

MINUTES OF A REGULAR POSTPONED 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 TUESDAY, SEPTEMBER 2, 2008.

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 Reginald Sessions; 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 Approval of the Minutes of the Budget Workshop on August 12, 2008, and the Minutes of the Regular Meeting on August 18, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, to approve the Minutes of the Budget Workshop on August 12, 2008, and the Minutes of the Regular Meeting on August 18, 2008.

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

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Mayor Benton proclaimed September 9, 2008 as **FAMILY LITERACY DAY**. Corrine Behncke and James Wilder were present to receive the proclamation.

**Ms. Corrine Behncke** said once a year they celebrate literacy. They are trying to get everybody literate in this County. They have a pretty high number of people who read at the lowest possible level. In other words, they can't fill out a job application or whatever. So they work very hard trying to get literacy in every home for every parent and every child. They hope this will help a little.

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Mayor Benton proclaimed September 17-23, 2008 as **CONSTITUTION WEEK**. Jay Wise, President of Sons of the American Revolution, and Patricia Giordano, Daughters of the American Revolution, were present to receive the proclamation.

**Ms. Patricia Giordano** said she wants to give a brief background on the Cora Stickney Harper Chapter of the DAR (Daughters of the American Revolution) which was chartered in 1914. So the ladies who were in this DAR have helped make the history of the City of Fort Pierce. Along with the St. Lucie River Chapter of the SAR, they are having a flag ceremony at the St. Lucie County Library in Downtown Fort Pierce to honor the 221st year of the framing of the Constitution of the United States. They would like to invite Mayor Benton and the City Commissioners to attend the flag ceremony on September 17th at 9:00 a.m. at the Library in Downtown Fort Pierce in the front by the water. They would really love to have them come down and help them celebrate the framing of the Constitution.

**Mr. Jay Wise**, President of the St. Lucie River Chapter of Florida Society Sons of the American Revolution, said his compatriot is Hall Riediger, past President and current Secretary of St. Lucie River Chapter and a Regional Vice-President of the East Central Region of the Florida Society of the American Revolution. In America's first years of freedom, the new union of states was poorly prepared to govern itself. The Articles of Confederation and Perpetual Union adopted in 1781 called for a very weak federal government that could not levy taxes, pass laws, or raise an army. In order to solve these problems, the founding fathers gathered in the summer of 1787 in Philadelphia to hammer out a new Constitution. The key principles of the version they approved continued to define the U.S. government division into the executive, judicial, and legislative branches, a two-branch legislature, and the electoral college system of choosing a president. The new document however was missing a very key element - a Bill of Rights, guaranteeing individual freedom. The authors and supporters of the new Constitution agreed to include a

Bill of Rights as the first ten amendments. This new system of government was adopted by the Constitutional Convention on September 17, 1787 - 221 years ago. They appreciate this proclamation as proclaimed by the Fort Pierce City Commission. Their recognition of the many hours of work by the men who drafted their Constitution that created a government of the people and by the people.

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

Memorandum from Lt. Col. Grant Slayden, Department of the Army, commending Fort Pierce Police Officer Mark Woodruff for his leadership, dedication, and abilities during his deployment for Operation Noble Eagle.

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The next item on the Agenda was **Comments from the Public**.

**Ms. Brenda Cooper** said she is with the Police Athletic League. She is the drama and dance teacher. These are her dancers and her young ladies who are in drama. She comes today just to thank the Commissioners, Chief Baldwin, Officer Paul Pearson, and especially Jon Ward, who has become such a catalyst for PAL to have gotten that building and been able to work so hard to try to get the kids to come out and do all the things they have planned for them. They do have some very large plans for these young ladies. Just recently these young ladies had the opportunity to go to New York. It was a grand opportunity for them. Some of them had never been outside of the State of Florida. They were able to give them that opportunity to go into New York, right in the middle of Times Square, and see all the things that were not possible from Fort Pierce. They were able to go to the Alvin Ailey American Dance Theater, where they gave them a complete tour. They went to the Empire State Building. They went to see The Lion King, the drama. It was just absolutely wonderful. A couple of them would just like to share something with the Commissioners.

**Ms. Tiffany Matthews** said she is one of the oldest who participated with the girls. She wanted to thank everyone who made it possible for them to go. The experience is something that kind of topped off her year for her going to college this year. She has been with PAL for at least 7 or 8 years now, since she has been in 6th Grade. Being in PAL has really dramatically changed her life. Thanks to Officer Paul Pearson, Brenda Cooper, and a lot of the other fellow workers who also worked with them who aren't here, and to the Commission who helped finance everything they have done for others. She just wanted to thank them for that also.

**Ms. Margarita Santiago** said she wanted to thank them for everything, especially for the trip to New York. It was a trip that just brought out her summer. Thanks to PAL, they have been keeping kids off the street and it has been helping a lot of them.

**Ms. Mellisa Santiago** said thanks for making this happen for them to go to New York. It was just a wonderful time and it tops off all of their summers for everybody to do something. Thanks for everything.

**Ms. Daneque Samuels** said she is thankful for PAL because they have done a lot for her. She has been able to stay out of trouble and it keeps her occupied. They have taught her a lot, to be able to open up to people. She just loves working with Sister Cooper and the rest of the PAL people because they are so nice and they understand her.

**Ms. Millie Santiago** said she has been dancing with Ms. Cooper for four years. She really appreciates it, because it keeps her out of trouble and gives her something to do in her free time, and she really enjoys dancing with her. She has helped her do a lot of things she didn't think she could do.

Ms. Cooper said she wants to say a special thanks to Officer Pearson who has become a great friend to all of them.

Mayor Benton said he wants to thank Ms. Cooper and Officer Pearson and the girls. When they did go to New York, he has heard some comments on their trip that they met some interesting people. But they were also ambassadors for Fort Pierce. So he thanks them for what they have done. He is glad they had a good time. He thanks them for enjoying and supporting their community in New York.

**Mr. Douglas Davis**, 2201 Atlantic Beach Boulevard, said he was asked to serve this past year on what was called the Building Permit Workshop Constituency Group. He appreciates the City taking the initiative to invite people that participate and use the permitting and inspection services of the City to come and allow them to actually voice what they think and to accept that and to note it, work on it, mix it around, try to come up with some plans and ways they can change the way they do business in the City of Fort Pierce in the Building Department. So the recommendation to the Commission has to do with expenditures for improvement in computer technologies. He highly recommends that, because he guarantees that all of the jurisdictions he works in have these technologies presently. It will take a lot of time of the mundane things off of staff that they are presently doing in the way of taking calls and scheduling the inspections and just all the updates that have to be made. If someone calls and wants to know the status of something, these systems will cause that to be in an organized way that they can do that. They can receive that and they can look it up on line. They can ask for inspections without interrupting someone. They can actually just do it on line or on the phone. He thinks it will big because it will help free up these people to do what he thinks they should be doing and that is interacting personally. They still need a personal relationship in their process, but it will be a meaningful relationship instead of the mundane, that a computer can do. It also will help free up the ability for different departments to start interacting more with each other in coordinating. Although it is a fairly costly investment, he thinks it is a big investment that will cause the City of Fort Pierce to do business well and streamline. He thinks it will be to the City's benefit in the long run.

Mayor Benton said they took this committee's recommendation seriously and he believes that has been included in the budget.

Mr. David Recor, Deputy City Manager, said it is actually on tonight's Consent Agenda.

Mayor Benton said so they will just have to go with that formal action tonight. But he thanks the committee, they took their recommendation seriously.

Mr. Davis said he thanks them for inviting him to participate. He appreciates the City giving those of them who use the services an ear.

**Mr. David Merz** said he lives at 120 North 19th Circle S.W. and he is coming in to speak on Ordinance No. L-40. Since having moved from the Vero Beach area over to here, what he finds is he doesn't spend as much time fishing. He is an avid angler, as is his wife and the rest of his family. They don't spend as much time as they used to in the Sebastian and Vero Beach area, they fish primarily out of Fort Pierce. Of course most people who angle like he does, they are restricted to the weekends. There is a potential that they would change the start time on the sale of beer and those items from 7:00 o'clock in the morning to 1:00 p.m. on Sundays. He thinks that is fine if they do that within the church areas. But if any of them fish, they know they typically don't go out and start fishing at 1:00 in the afternoon. So if he does that, the impact to the City is real simple, he will end up spending that money in Vero Beach on his way down, not only for beer of course, but for fuel, ice, bait. The vast majority of what he spends - he owns more than one boat - is he spends it here.

Commissioner Becht said he thinks Mr. Merz has misunderstood the ordinance. The ordinance is going the other way.

Mr. Merz said the word he had gotten on the street was that they were going to change it back to 1:00 o'clock instead of the earlier start time.

Mayor Benton said it is 1:00 o'clock now and it has been forever. They are looking at changing that similar to everyone else, so they can start buying their bait and their beer before they go fishing here.

Mr. Merz said fantastic. Then the information he had got was incorrect?

Commissioner Coke asked where has he been buying it before 1:00 o'clock on Sundays now?

Mr. Merz said he is not saying that. But fishing on a Saturday, then typically he would have to do that. But the main thing was, if he was ever impacted with it, since he is right at the south end of Vero Beach, he would stop right there and he would hate to do it because he has met a lot of nice vendors here - the fellows at Hess, the bait and tackle shops, the Little Jim Bridge gang, and everybody else there - they have been great. He would hate to take that money away from them because that is probably where the profit is anyway.

