) entered into the conversation and told him that he is judged by the company he keeps and that he would be better off not to work with Mr. Reed. This gentleman had a fiduciary responsibility to tell him that and he did. He confirmed it because there was another City employee who heard the whole conversation. He then promptly called Mr. Buchwald and they had a heated exchange. He wants to spend \$200,000 on his home. He would never want to break his neighbor's hearts, either the Gates or the Enns, by moving. At present he pays \$56.00 a year in property taxes. His house is almost 100 years old. He knows it is non-conforming, but he wants to do everything that the City wants him to do to make his house exactly as it should be and he made it quite clear. He thinks Mr. Recor and Mr. Margotta would

say that under no circumstances did he want to cut any corners. He knows there are such things as setbacks and all of that stuff.

He is not a builder, he is not supposed to be responsible, that is why he hired this gentleman. Now he has found there are 28 other people who currently have site work who are having this problem. He is wanting to raise his taxes, he is wanting to build in an historical neighborhood and be proud of it, and he wants to do it the way they all want him to do it. The gentleman - who he has complete trust in who has done a lot of work for the City for free - was told to stay away from him because of his relationship with the City of Fort Pierce. That is not fair.

Mayor Benton said he hopes the City Staff will be working with Mr. Reed on this. They want him to improve his property.

Mr. Reed said most people don't want to raise their taxes, but he is looking to.

Mayor Benton said hopefully he will have a door open. It appears with the people he talked to, except for one, that door has been open.

Mr. Reed said when he goes to the Planning Department they shouldn't slam the door in his face and they shouldn't tell him no.

Mayor Benton said if he has that problem he can go right upstairs to the right person.

Mr. Reed said they are keenly aware.

Mayor Benton said hopefully that will change. They will make sure it changes.

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**Ms. Elise Rollins** said she is here to invite them to the **Lincoln Park Main Street** One Year Anniversary on Friday, August 24th at the Fort Pierce Community Center. They were designated a Main Street community last year on August 24th and they are inviting the Commission to their party at 7:30 p.m. on Friday, August 24th. They will have refreshments.

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**Mr. Jack Cahill**, 801 South Ocean Drive, said there are two times in his lifetime that he has cycles that he never looks forward to.

One is replacing his automobile. When this time comes, he usually travels to a number of new car dealers in town and he is also at that time forced to listen to various sales dialogues which are not always germane to his mission. He usually then goes home rather disgusted, washes and cleans his old car, applies a coat or two of wax, buys four new tires, and drives it for another year. The other time cycle he doesn't look forward to is called **election year** cycle.

At this time he is exposed to aspiring candidates, either by themselves or their paid surrogates, who continually trash the currently elected officials and their staffs, which is a practice most of them recognize as a swift boats mentality. He personally believes they should have as many qualified candidates running for office publicly as possible. But rather than attacking and spreading rumors about those currently holding office, he would much rather they spend their time telling what they would do differently to benefit the citizenry if and when they might be elected. He feels the main reason they don't regularly get an abundance of worthwhile candidates is because they fear being attacked by the swift boats smear brigades and how it might affect their families. The sad thing is, when they spread enough of this manure against the wall, some

of it sticks. He would suggest to all future candidates to please take a higher road in their campaigns. If this is done, it would give them all a much greater respect for them as a possible leader.

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**Ms. Marcia Baker** said she would like to try to have a positive note this evening. She is so thrilled with this **Stuart Magazine** and she urges anybody who can get a copy of it to read it. Aside from the marvelous 6-page cover article on Happily Ever After for Downtown Fort Pierce, there is also an excellent 2-page article about Ramon Trias, a very well written article, and several other things. The thing she got from this magazine is not only that it is so beautiful and well designed and has such a marvelous article about Fort Pierce, but the optimism, the wonderful point of view that was presented in this magazine about this City. She thinks it is too easy for people to take sides, to be back-biting at each other, arguing with each other, nitpicking about funds and who pays for what, and not appreciating the marvelous advances they have made. This magazine and the contents really opened her eyes and makes her appreciate even more the marvelous job that the City Commission has made, the FPRA has made, the past CRA, the past and present Planning Staff, and all of the Staff here. She thinks that everyone just really deserves a pat on the shoulders and this has given everybody in the City a pat on the shoulders. Everybody who can get this magazine - she believes it is on the news stands in CVS, Walgreens, and Publix - should take a look at it and feel good about their City.