Mayor Benton said they hope also the fishermen who are going to Sebastian and catching fish will buy their bait here and then go up there.

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The next item on the Agenda was Public Hearing on submission of a Section 108 Loan Guarantee Application for the Coral Square Project at 3006 South U.S. #1 in the amount of \$3,400,000.

Ms. Christa Razem, Grant Writer/Administrator, said tonight they are here to do a Public Hearing on the Coral Square Plaza Project and a Section 108 loan. The City has been notified that it received a BEDI (Brownfields Economic Development Initiative) Grant in the amount of \$800,000 for the Coral Square Project. The final grant approval is contingent on the City's submission of a Section 108 loan. The Communitywide Council reviewed this project at the August 13th meeting and has recommended it proceed. They will be having two Public Hearings, the first of which is tonight and their second Public Hearing will be on September 15th. The purpose for the Public Hearing is to solicit public review and comment for the draft Section 108 loan application. No action is requested tonight, they are just here to do a Public Hearing. Coral Square is located on U.S. #1 right where the railroad tracks cross a little bit south near Edwards Road. It is a large site, about 15.7 acres. There was a shopping center there, it has since been demolished. This project will recreate a new shopping center. They have been working on this project for a while. They first did a Brownfield designation for Coral Square. It was the very first one the City ever did. It was in February of last year. They were kicking around a lot of different ideas on what kind of funding they could help with and they did come up with this idea of a combination BEDI Grant and a Section 108 loan application. They brought that to the Commission in December 2007 and they were authorized to submit the grant portion. They were notified that they were awarded that grant portion in June of this year. In order to get the grant, they have to do the loan too. They brought that idea back to the City Commissioners in July and were authorized to begin the procedure of preparing a Section 108 loan. A part of that procedure is they need to approach the Communitywide Council. They did do that. They were approved to move forward in the process through the Communitywide Council. Another part of that procedure is to have two Public Hearings. Tonight is their first Public Hearing. At the September 15th Commission meeting, they will have another Public Hearing; and they will ask at that point for authorization from the Commission to submit the final loan application. Once they have submitted the application, they are estimating about a month before they hear of the success of that application. The BEDI Grant is sponsored by the Department of Housing & Urban Development. It was the first time they ever submitted. It is a highly competitive program. They sort of surprised themselves in getting it. They were one of only 14 grants awarded across the United

States in 2008. They are receiving \$800,000. \$400,000 of that is to stay with the City. It helps to secure the loan they will be getting. The other \$400,000 is meant to go to Coral Square as a five-year very low interest loan, about 1%, and that is to help offset the environmental cleanup. The environmental cleanup at Coral Square is estimated to be about \$1.5 million. This is the grant that keeps on giving. Unlike most grants they receive, when they get funding they get funding for a specific project and they use it on that project and then they are done. But with this grant what happened is, the way it is structured is when the Coral Square Project is closed, that money stays with the City and they can actually reuse those funds on any Brownfield project in the City.

Commissioner Becht asked that return back to the City... This is grant monies, it is not borrowed monies. So this is essentially a conditional gift from the Federal Government, if he understood that correctly. So they get the original \$400,000 and they can put that in an interest bearing account, which would be more than 1%. And they loan the other \$400,000 to the developer who actually helped them get this BEDI grant, if he understands the circumstances correctly. Then they will have that \$400,000 plus the 1% they get on it, that will all come back in this fund of money that would be available later on to help other Brownfield sites get cleaned up.

Ms. Razem said any other Brownfield sites. It doesn't have to be cleanup. It could also be redevelopment, it could be economic development on a Brownfield site. It is very open. They just have to make sure they are using it on a Brownfield sites. It could be another low-interest loan, it could be a grant for some future project. It is really up to the City to decide how they dispose of those funds.

Commissioner Becht said but at the end of four or five years it will be more than \$800,000 because they will have the 1% plus whatever they earn on the \$400,000 they keep.

Ms. Razem said yes. To explain how these fit together, the Section 108 loan program is through HUD and it provides communities with a source of financing for economic development projects like Coral Square, public facilities, infrastructure needs, and housing rehabilitation. That is what the program is set up to do. Coral Square has requested a Section 108 Loan in the sum of \$3,396,800, which is the maximum amount available. The City will borrow the funds from HUD at a rate of approximately 2.67%. This week it is 2.67%. This is LIBOR (London Interbank Offered Rate), a very low rate, it changes every three months. The City will reloan the money to the developer for Coral Square at approximately 2.92%. Again, this is variable, it changes every few months. But it has been fairly consistent between this \$2.5% to 3% amount. The Section 108 Loan will be secured by a primary mortgage on the Coral Square property, which the land of it is valued at about \$4.4 million, and of course, the \$400,000 grant they have already been notified they received. Whenever they get into a development deal, they have risks and they have rewards - the costs and the benefits. Their risk here is that they are loaning the developer a great deal of money. They have \$3.4 million roughly in Section 108 Loan funds and they have another \$400,000 in the BEDI Grant funds, which is a total of almost \$3.8 million which they are going to make available to the developer through this public financing. When they talk about how much they are going to loan them, this is what they are doing to secure the property. They will be receiving a primary mortgage on the property which is worth \$4.4 million. They also still have the \$400,000 for the grant. So their security is \$4.8 million. So on a \$3.8 million loan, they have security which will be provided to them at \$4.8 million. The reward for doing this, they will be helping to clean up a Brownfield site which is right on their U.S. #1 corridor. \$1.5 million worth of cleanup will be done. It has been lingering for 10, 15, or 20 years, they are going to get that done. The project, when it is completed, is estimated to generate over \$5.3 million annually in sales and property taxes. They are estimating they are going to create about 570 jobs. And when it is all said and done, the developer will have invested \$35 million in creating this property. Of course, they have already talked about that \$800,000 that comes back to the City that they can reuse. The developer, Tulepan Management, is very experienced in this type of activity with over 30 years experience in real estate. The owner has a net worth of over \$250 million. And

they have done these types of projects in other places including Boca Raton, Boynton Beach, Plantation, and Coral Springs. This is the last picture she could find of Coral Square. It has been demolished now. This was in 2005 after Hurricane Wilma. And this is what it could look like in 2010. Mike Wood is here from the developer if they have any questions.

Commissioner Sessions said she mentioned that the value of the property was going to be held as collateral. But in her memo, with regards to security, should complications arise in the redevelopment of the property, the City will pledge CDBG revenue as an alternate repayment source. He is sort of confused.

Ms. Razem said what that means is, because they are using the Department of Housing & Urban Development and this is a Section 108 Loan, what the Section 108 Loan says is they do have to pledge this additional security, they have to have a back-up method. And what they typically use is the CDBG allocation. For example, if there is a problem, they will have to take the money from that CDBG allocation for that year to repay that loan. This is their security to the Federal Government.

Commissioner Sessions asked so that money would be reimbursed in the worst case scenario by the sale of the property?

Ms. Razem said yes. In the worst case scenario, they would have to take ownership of Coral Square and either redevelop it or sell it and use that to pay off the proceeds.

Commissioner Alexander said they don't need a \$4.4 million piece of property sitting. What guarantee are they going to have that it is going to be a completed project in 2010?

Ms. Razem said she thinks the best thing they could do is let the developer speak.

Commissioner Alexander asked he understands his holding is \$250 million worth, right?

Ms. Razem said yes, that is correct.

Commissioner Alexander asked is he going to put up some of that as a guarantee?

Mayor Benton said if he is going to ask the applicant, when he opens the Public Hearing, they will bring the applicant or his representative up. They are at that point now. He thanks Ms. Razem for a job well done.

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

**Ms. Cynthia Angelos** said she is the attorney on behalf of the developer. With regards to the first question, she will attempt to answer it. There is a representative from the developer with her as well. The CDBG funds, those would not prohibit the City's use of those funds. So throughout the term those funds can be used. Those act as a security ultimately in the event there is a default. But of course, there is a first mortgage on the property. The developer - and she will confirm with Mr. Wood - but she does know that there has been in excess of \$1.5 million expended in the clean-up already on that site. The appraised value of that property that was being referred to really is just the TRIM notice. They are going to get an updated appraisal. The last appraisal they had was in excess of \$6.9 million. The TRIM notice is \$4.8 million. So it is well in excess of the loan amount as well. They had provided to Mr. Schwerer and she had delivered it to him today, based on a conversation they had late last week, the development schedule in the contract with the general contractor. She thinks that is important to note that the first mortgage will be paid off. She also gave Mr. Schwerer a copy of that. That loan balance is \$2 million. So the first \$2 million of that loan pay off the first. The remainder amount of that loan will be of course going to the first phase of development. That would be the infrastructure. That will

begin on October 1st. The permits are ready to be pulled for that. In that contract, it is reflected as well as the construction schedule, that the infrastructure will be complete within 10 months and two phases of construction, which will be two of the major buildings. The contract amount for those is \$8.8 million. So the additional sum will be paid by the developer for completion of those buildings. So at the end of 10 months, they will have the infrastructure in place as well as the construction of the first two phases. She also is providing to Mr. Schwerer the 2006-2007 tax returns for the developer, together with the financial statements and tax returns of the partners involved in the LLC, which reflect the net value Ms. Razem had set forth in her diagram. As to Commissioner Alexander's question, she thinks he had asked is there additional security? So what the security will be, there is an \$800,000 grant, \$400,000 of it he is going to post as security as if that was held in a CD. In addition to that will be a first mortgage on the property that, without any improvements, it is well over value of the loan amount. So with regards to additional security, she thinks it is the money that has been expended thus far on the project. If there are any other questions she can answer, she would be happy to do so.

Mayor Benton said he knows they have a representative out there from Congressman Mahoney's office. He has worked very diligently on getting this loan approved, so they want to thank the Congressman on that.

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

Mayor Benton said he thinks this is a win/win, because this is an area in Fort Pierce where they have looked at that vacant land and that shopping center in desperate need of help for many years. He thinks it is a first real shot in the arm that the south end of Fort Pierce has had in a long time. He knows the residents of Fort Pierce are crying for a place to shop. So it is a win/win. 570 jobs in the next couple of years in this economy will be a real blessing for this community. So thanks for this partnership.

Commissioner Sessions said he agrees, it certainly is a worthy project. And the developer has put his money where his mouth is, they have made a major investment so far. And when they look at that side of town and what it is going to do in terms of offering their citizens a nice place to shop, it certainly enhances their community. 600 employees going out and working in that type of development certainly helps them out tremendously. So this is a project he hopes they can see through and make it happen for the first time. He knows they are on somewhat on experimental ground and it is something they have never ventured into. But certainly if they can make this a reality, it would be a plus and a win/win for everybody involved.

Mx. Razem said the draft applications are available for public review on the 2nd Floor in the Community Services Department. So if anyone would like to come and see what the application looks like, it is there for public comment. They welcome anybody to come and pick one up and make their suggestions.

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Ordinance No. L-36 entitled, "AN ORDINANCE **AMENDING THE FUTURE LAND USE DESIGNATION OF A 3-ACRE PARCEL LANDLOCKED AND LOCATED BEHIND 3955 SOUTH U.S. #1** FROM RME, MEDIUM DENSITY RESIDENTIAL LAND USE, TO CG, GENERAL COMMERCIAL LAND USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." and Ordinance No. L-37 entitled, "AN ORDINANCE **REZONING A 3-ACRE PARCEL LANDLOCKED AND LOCATED BEHIND 3955 SOUTH U.S. #1** FROM R-4, MEDIUM DENSITY RESIDENTIAL ZONE, TO C-3, GENERAL COMMERCIAL ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." were placed on first reading and read by title only. (Applicant: Finlay Interests 31 LTD)

Ms. Erica Ehly, Comprehensive Planner, said the applicant is requesting approval of a small scale Future Land Use amendment for a parcel located landlocked behind 3955 South U.S. #1 to amend the future land use designation from Medium Density Residential to General Commercial. In order for the zoning classification to be consistent with this amendment, the approval of a change from R-4 to C-3 is also being requested. The property consists of a vacant 3-acre parcel bounded to the north and east by vacant General Commercial, and to the south by County Residential, and to the west by vacant Medium Density Residential. The applicant also owns three additional parcels to the north and to the east of the subject property. These four parcels are part of a proposed Site Plan for a continuing care rental senior housing development consisting of 55-plus independent living, assisted living, and memory care units. Although both Medium Density Residential and General Commercial allows for senior living developments as a Conditional Use, the change in land use will unify all parcels under one land use designation. The proposed future land use designation is consistent with the abutting commercial designation; and at a maximum density of 15 dwelling units per acre is not inconsistent with the Medium Density Residential surrounding properties with a maximum density of 12 units per acre. At the July 8, 2008 meeting, the Planning Board voted to submit a recommendation for approval 8 to 1. She did make a mistake in the Staff Report and put unanimously, but it was actually 8 to 1, so she wanted to point that out. As this Future Land Use map amendment and Rezoning are consistent with the existing land uses in the surrounding area, the future land use designations, and the zoning classifications in the surrounding area, the Comprehensive Plan, and Chapter 22 of the City Code amendment standards, Staff recommends approval for the small scale Land Use Amendment and Rezoning.

Commissioner Coke said she read with interest the Minutes of the Planning Board meeting. Although they passed it, she thinks everyone there had some concerns about it. Is this the type of thing they would notice the property owners within 500 feet?

Ms. Ehly said yes, it is. They did notify 33 property owners; and to date they received 5 responses and those 5 were approvals.

Commissioner Coke asked that would include the property owners that are the residential property owners in the County?

Ms. Ehly said she would imagine it includes all the property owners.

Commissioner Coke said she just had some concern, because if she were living in her single family home and they were looking to rezone residential to commercial, there is no guarantee of what these people are going to put there. She thinks that leads her to have a larger level of concern also. It goes way off of U.S. #1. If they are going to put a car lot or something there, that is not going to be conducive for those residents living there. She guesses if they are not complaining about it, she shouldn't.

Mr. David Carlin, Development Review Planner, said currently the Planning Department is processing a Site Plan for that whole area that includes that parcel so they are looking at an Adult Congregate Living Facility.

Commissioner Coke said she knows they are now. But that is what her concern becomes when they look to change the zoning on it. First of all, she couldn't tell them the number of Site Plans they have approved while she has been sitting here for the last seven years that never got built. They can do what they want with a conditional use. So her concern is to change the zoning to Commercial and not have a Site Plan in place. Even if they did get the Site Plan approval and built it, if five years from now they wanted to change it, they have the zoning to do almost anything they want then.

Commissioner Becht said he doesn't want to sound like an advocate, but there are a couple of factors that ease his mind with the concern raised by Commissioner Coke. If they look on the aerial, they are going to see on the southern edge of the property a creek. It is

called Platts Creek. It is depicted on a survey that was hidden in their packet. There is actually a physical boundary to the south that would separate any commercial development from any potential residential uses to the south that would be in the County. To the immediate west, it appears that the property owner is Tumblin Oaks Condominium LLC, which would indicate that somebody is intending to put multi-family in there which would buffer any single-family residential to the further west. He is not saying she doesn't have a legitimate concern, please don't think that is what he is saying. But there is physically a creek there that can't be filled in, so that is going to help with the buffering of the neighborhood Commissioner Coke is concerned about.

Mayor Benton declared a Public Hearing on Ordinance No. L-36 and Ordinance No. L-37 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 Alexander, that Ordinance No. L-36 and Ordinance No. L-37 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-36 and Ordinance No. L-37 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-38 entitled, "AN ORDINANCE **AMENDING THE FUTURE LAND USE DESIGNATION OF PROPERTIES LOCATED AT 2501 AVENUE F AND 601 NORTH 25TH STREET** FROM CG, GENERAL COMMERCIAL LAND USE, AND FROM RME, MEDIUM DENSITY RESIDENTIAL LAND USE, TO NC, NEIGHBORHOOD COMMERCIAL LAND USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." and Ordinance No. L-39 entitled, "AN ORDINANCE **REZONING PROPERTIES LOCATED AT 2501 AVENUE F AND 601 NORTH 25TH STREET** FROM C-3, GENERAL COMMERCIAL ZONE, AND FROM R-4, MEDIUM DENSITY RESIDENTIAL ZONE, TO C-2, NEIGHBORHOOD COMMERCIAL ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." were placed on first reading and read by title only. (Applicant: William & Amy Said)

Ms. Erica Ehly, Comprehensive Planner, said the applicant is requesting approval for a small scale Future Land Use Map Amendment on 0.48 acres located on 25th Street, changing the Future Land Use Designation from Medium Density Residential and General Commercial to Neighborhood Commercial. In order for the zoning classification to be consistent with this amendment, the approval of a change in Zoning from R-4 and C-3 to C-2 is also being requested. The northern parcel is located at 2501 Avenue F. The current Future Land Use designation is Medium Density Residential and the Zoning Classification is Medium Density Residential. There is an existing single-family home on site that the property owner plans to demolish. The southern parcel is located at 601 North 25th Street. The current Future Land Use designation is General Commercial and the Zoning Classification is C-3. There is an existing neighborhood store on the site that the property owner plans to expand. The proposed Future Land Use designation of Neighborhood Commercial will unify the two parcels under one land use designation in order to develop the property as a neighborhood commercial area intended to meet the needs of the immediate residential area. This proposed land use is consistent with both the surrounding residential and commercial properties in the vicinity. The proposed limited commercial use will provide a buffer between the higher intensity land use designations to the south and the residential land uses to the north, east, and west. In addition, there is sufficient residential property in the immediate area to support a neighborhood commercial development. At their meeting on July 8th, the Planning Board voted unanimously to submit a recommendation of approval for the small scale Future Land Use Amendment and

Rezoning. As this Future Land Use Map Amendment and Rezoning are consistent with the existing land uses in the surrounding area, the future land use designations and zoning classifications in the surrounding area, the Comprehensive Plan and Chapter 22 of the City Code Amendment Standards, Staff recommends approval for this small scale Future Land Use Amendment and Rezoning.

Commissioner Alexander asked that property has an easement owned by the City of Fort Pierce running immediately in front of it, in between there and 25th Street, right? From Avenue E to Avenue Q there is a City right-of-way. Does anyone know what the dimensions are from 25th Street to the property line?

Mr. David Carlin, Development Review Planner, said for right-of-way requirements, he would have to defer that question to the City Engineer, who might be able to elaborate as to what the dimensions are for 25th Street.

Commissioner Alexander said it is an existing right-of-way. Whatever they build there - and he is not objecting to what they are building there - those entrances and exits to those properties are going to have to be off of Avenue E and Avenue F, and not onto 25th Street.