Mayor Benton said he agrees. He has a whole bunch of those magazines coming because they are very proud that their sister community to the south has noticed the great strides they have made in the last 12 or 15 years. But also they want to thank the public who helped support them and played a big role in planning that future.

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**Mr. Charles Stublely** said he is here for two reasons. He has a house down here in Edgartown, 531 North 2nd Street. He spoke to Commissioner Coke about starting a petition to change their zoning down there. Through the process she pointed him to Mr. Buchwald, he pointed him to Mr. Margotta, and he went in and met with Mr. Margotta. He showed him this thing he presented to the Commission tonight, the **Waterfront Charrette**. He wants the Commission to support it. He has spoken to a lot of people who own property in the Edgartown area and they are stalled. They have this old zonings, R-4 and R-5. They can piggyback on the Waterfront Charrette and point them in the right direction and get a vision for their neighborhood. They have basically stalled because this R-4 or R-5 zoning only allows... For example, he has a house with 100 foot by 100 foot lot. He can't build anything on there or add anything to it other than what is there. It is a duplex. With new zoning, with a Downtown Zoning District where they could have mixed-uses, preserve what is there. He has a nice house. He doesn't want to ruin the house. He wants to keep it historical. It conforms to zoning. He went through all that. He got the setbacks changed, he added on to the house. It is very nice there now. But what they want to do is preserve what is there, but also allow them to have a vision for the neighborhood that will give them kind of like a downtown atmosphere of the shopping retail, kind of like St. Augustine or downtown Pompano, where they become part of the downtown. The boundaries of that neighborhood are very pronounced - they have the railroad tracks, the Indian River, Seaway Drive, and the Power Plant. Though it is a small area, they need to keep behind Mr. Margotta just to make sure everything changes in the right direction down there. Right now people look at the properties down there, they

don't know what they can do with them other than what is there. One of the problems down there, and this ties in to everything else that has happened here tonight, their taxes are too high. He has to commend everybody here for all the advances they have made since 2000 with downtown, with lowering the millage rates. Keep lowering the millage rates. Mr. Beach is right, if they get the police forces combined and they get everybody under the same atmosphere throughout the County, they can kind of lower their taxes. That is going to tie into the problems where he lives at 2700 Palm Lakes Avenue, Palm Lake Gardens, there was a discussion earlier. He lives in that community too. The biggest problem there is their taxes. He is getting nailed for \$1,500. If everybody gets their minds together here and keeps on the right track to lower the taxes, the millage rate, and work with maybe Mr. Furst to get everybody's tax assessments lower, that will help this City and help the County as well.

Mayor Benton said at their next meeting hopefully they will have a date for this charrette. The way they do that is, they get input from the residents. They want Mr. Stublely to play a big role in that charrette. They want to hear from him, they want to hear from his neighbors down there, because that area is very important to the City of Fort Pierce. That is his chance to tell the Commission how he wants to see the area grow.

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Mayor Benton said they are glad Commissioner Alexander is back.

Commissioner Alexander said he is glad to be back. They are working as a Commission and doing some good things in this City of Fort Pierce. That is the only regret he had, that he wasn't able to be here every night that he should have been.

Mayor Benton said his spirit was here.

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Commissioner Nelson said he attended the **Florida League of Cities Conference** last week and he will be making a more formalized report at a later date. But he wants them to know for this juncture they did pass resolutions regarding the CDBG Program, pushing the Feds to continue to fund this effort because it is of great benefit to the cities.

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Commissioner Nelson said in reference to the **property tax referendum**, it appears that the Legislature is going to be forced to possibly take this item off the Agenda for voting on in January. And they asked the question at a (Florida League of Cities) forum there where they had all of the cities represented. Basically they are asking what were they as Commissioners going to tell their constituents about passage of this amendment as proposed? It boiled down to most of the delegates there said do it the same way they did the Trauma Center, vote it down. But they are going to special groups to try to come up with some type of compromise on this and they will hear about that at a later juncture between now and the time it can be withdrawn or taken off the ballot.