Ms. Ehly said in conversations with the applicant, he was talking about access off of Avenue F.

Commissioner Alexander said that is the only way he can do it. He can't enter or exit on City property, right?

Mayor Benton said he is not submitting a Site Plan tonight.

Commissioner Alexander asked does he have ample property, ample footage to do whatever he wants as far as driveway entrance and exits, right?

City Manager Beach said just for clarification, he doesn't know what his specific plans are for access to that property. But the right-of-way that exists there that belongs to the City of Fort Pierce is part of the right-of-way of 25th Street. So it can be used for access to property across that easement, the same as 25th Street can be used.

Commissioner Alexander said he thought they said there would be no more entrances and exits off 25th Street.

City Manager Beach said if that is the case, then they would have to go to some other location.

Commissioner Alexander said he just doesn't want there to be a question come up after they spend a bunch of money.

Ms. Ehly said they would encourage access to be off 25th Street when he comes in for Site Plan Review.

Commissioner Sessions asked with the high influx of traffic at a pretty high speed, he can't see how they can conceivably say that it would be safe to go from residential to commercial for 25th Street. He saw some concerns addressed at the Planning Board meeting, but they voted unanimously to approve it. That is an area that is highly commercial. If they are talking about residential, then that is going to add some density and they are somewhat posing a safety hazard, in his opinion, given the influx of traffic on 25th Street. The whole purpose of the design they have in place on 25th Street was to try to prevent so many accidents from happening. If they are talking about converting over from residential to neighborhood commercial. There is a commercial aspect added to it going from residential to neighborhood commercial, there is still the residential aspect of it.

Ms. Ehly said the northern parcel would be going from residential to neighborhood commercial, so that would be a slight increase in intensity. The southern parcel would be going down in intensity from general commercial to neighborhood commercial.

Commissioner Sessions said he doesn't have a problem with the second one, it is the first one he is concerned about.

Ms. Ehly said neighborhood commercial is intended to be in residential areas. The thought behind that is also to encourage pedestrian access to that commercial center rather than vehicular travel.

Mayor Benton declared a Public Hearing on Ordinance No. L-38 and Ordinance No. L-39 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. L-38 and Ordinance No. L-39 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-38 and Ordinance No. L-39 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-40 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 3, **ALCOHOLIC BEVERAGES**, SECTION 3-11 (SAME - SALE, ETC); SPECIFICALLY AMENDING SECTION 3-11(a) BY PROVIDING UNIFORM HOURS RESTRICTING THE SALE OF ALCOHOLIC BEVERAGES BETWEEN 2:00 A.M. AND 7:00 A.M. EACH DAY, AND REPEALING SECTION 3-11(b) WHICH PROHIBITED ALCOHOL SALES AND CONSUMPTION WITHIN 300 FEET OF CHURCHES DURING CERTAIN SUNDAY HOURS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-40 in session and asked if anyone in the audience wished to be heard.

**Mr. Keith Andersen**, Roy's Liquors, President of Allstate Beverage Group, said he represents several businesses in town including Jetty Lounge, St. Lucie Inn, Pappy's Liquors, and Little Jim Bridge Fish Camp. Their concerns are the prohibited Sunday beverage alcohol sales. The economic times have kind of forced this issue. There is an unfair advantage with their neighboring cities. The prohibited hours are 2:00 a.m. to 1:00 p.m. on Sunday and weekdays 2:00 a.m. to 7:00 a.m. Stuart County and Martin County are open seven days, prohibited hours are 7:00 a.m. to 2:00 a.m. Port St. Lucie, seven days a week from 2:00 a.m. to 9:00 a.m. Vero Beach and Indian River County are 1:00 a.m. to 7:00 a.m. Those are the prohibited hours. They feel, with all due respect to the religious factions in town, the beverage law should be governed with business interests and public safety in mind, without regard to religious preference. He thinks that is how they originally got this 1:00 o'clock time on Sundays. They recommend for convenience sake prohibited hours seven days a week from 2:00 a.m. to 7:00 a.m. He hopes the Commission is in agreement.

Commissioner Sessions said the proposed ordinance has a change in two parts. One is the extension of the hours being the first part, and the second section being that they are now eliminating the 300 foot buffer from a store that is selling alcohol. Is he correct?

Mayor Benton said from a church.

City Attorney Schwerer said Sunday evening from 6:00 to 9:00 p.m., sale of alcoholic beverages, regardless of content, are prohibited within 300 feet of any duly organized church conducting regular Sunday evening services. That is being eliminated by this ordinance; therefore, it is being repealed and will not be in effect if the Commission passes this ordinance.

Commissioner Sessions said his only concern is when they look at a community where they have so many churches, he thinks they need to pay close attention to that. They were characterized at one point in time as being a city that had more than its share of storefront churches. He doesn't have a problem with the extension of hours, it is just that he doesn't know if that is going to be conducive with the activity they have within the City of Fort Pierce, having as many churches as they have. That is his concern in that regard, the buffer, eliminating that 300 feet requirement, because they have churches all over the place. He just doesn't think the potential activity, a vendor selling alcohol, is conducive to the business of the churches and there may be a problem, so to speak.

Commissioner Coke said first of all, she thinks that going to church and/or going to a liquor store is a personal choice and it needs to be governed by one's own choice. Whatever they are going to do that day is what they are going to do. She thinks the reason the whole aspect of eliminating the buffer came up is when they initially discussed it, none of them - she thinks even the Chief included - were aware of the fact that part was in the ordinance. They have laws on the books that are hundreds of years old, for example, they are not allowed to hold hands in public. She thinks that was just one of those things - it got passed and nobody ever looked to change it or update it. None of them knew it was there. She doesn't think it is being enforced. She asked Mr. Anderson if he knew about it and he didn't know about it. So if none of them knew it was there and it wasn't being enforced, if they are updating the ordinance, she would think now would be the time to do it. As far as the extension of the hours, when they have this tough economic time they are all going through, if they have people going out fishing or planning for their day and they are trying to get everything ready early in the morning, it is a hop, skip, and jump to drive to the Indian River County line or to Port St. Lucie. What they are doing is sending their residents to spend their money in another community, and that kind of bothers her.

Mayor Benton said he thinks it comes down to putting everybody on the same terms and putting their businesses out there with everyone else.

**Mr. Frederic Jackson**, 410 Palm Avenue, asked had the City gathered any statistics from perhaps an agency that counsels alcoholics or things of that nature? Just to try to get a percentagewise of people who may be in the program and maybe gathering the thoughts and suggestions from these agencies as to where it may be good moneywise? There are a whole lot of things a whole lot of them can do for money as far as the economy being tight like that. But at the same time he does know that sex is a person's choice, but yet they are fighting in so many areas because of AIDS. So his concern, if they open up this door for people to be able to purchase alcohol more frequent hours than they are doing now, that also opens up a door for that alcoholic to be able to get his drink a little bit earlier and pose a risk. He would just like to ask the question, had they all considered giving information from a professional or some sort of agency or counselors that deals with this before they make a decision to pass this?

Mayor Benton said he can't say that they have. But he does know this. If somebody wants something to drink on Sunday morning and they live in the middle of Fort Pierce, they can either go three miles down U.S. #1 in St. Lucie County outside the City limits of Fort Pierce or to the north, and they can purchase anything they want because it is legal everywhere but inside the incorporated City limits of Fort Pierce. They all know alcoholics, if they are going to get a drink, they are going to get in their car and drive that three or four miles. He thinks it is more about when people go to the grocery store or maybe on the way home

from church, if he wants to purchase a bottle of wine at 12:00 o'clock on Sunday and he can't do it, it saves him a trip from the beach back to the grocery store. It is just a convenience. It also putting their businesses on the same playing ground or same terms as the businesses to their south and north. They have been this way for a long time, so he thinks it is just evening the playing field.

Mr. Jackson said he understands what he is saying. But to the difference of that just a little bit. He does know with certain orders or certain boundaries in place, it would hold people from being able to do what they desire to do. Even the law that exists right now, there is a reason for it being there. Maybe as to a discussion as to why did they have these time frames? He is just basically sharing that. He does know they can go to the south or go to the north into these counties. But at the same time there are a number of people he knows that are alcoholics who don't have that transportation to be able to go and they love sending somebody to the convenience store for them to pick up a drink while they are at the store. There are a number of people in Fort Pierce who fits this and they are not able to go and that in a sense is good. He would like to know if they can at least try to get this information from an agency or counselors if possible?

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. L-40 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-40 on first reading were: Commissioners Alexander, Becht, Coke, and Benton. Those opposed: Commissioner Sessions.

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Ordinance No. L-41 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CITY'S **COMPREHENSIVE PLAN** TO ADD A PUBLIC SCHOOL FACILITIES ELEMENT AND TO AMEND THE INTERGOVERNMENTAL COORDINATION AND THE CONCURRENCY MANAGEMENT ELEMENTS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Ms. Erica Ehly, Comprehensive Planner, said Senate Bill 360 enacted by the 2005 Florida Legislature requires that all local governments adopt a Public School Facilities Element into the Comprehensive Plan to provide for the availability of school capacity concurrent with residential development. The St. Lucie County School Board has taken a lead along with the Department of Urban & Regional Planning of the University of Florida in coordinating this amendment process between St. Lucie County, the City of Port St. Lucie, and the City of Fort Pierce. The end result for their consideration tonight is an element that meets the requirements of Chapter 163 of the Florida Statutes. This element identifies the level of service standard for capacity determination which is based upon the amendment to the State Constitution in 2002 which reduced class size maximums. It establishes a financially feasible public school capital facilities program by including the capital projects on the St. Lucie County 5-year Work Plan in the City's Capital Improvement Element. It provides for proportionate fair share mitigation options if the impacts of development on school capacity are above the level of service standard. It identifies concurrency service areas to define the area within which an evaluation is made to determine school capacity. Tonight is the first reading of the ordinance or the transmittal hearing to vote to approve of the transmission to the Department of Community Affairs. Within 60 days of receipt of the complete amendment package, DCA will issue an Objections, Recommendations, & Comments Report. Staff will make any required changes and the ordinance will be brought back before them for a second reading or adoption hearing. At the April 8, 2008 meeting, the Planning Board voted unanimously to submit a recommendation for approval to adopt the Comprehensive Plan Amendment incorporating the Public School Facilities Element

into the Comprehensive Plan. As the Element meets the requirements of Chapter 163 of the Florida Statutes, Staff recommends approval for the Public School Facilities Element.

**Mr. Marty Sanders**, Executive Director of Planning for St. Lucie County School District, said he wants to thank the Commission and City Staff. It has been a long process working with the School Board, two Cities, and the County to try to develop a uniform Public Schools Facilities Element and School Concurrency. Staff has been very gracious of their time and their talents to provide that input on behalf of the City. He thanks their Staff and supports their recommendation.

Mayor Benton said it is nice to know that all the governments are working together.

Commissioner Sessions said he would be remiss if he didn't seize this opportunity while Mr. Sanders is here. He understands this piece of Legislation is geared toward making sure that the City's planning is conducive with the construction of public schools. But on the flip side of that, is there any type of legislation out there that will hold the School Board more accountable to the City and the neighborhoods to make sure they have more schools in their neighborhoods, and at least replace the old structures they have?

Mr. Sanders said that is exactly what this Public School Facilities Element does. It requires that the School Board work with local government and developers collaboratively in each municipality. And as the City grows and the County grows, they need to look and make sure there are adequate schools to meet the needs of the anticipated public school enrollment in each area. That is what they have established in this plan, concurrency service areas. So the School Board, through this Public School Facilities Element and ultimately an Interlocal Agreement, will be held accountable. It is not just about the developers having to do certain things or the City. It is a three-way agreement that really requires the School Board, Developers, and City work together. They now have a standard that says they have to have this many student stations for the anticipated enrollment. So that is exactly what this agreement is intended to do.

Commissioner Sessions said he raised that concern because when he sees an influx of new schools at the southern part of the County, but yet on the northern part of the County, which is the City of Fort Pierce, they tend to replace old buildings with modules and not reconstruction. That is why he raised it as a concern. He understands and he sees on the face of this piece of Legislation it holds the City's foot to the fire, but what about the School Board's foot to the fire?

Mr. Sanders said that is certainly what the intention is. The data will drive the decisions. And if there is growth and needs in certain areas, then the data will require the School Board and the Cities to work together to come up with those new building plans in those areas.

Mayor Benton declared a Public Hearing on Ordinance No. L-41 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. L-41 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-41 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Public Hearing on Fort Pierce **Amended Citizen Participation Plan.**

Ms. Dorina Jenkins, Community Development Assistant Director, said the City of Fort Pierce Citizen Participation Plan set forth the policies and procedures to be used to receive citizen participation. The revised plan they have before them tonight has been amended in order to include the City's desire to apply for the Section 108 Loan Application.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-39

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ADOPTING THE AMENDED CITIZEN PARTICIPATION PLAN FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; REPEALING ALL RESOLUTIONS AND CITIZEN PARTICIPATION PLANS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 08-39 be adopted.

Those voting in favor of the adoption of Resolution No. 08-39 were: Commissioners Alexander, Becht, Coke, Sessions, 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 Fiscal Year ending September 30, 2009.

Mayor Benton said he wants to thank Staff of the Fort Pierce Utilities Authority on their budget because they did get an award today for the 11th year in a row. He wants to thank Nina Hurtubise for this. They were acknowledged one out of 1,100 cities in the country for 11 years in a row for Distinguished Budget Presentation Award (Florida Government Finance Officers Association). They have been doing an excellent job. With that, they have the budget in front of them. He knows there was some concerns, so he is going to open this up and find out where the Commission is on it.

Commissioner Alexander asked the concerned citizen group they had, has that been presented to them?

Mayor Benton said he believes they have been presented with a copy of the budget.

Commissioner Alexander said he meant comments from the concerned group.

Mayor Benton said they are going to make comments to the Commission eventually. But he doesn't believe basically they were set up to make comments on this year's budget. They had an opportunity to review the budget. But they are supposed to be making a presentation to the City Commission in the very near future, not the Fort Pierce Utilities Authority Board.

Commissioner Alexander asked so any of their concerns wouldn't even matter tonight, right?

Mayor Benton said not tonight.

Commissioner Becht said he disagrees with that. He thinks the situation is that they got the budget and had a chance to review it and they had a chance to make comments to the Commission, if they had chosen to make comments to them. But they have chosen for whatever reason not to make comments to them. So they don't have the feedback from them at this time. He disagrees with the Mayor that it wouldn't be pertinent if they made a comment, it is just that they have not made a comment.

Mayor Benton said they have made comments. He has seen copies of minutes of their meetings.

Commissioner Becht asked about the budget?

Mayor Benton said not about the budget, but other things that they were basically set up to do. He doesn't believe this year's budget was in their... Mr. Thiess has been in all the meetings. Was there concerns with this budget?

Mr. Bill Thiess, Director of Fort Pierce Utilities Authority, said the Citizens Utilities Advisory Committee didn't ask for the budget early on in the process. Staff offered it several times and finally sent them a copy of the powerpoint presentation from the budget workshop, which summarized the budget pretty well. Then staff went ahead and sent them a PDF file copy of the budget itself electronically over to the City and it was going to be distributed to the Committee members. They also offered at the last meeting to sit down with the Committee and go over any part of the budget they wanted to, but they haven't accepted that invitation yet. Maybe they haven't had time to digest what they have. They also invited the entire Committee to the Budget Workshop, but apparently nobody was able to attend that workshop from the Committee.

Commissioner Sessions said he would certainly hope that if the City went to the extent of requesting or asking individuals to commit themselves to the issues that involve the City and the Fort Pierce Utilities Authority, one of the most important issues would be the budget. From talking to the individuals, he is not certain whether or not these individuals had an opportunity or at least advised of an opportunity to have input. While he will take the heat with regards to him personally... But the advisory committee they set up to review the operations and the activities of the Fort Pierce Utilities Authority, he thinks it is important that they would have the actual input in terms of what the budget proposal is.

Mayor Benton said for their first meeting, he was the one who requested they get a copy of last year's budget. But he thinks their initial charge was to go out there, because there had been accusations made that they have two different meters in this community. He thinks the number one charge to them was, is that true? Do they have one meter for all; or are they charging certain parts of the community a different charge than others? He thinks they have clarified that already. From seeing the minutes to their meetings and some of the votes they have had, he thinks they have done what they expected them to do. He expects them to make a presentation in the very near future to this Commission. But they answer to this Commission, not to the Fort Pierce Utilities Authority. He believes they will be here very quickly from seeing that, because he knows they have a request for them.

Commissioner Sessions said to ask them to come in and give their input after the fact when they are talking about a budget, he thinks is somewhat redundant and it makes no sense. It would appear that if they were going to take into consideration their input, then it would be necessary before the fact to consider what their recommendations are before they actually look at this budget.

Mayor Benton said they had Public Hearings and there wasn't one person from that Committee show up.

Commissioner Coke said she would agree that it would have been helpful to have input from those people prior to being in a position where they are looking at this budget. Unfortunately with the time constraints and the way she understands the process, tonight is their drop dead night, so to speak, to approve the budget in its entirety and/or disapprove any particular line item. Picking up where they left off at the last meeting, she has to say she was very disappointed by the fact that she thinks they sent a loud and clear message that they were not happy. And there was no willingness for any compromise or changes. Instead it was left up to the Commissioners. So she did spend the weekend once again reviewing the budget. There were several items she had a problem with. She doesn't

know why in these economic times they have money for other things, but their contribution to civic organizations is down \$30,000. She sees that bad debt expense is up to \$460,000.

It seems to her they get some pretty good deposits when people turn the utilities on. She has problems which they have discussed for several years now on contractual employees who retire and then come back and get paid the equivalent to what would have been their full salary and vacation and insurance for year after year. In January there will be a new man walking into the White House and she will venture to say that Mr. Bush will not be hanging around for 18 months to two years to train him. That being said, those are the things she is very disappointed, that everyone knows there is a bone of contention within the community, and no one seems to care enough about what the people think, what the perception is both out in the general public and at this Commission level to make the first change in those things. None of them have been made. So next year when he is looking at his budget, he will know the areas she will harp on again. There are two line items however in this budget that she absolutely cannot support. The first item is on Page 43, the employee insurance, which she requested that the Utilities Authority make the same amendment to dependent health care as the Commission did in order to relieve the ratepayer's burden, just as they attempted to relieve the taxpayer's burden. So she can't support that.

Commissioner Becht asked what line item is that?

Commissioner Coke said Line Item 4070, Page 43. In her mind that employee dependent health care deduction needs to be changed the same as the City's. The other line item that she really just cannot fathom is on the same page, Line Item 9010, contingency fund. It was zero for 2006, zero for 2007, and \$250,000 for 2008, which she understands was utilized for raises, and budgeted for 2009 is \$1 million. She could have bought into the \$250,000, but she certainly cannot buy into a \$750,000 increase, and then three months from now they are going to be saying they need a rate increase because they can't operate. Those are the two line items she absolutely cannot support.

Commissioner Alexander said he is going to let his actions speak so loud, he won't have to mumble a word.

Commissioner Sessions said what he has some concerns about is that for the most part the increase in the rates, that burden is shifted on the customers themselves. When he thinks about that, he guesses what he would want to attack is the anticipated revenue, with an increase in anticipated revenue being listed on Page 60 with regards to residential sales of electricity, \$18 million, an amended budget of 2008 increasing in 2009 to \$19 million. That is an item that stands out in his mind that he believes is a burden to the customers who are having to pay for that increase in the revenue. Also with regards to the water on Page 61, the residential sales inside the City being \$4 million, which is a substantial increase due to the increase in the rates themselves. Those are the two items that stand out in his mind that he has a problem with from a veto standpoint.

Mayor Benton asked that number going from \$18 million to \$19 million would just reflect the cost of fuel, doing business?

Mr. Thiess said largely that is power cost, an increase in the wholesale cost of power is carrying the bulk of that increase. That is something they have no control over.

Mayor Benton said it is just like the price of gas going from \$3.00 to \$4.00 a gallon. It would show up in someone's budget.

Commissioner Sessions asked when they look at the number of employees and the increase in the salaries of the employees, he believes it is about 5% personnel costs going up with the Utilities Authority?

Mr. Thiess said a big part of that is filling positions that were vacant in 2008, that will be filled in 2009.

Commissioner Sessions asked so vacant positions would account for about \$1.5 million worth increase in personnel costs, just filling vacancies?

Mr. Thiess asked is he comparing budget 2008 versus budget 2009?

Commissioner Sessions said yes.

Mr. Thiess said he doesn't think the budget 2008 reflects the raises for 2008. He thinks the bulk of that 5% increase is positions that were vacant in 2008 that they have been able to finally fill in the 2009 budget.

Commissioner Alexander said he doesn't know what page it is, but as far as the employees he doesn't think it was a difference of four or five employees.

Mr. Thiess said the number of budgeted positions hasn't changed. In the 2008 year they did have a number of vacancies they weren't able to fill. For the first time in he doesn't know how long, they have no vacancies in staff right now. He thinks they have 306 positions budgeted. They finally have been able to fill all 306 positions. Granted, the economy has a lot to do with that, the job market is tough out there. But in 2008 they did carry a number of positions through most of the fiscal year that were unfilled.

Commissioner Alexander asked in his memory of looking at that line item, he thinks it was 2006 to 2008 they had three or four additional employees in 2008?

Mr. Thiess said they have had a number fluctuate back and forth by a digit or two. But really the 306 number is the same number of employees they had in 1993. He doesn't think they have had any significant increase in the last three years. It might have changed one or two employees.

Commissioner Alexander asked with all the annexations in Fort Pierce and all the buildout they are doing, they haven't added any new employees because they utilize what they have, right?

Mr. Thiess said that is correct.

Commissioner Sessions asked on that same note, what about the King Plant closing down? They reduced it by 18 employees, correct?

Mr. Thiess said the employees from the King Plant - they had one retirement in DROP (Deferred Retirement Option Plan), two lay-offs, and the other 15 positions are going out to operate the Treasure Coast Energy Center.

Commissioner Sessions asked what is that?

Mr. Thiess said that is the new power plant that FMPA built on Glades Cut-Off road. FMPA will totally reimburse the salaries for those 15 employees plus cover their benefits and some administrative costs.

Commissioner Coke asked where is that revenue shown in the budget?

Ms. Nina Hurtubise, FPUA Director of Finance, said on the bottom of Page 65 under Treasure Coast Energy Center Revenues. There is about \$608,000 for 2008 and about \$1.7 million in 2009. These revenues were considered when the rate projections were done.

Commissioner Coke asked this revenue offsets the personnel costs of the 15 employees then?

Ms. Hurtubise said yes.

Commissioner Sessions asked can she help him out with pinpointing the item that reflects the cost of the benefits versus the salaries? If the salaries are costing about \$15 million and the benefits are \$6 million, they are looking at about a 42% increase based on the actual salary itself for just benefits alone.

Ms. Hurtubise said yes, that is similar to the benefit percentage this City has historically paid. She is not sure what it is now and she is not sure of the changes the City has made in the recent budget meetings they have had. But the FPUA has done a comparison and their benefits are very similar and cost a similar amount of money.

Commissioner Sessions asked so is she justifying that by saying she is following the protocol of the City by having a \$6 million benefit package?

Ms. Hurtubise said no, she is just saying that it is in line with that of the City, it is not extraordinary.

Commissioner Becht said he is trying to follow his fellow Commissioners. He wants to get into the line items Commissioner Coke mentioned because he has similar questions. The line items Commissioner Sessions mentioned in terms of the operating revenues appear to be a function of rate and not budget setting. Mr. Thiess is just trying to take whatever the rate was, multiply it by what he is expecting in consumption. Back to Page 43, Line Item 4070, can she tell him what the percentage is that is paid by the employees for dependent coverage of employees who work for FPUA?

Ms. Hurtubise said she believes it is 75%.

Commissioner Becht asked what are the City employees paying? Can Ms. Johnson help him with that? He knows they changed it, but he can't remember. He thought they were phasing it in.

Ms. Gloria Johnson, Finance Director, said 30%.

Commissioner Becht said he thought they started at 50% and they were going 10% a year from 50% to 60% and from 60% to 70%.

Ms. Johnson said they are at 30% now. They are supposed to increase 10% per year until they get to 50%.

Commissioner Coke said no, the original designation by the Commission many years back was 50%. Over the years that dollar amount shrunk the percentage. They were she believes at 87.6% that they were paying of dependent health care. And this Commission decided that they were going to go down 10% a year every year until they hit the 50% of dependent health care coverage that they would cover.

Commissioner Becht said he has that now, so back to Ms. Hurtubise. What is the percentage paid by the employees of FPUA for dependent coverage?

Ms. Hurtubise said she believes it is 25%. The FPUA pays 75% of the dependent coverage and the employees pay 25%, she believes.

Mr. Thiess said he is pretty sure that is correct.

Commissioner Becht said with them not being sure on it, it leads him to believe the FPUA Board didn't consider changing that policy. Did they think about changing the policy?

Mr. Thiess said they have not had that discussion at this point.

Mayor Benton said the Board is looking into other alternatives when it comes to insurance, as the City did. That is something they will be addressing this year.

Commissioner Becht said he would share then Commissioner Coke's concern that they gave them an example of how they might be able to save some money and they didn't even take it to their Board. They don't even know what the percentages are, so he doesn't know how they could have taken it to their Board. The other thing he would like them to talk about is the \$1 million in the contingency fund. What is that for? And why has it increased so markedly over the last three years? He is sorry they may be getting hit with these cold tonight. When did they get these questions?

Ms. Hurtubise said they never received any questions. But she will be more than happy to try to answer what they have here. For as long as she has done the budget for 13 years, those are the numbers they have put in the budget for exactly that - contingencies, things that they might not plan on.

Commissioner Becht said but there are zeros...

Ms. Hurtubise said she doesn't believe they have ever used those contingency funds.

Commissioner Becht said but Commissioner Coke's point, and he shares her concerns, is they had it at zero for the years... He is looking at Page 43.

Ms. Hurtubise said yes, the actuals are zero.

Mr. Thiess said that is actuals. It was budgeted and not used.

Commissioner Becht said okay. That is why they are trying to get clarification. He doesn't know what was budgeted, but he knows they expended zero in 2006. He doesn't know what was budgeted, but he knows their actual in 2007 was zero. He knows the amended budget in 2008 looks like it might be \$250,000. But they are proposing \$1 million or four times that figure for 2009. Why are they proposing four times what the 2008 amended budget is?

Mr. Thiess said he thinks they budget \$1 million every year.

Ms. Hurtubise said for the upcoming year, yes.

Mr. Thiess said when they amend the budget, they only have one quarter in the year left, so they knock it down to \$250,000. And they budgeted \$1 million again this year. The contingency obviously is for things that come up that can't be predicted that are not in the budget.

Commissioner Sessions said he submits to him on that same note, the reason why it was \$250,000 in 2008 was because it was a 4% or 5% increase in the salaries. That is why it was reduced for that amount. That is where it came from, is he right, the contingency?

Commissioner Becht said he thinks they just said is at the end of the fiscal year they are expecting it to be zero, if he understood them correctly.

Ms. Hurtubise said the contingency funds as such have not ever been spent. Because they budget so far into the future, they have historically always provided for raises for their employees. It is usually on October 1st when the non-exempt employees receive their

increases. They do not attempt to include them in the budget. They are submitted to their Board separately.

Commissioner Sessions said so he is correct in his statement that the 4% increase in raises came from the contingency fund.

Ms. Hurtubise said that is where the funding comes from, yes.

Commissioner Becht said now they have him confused.

Commissioner Coke said that \$250,000 is the raises they gave.

Ms. Hurtubise said when the salaries are charged, they are charged through salaries and wages. They don't run them through contingency because they are salaries and wages. But when they don't know how much for each individual, they don't know that, it is too far in advance. They don't know if they would give raises.

Commissioner Becht said he is going to try to take her back to help him. Is she saying in 2006, 2007, 2008, and now proposed for 2009, the contingency line item entry was \$1 million in the budget?

Ms. Hurtubise said the original budget in each of those years.

Commissioner Becht said so the amended budget for 2006 and 2007 got amended to take it all the way down to zero, because at the end of the year when they did the final amended budget, contingency was zero. Right now she has taken the 2008 amended budget and have taken the contingency from \$1 million down to \$250,000. Is that what happened?

Ms. Hurtubise said yes.

Commissioner Becht said then he doesn't understand how she could make the statement that she took it up to \$250,000 to take care of the raises.

Mr. Thiess said he thinks in the previous years there was enough money left in the Personnel Budget to fund the raises. They didn't need to go into the contingency fund for raises. They had a lot of positions open in 2005 and 2006, there might have been 10 or 12 positions open in those two years. So there was money in the Personnel Budget to fund the raises and the contingency wasn't necessary. That is why the Contingency Fund actual is zero at the end of the year, they never needed the Contingency Fund because there was adequate funds in the Personnel Budget to cover the raises.

Commissioner Becht asked as he looks at this \$250,000, is this the final amended budget for 2008?

Ms. Hurtubise said no, it is not. They bring the final amendment to the City Commission which reflects their actuals after the audit is complete.

Mayor Benton asked are they are looking to vote on these line items?

Commissioner Coke said she doesn't know if there is a consensus here, because she understands it takes a 4/5ths vote?

City Attorney Schwerer said that is correct.

Commissioner Coke said she would like to make a motion that the employee insurance figure be changed - and she doesn't have the dollar amount here - so that the dependent health care would be covered 70% this year as the City's will be in the 2009-2010 budget and that Line Item 9010 be reduced to the \$250,000 that may or may not actually be spent

in the 2007-2008 budget and that the extra money, that \$750,000 and whatever is left from the dependent health care adjustment, go towards... She doesn't know what account they are going to call it. She wants say weatherization, but they are already funding the weatherization. She wants that \$750,000 and extra money to go to do something to stop or delay rate increases.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that the employee insurance figure be changed so that the dependent health care would be covered 70% this year as the City's will be in the 2009-2010 budget; and that Line Item 9010 be reduced to \$250,000; and that the extra \$750,000 and whatever is left from the dependent health care adjustment be used to do something to stop or delay rate increases.

City Attorney Schwerer said a couple of things procedurally. Let's see if they can get the motion straight. She is proposing to decrease Line Item 4070 on Page 43 to a number which equals the City's dependent coverage they currently pay.

Commissioner Coke said no, because the City's is changing again shortly. What she is proposing on Page 43, Line Item 4070, is to decrease the employee insurance line item so that dependent health care is paid at a rate of 70%, which is what they are anticipating the City to move to this year also. The second part of that motion would be on Page 43, Line Item 9010 - Contingency, reduce that to \$250,000 from the \$1 million.

City Attorney Schwerer said reduce that by \$750,000.

Commissioner Coke said her request would be that the \$750,000 and the savings that is reflected from dependent health care would go toward delaying rate increases or some kind of program that is going to benefit the ratepayers.

City Attorney Schwerer said what they have a problem with procedurally under the Charter is that the first two parts of her motion are proper motions because they are decreasing line items. However, the third part of her motion actually acts to increase a line item in the budget, which is prohibited by the Charter. It says that if a 4/5ths vote of the City Commission does not disapprove of any line item expenditure in said budget or any amendments thereto within 30 days of the date of submission, said budget or any amendment thereto shall be deemed approved as submitted. The City Commission may not increase any amounts in the proposed budget or amendments thereto, but may reduce by a 4/5ths vote of the City Commission any line item in said budget. Where does it go? He can't help her there. But they can certainly reduce the budget.

Commissioner Coke said but she didn't just reduce the budget. What she has done is taken it out. The budget is balanced as presented. And if they don't make a corresponding entry, if they are crediting these two accounts - one for an unknown quantity and one for \$750,000 - for every credit there must be a debit. Unless they give direction and have an answer to that or where it is going to go, they are going to reduce this by \$750,000 plus, and they don't know where it is going. Can he explain that to her?

City Attorney Schwerer said he can't. All he can tell her is, he will have to rely upon the financial folks. The Charter simply says they can delete or reduce. Where it goes from there, he will have to defer to the financial folks to tell them. He is not sure their job is to balance their budget. Their job is to disapprove of any line item if they so choose by a 4/5ths vote.

City Manager Beach said he believes it would go into their unrestricted cash reserves.

Mr. Thiess said it just wouldn't be in the budget.

Commissioner Coke said they need the opportunity to approve or disapprove the line item they are going to put it in.

Mr. Thiess said he believes that if this Commission voted to reduce that budget item by that amount, that would be \$750,000 that would just not be in their budget. That item would reduce it to \$250,000 and the budget moves ahead \$750,000 lower. It doesn't have to go somewhere. It doesn't have to be shown as an addition to some other line item.

Commissioner Coke asked does she have his word he is not going to just take it from there and put it someplace else?

Mr. Thiess said at this point the action on the budget is up to this Commission.

Commissioner Coke said she would withdraw the third part of the motion.

Commissioner Sessions said as second, he concurs.

Commissioner Coke Amended the Motion to read: That the employee insurance figure be changed so that the dependent health care would be covered 70% this year as the City's will be in the 2009-2010 budget; and that Line Item 9010 be reduced to \$250,000. Commissioner Sessions concurred with the amendment.

Commissioner Becht said he doesn't think any of them have been down this path before, including Mr. Schwerer or Ms. Steele. Has this ever happened before?

City Clerk Steele said they have never actually voted to decrease a line item. There used to be a Commissioner who wanted to withdraw all the social organization dues payments out of the budget, but it never passed.

Commissioner Becht said he knows he has not been down it, so they have some interesting wrinkles here. He is not comfortable with the answer he got on the percentage that is being paid by employees of FPUA for dependent coverage.

Mr. Thiess said it is always 25% for employees and FPUA is 75%, he is almost certain is the percentage right now.

Commissioner Becht asked what if they are paying 35%? They just gave them a 5%... Mr. Thiess doesn't know, he is saying he is pretty sure, but that is not like he is absolutely confident.

Mr. Thiess said he is almost dead certain it is 25%, because they asked that question less than a week ago. He is nearly certain that is set 25%/75%.

Commissioner Becht said he realizes they are getting caught with this somewhat cold. But why would these things be bad for the FPUA?

Mr. Thiess said they haven't had time to look at it. It would have been nice if they had these recommendations and they could look at it and take it up with their Board, but they didn't have that opportunity. What he hears this Commission doing is, they want the FPUA to follow the lead, which they have never been given before tonight clear direction to raise their dependent coverage.

Commissioner Becht asked off the top of his head, does he see any immediate bad things with these two changes?

Mr. Thiess said it depends on if the FPUA Board wants to decrease dependent coverage paid by the Utilities Authority. That is a decision for that Board to make and not this Commission to make. The Commission has the ability to reduce the budget.

Commissioner Becht said he agrees wholeheartedly that he thinks it is up to the FPUA Board to make that decision. What he is a little bit uncomfortable about is that Mr. Thiess didn't take it to them. Maybe he didn't know what the City had done here.

Mr. Thiess said they were not given direction to do that by this Commission. Tonight is the first time he has heard that direction.

Commissioner Becht said they have talked about it and done it here at the City Commission level.

Commissioner Coke said she thinks they talked about it here two weeks ago also. Specifically, she knows they spoke about it.

Mr. Thiess said they didn't give them any direction about any percentages or anything like that. There was no clear direction given to him at that meeting on any line items.

Mayor Benton said he thinks the appropriate time would have been when they had at least two budget workshops this Commission was invited to. If they couldn't attend, at least the Commission members could have said the City has done this, put something in writing, and asked for the U.A. to look at it. Unfortunately nothing was presented.

Commissioner Alexander said it should have been Staff driven then, because Staff was aware of it.

Commissioner Coke said FYI, here are her notes from the last City Commission meeting. They specifically discussed dependent health care. She asked, how much he paid? And Mr. Thiess said the employees were paying 25%. So to go in line, their intention is to reduce it 10% every year until they get to 50%. They discussed that loud and clear and with expression two weeks ago. They discussed raises and the fact it was 4% and came from the contingency. They discussed the power cost adjustment. They discussed combining departments. She has all her notes here of what they discussed. She stuck her head in and waved when she was going to her 5:30 meeting because the FPUA Board was all sitting here. So it is not as if they didn't have ample opportunity when she stood in the hallway and heard him telling everybody that he was coming to this meeting this evening and there were things going on. That would have been the time to say - because she asked him very specifically, Commissioner Sessions asked him - could he bring them back some proposals to cut the budget in order to help the ratepayers? And he said no, she needs to bring him her suggestions.

Mr. Thiess said at the last meeting she did talk about the 25% and the City going to 50%. There was no consensus from this Commission in that direction. That was one Commissioner out of five. There was no consensus of this Commission on any one budget item. They can't go back with one Commissioner making a suggestion and tell the FPUA Board they need to do this. That is not a directive by the Commission because it is not a majority.

Commissioner Coke said okay, so if they get a majority then they all understand.

Commissioner Alexander asked he can't abstain.

City Clerk Steele said no.

Commissioner Alexander asked can he say no, right?

Commissioner Coke asked does Commissioner Alexander understand what they are voting on?

Commissioner Alexander said he doesn't know if he wants to vote up or down.

Commissioner Coke said they are voting on taking money out of the budget.

Commissioner Coke asked would Ms. Steele repeat the motion?

Commissioner Alexander said he heard Commissioner Coke. He is up and down and out the door. He is just not satisfied.

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

MOTION FAILED DUE TO LACK OF 4/5THS VOTE.

City Attorney Schwerer said the motion failed to carry by 4/5ths.

Commissioner Coke said she thinks they may need to talk about a resolution here.

Commissioner Becht said what he would ask is Mr. Thiess go back to the U.A. Board. The Board is here tonight. He would ask that he take to the Board the idea of changing the percentage of dependent health care paid by the company as opposed to paid by the employee. With the City they got statistics that showed that the norm for a city employee would be 50%. It was what they started with and it had gotten out of whack for a lot of different reasons. He doesn't know what the norm is for the Utilities Authority. He likes the Board members reviewing it on behalf of the Utilities Authority. His disappointment is that somehow they didn't communicate with one another that they as a City did it and adjusted it. Maybe once the U.A. looks at it, they are going to find out where they are is the right place to be. But he would ask that they look at it.

Mr. Thiess said they would be glad to do that, not as a budget amendment, but just a normal policy.

Mayor Benton said he thinks the FPUA Board and all of them did hear the concerns. He just thinks they were looking to hear this months ago when maybe they could have had an answer and addressed it. They have that ability now, budgets are amended through the year.

Commissioner Coke said there are times in life that she knows she should keep her mouth shut; however, she has always been known for what comes in her brain goes out her mouth. She is exceptionally disappointed that the people she helped to put on the FPUA Board did not understand loud and clear that this Commission wanted to make some severe changes in order to help the ratepayers. She is exceptionally disappointed that Mr. Thiess as an administrator did not hear loud and clear that there are people in their society who are suffering - they can't vote themselves a 4% rate to pay the power cost adjustment, they can't work overtime, they can't pay less of their health insurance, they have to buy bread and milk and all those other things. This Commission as a government and the Utilities Authority needed to step to the plate and do something to enable these people to be able to live a little bit better. The disappointment she feels is beyond... They have heard hundreds of people for the last two years calling for a referendum, that they as a Commission should be taking over the Utilities Authority Board. She has more than enough work on her plate with this Commission and the FPUA Board, it is not anything in the world she really wants to consider. But in her heart she is feeling like maybe those people are right. Because this Commission has asked, let's look at joining departments. The FPUA has their kingdom, the City has their kingdom. There is no merge, there is no meeting of the minds, there is no economy of scale. Do they know who suffers? Not the U.A., not the City, not everybody else. The limited number of employees the U.A. has and the City has versus the residents in this City, they are all going along happy and they are not taking into account the needs of the people they are supposed to be serving. She doesn't know how much longer she is going to stand on the opposite side of the fence from the people who

stand here and say let's have a resolution, put it on the ballot, because it is time for the City to take over the Utilities Authority and have it be a department.

Commissioner Alexander said he wants them to understand, they do have another Commissioner on that same line. He speaks for Commissioner Alexander only.

Mr. Thiess said as they move forward, there are going to be other rate increases. He is not saying it is this year. At some point there will be other rate increases. There are definitely going to be other budgets. They have tried. They reached their hand out to the Commission and tried to establish communication. They had a rate workshop and nobody showed up. Commissioner Alexander showed up late. Before the rate workshop he called each one of them individually and asked if his Finance Director and he could come and talk to them about the budget before the workshop. He called every one of them. Before the budget meeting at the last Commission meeting, he called every one of them again and asked if they could meet with them and talk about the budget. Communication is a two-way street. They can't continue to try to get the word out unless there is some contact on the other side.

Commissioner Coke said when Mr. Thiess talks about he invited them, she showed up not this past budget workshop, but the one before. Mr. Thiess had a presentation. The numbers in the presentation didn't match. She couldn't get answers to the questions she had. Every suggestion she had or question she had, she was told rather belligerently by several people there that the City spends this and the City does that. They ask her to come and help and participate in their process and she did, and she was ignored and she was insulted. So she wasn't about to show up this year. Now everybody was fully aware of the fact that they were looking to have some changes and try to help some people. Being a big business is great, but they all see what happened to Enron. So everybody wants to be a big business and not care, then that is not what they are about. They are not in a big city. They are talking about their neighbors here and nobody is doing anything to assist them.

Mr. Thiess said the only way for their boards to communicate is to actually sit down in the same room and talk and share some information. That hasn't happened.

Mayor Benton said he thinks it is time that both boards here, they are going to have to do a better job understanding utilities. Commissioner Sessions didn't even know they built a new power plant.

Commissioner Sessions said no, he didn't know the name that it was referred to. He knew they built a new power plant. The name is what confused him.

Mayor Benton said the point is, they have done everything they can do, just like every utility across this country, to keep rates down. It is out of their hands. When there is a storm out there, they have done a better job than the big utilities in getting power back on. They forgot that after the hurricanes they had the power back on in less than a week most every time throughout the City of Fort Pierce. They just had a storm where they had everybody back on within hours. So they all need to count their blessings for what they do have. It is not FPUA's fault that the power costs are what they are. They just have to bear it, just like the price of gasoline. To go after this group... They have appointed this group, they are business people in this community and they have done an exceptional job. If they don't think what is said here and the concerns of the community bear some weight on that Board, he is telling them they live in the community and they hear it every day as he does and as they all do. But it is time they all started understanding a little bit more about utilities, about where power comes from, and also how to conserve.

Commissioner Sessions said first of all he thinks they are in dire straits. This community and this nation as a whole are suffering. For an entity that is owned by the citizens to go on business as usual and not give into account what they are doing in terms of these increases that ultimately impact these individuals because they can't afford to pay these

high utility bills, it is just a disgrace. From what he is hearing, this morning when he started off with this mission trying to find out what was going on, and what he is hearing this evening, it appears they don't have any alternatives but to consider a referendum or do away with the FPUA Board. Because if these individuals are not receptive to the citizens who are voicing their opinions through them individually and not trying to make a change, then something needs to be done. He thinks it needs to be done from the higher echelon starting with the Board. He for one is going to take an active roll in trying to do something about that. If in fact they have the consensus to move and put this to a referendum, something needs to be done. They can't afford to go on, business as usual. People are suffering. They have a fiduciary duty to answer to these people. It matters not where they live - the northwest section of town, southern section, on the beach, wherever. People are complaining and people are suffering and people are fed up with it. The City Commission has a responsibility to answer to these people. Again, those are two alternatives he is willing to explore and do something about. No offense to those people on the Board. Darrell Drummond, he has the highest and utmost respect for him, he looks at him as being one of the most intelligent African Americans in this community and he looks at him as being a mentor. But to continue to let this go on and let people suffer, he just doesn't agree with this concept along with the board as a whole. Something needs to be done.

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The next item on the Agenda was Consideration of proposed **Employment Agreement** naming David L. Recor as the next City Manager.

Mr. David Recor, Deputy City Manager, said they would think if he learned anything over the last few months it would be timing; but he didn't have anything to do with it.

Mayor Benton said after working with Mr. Recor for the last three and a half years, he thinks he has come into the job and he has learned a lot about Fort Pierce. He thinks they are very lucky to have him. When they have had a shortness in the Planning Department, he is there to take over. He has just done an exceptional job. To him, it is just showing their support for him. He can go back when Commissioner Nelson brought him 40 resumes a few years ago, there is not much to choose from out there. He thinks they have the best of the best here.

Mr. Recor said if they would like, he can make some introductory remarks for the public's benefit, for the Commission's benefit. If not, they can move right to discussion.

Commissioner Becht said a bit of housekeeping. Not everyone in TV land may understand why they are talking about a contract for Mr. Recor. Could they put something in the record that perhaps formalizes a memo he got from Mr. Beach last week or the week before? Have they talked on the record about him accepting a proposal?

Commissioner Coke said no, they haven't.

City Manager Beach said yes, he did send a letter to the Commission accepting the proposal the Commissioners made at their last meeting. That has occurred, that is now a matter of public record. It was in the newspaper, he saw it.

Commissioner Becht said he just thought it might be nice to have that. Not everybody gets the newspaper. Now it is of record.

Mr. Recor said first of all he wants to thank the Commission for the opportunity to submit the proposed Employment Agreement to be their community's next City Manager. He prepared a cover letter that was included in their packet to supplement the agreement which he believes outlines why he is worthy of the Commission's support tonight. In his three-plus years here, he has consistently demonstrated the ability to improve efficiency, productivity, accountability, and economy at all levels in their organization. As he stated in the supplement, he doesn't believe the Commission will find a more able, willing, or qualified candidate to serve as their next City Manager, no matter how far or how long the

Commission looks. The proposed Employment Agreement is modeled after the City Manager's existing Employment Agreement, but has been modified to provide opportunity to establish written performance expectations as well as an annual written performance evaluation. He believes this is important for the Commission and he thinks it is important to him as well. This will allow them to work together to establish goals, objectives, and priorities that he will in turn develop work programs to