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Commissioner Nelson asked what is the status on their **EEOC** report? He saw a memo coming out of the City Attorney's office on August 13th. It says they have decided not to go to conciliation on this.

City Attorney Schwerer said he will be happy to give him a legal briefing off the record. But essentially the conciliation process was ended because there were conflicting demands. The EEOC had one particular set of items they wished the City to address and the

claimants had a different agenda. And because these were not the same, they could not go forward with any further discussions. So the conciliation process was simply terminated. And that just means there didn't appear to be a likelihood of reaching any type of agreements on any of the issues.

Commissioner Nelson asked are they going to get collectively Commission input on their next step now or are they going to do this individually? Where do they go from here? They seem to have done this unilaterally from the Staff level as opposed to tying in the Commission one way or the other, either in public or in private session.

City Attorney Schwerer said there are legal issues involved that he will be happy to discuss with him off the record; or if the Commission wishes to have another report, he would be happy to do that. But the bottom line is, what is happening now is the EEOC will most likely release their file and let the claimants do what the claimants wish to do, which will probably be the next step where the Commission will be involved, if they wish to avail themselves of the legal process. He believes they have had very positive discussions with the EEOC folks as a result of the meetings they had with them. It was inevitable that they were not going to be able to get on the same page because they don't have the ability to make the claimants agree with their position.

Commissioner Nelson said at some juncture he is anticipating that the Commission as a body will be as a client, might be asking or directing that they do certain things. He doesn't want them to usurp that process if it is in any way appropriate.

City Manager Beach said that is a very real possibility that it is evolving. And at the appropriate time, this will be presented to the Commission for input. But prior to that time, the City Attorney will be meeting with them one on one to give them a status report as to where they are. But it really is off the record discussion because of legal reasons.

Commissioner Nelson said he understands.

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Commissioner Nelson said his final thing is in the area of the **Federal Courthouse**. He was pleased to see some activity going on over there at the Federal Courthouse property. And he has asked in the past as to whether or not they can have GSA come and tell them what their schedule is, what they are going to do, so the Commission can in turn tell the public. He recognizes they have no control on what they do over there. But as stewards of the peoples money and efforts around here, they should at least have some cardinal knowledge of what they are going to do, when they are going to do it, is there anything the City can do to help them do it faster and better? Are they in fact going to apply the Davis-Bacon Act and get some of their people employed? Can they get them to come and give a presentation?

City Manager Beach said as Commissioner Nelson is aware, he has made that request to the new GSA representative, who has indicated that he will be submitting a written report to the City of Fort Pierce and he will follow that written report up with a personal visit hopefully in the near future. This gentleman is involved in some decision making right now that he was not comfortable with sharing that with the Commission, it had to do with the selection of vendors and things of that nature. But he is expecting a written report.

Commissioner Nelson said they just want him to come and tell them and make them feel good that it is going to be done. If they can help him in any way, they certainly want to do that.

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Mayor Benton said he is glad Ms. Baker brought that **Stuart Magazine** up. Mr. Ward brought it up at one of their FPRA meetings. This really makes a lot of them in Fort Pierce proud. Because he can remember the days of growing up here and taking a lot of abuse from the people from Stuart and Vero Beach talking about this community.

But they knew what the potential was some 15 years ago in the community, citizens decided to change this community, turn it around.

Government works slow because the money comes in slowly, but they have come so far. And for them to call Fort Pierce the Downtown with the Fairy Tale Future, they have come a long way. He wants to thank everybody who was part of that, most everybody up here and Mayor Enns and other Commissioners, it started with Mayor Dannahower.

But they have come a long way and at the same time they went through three hurricanes and they have lowered the millage rate in three years 2-1/2 mills. He thinks they have done a lot. He thinks they have come a long way. When people want to compare Fort Pierce to Vero Beach and Stuart, they are getting there. But he will tell them, if they look real close these communities are considerably different than Fort Pierce. They are proud of what they have. But look close, they don't look the same.

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

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER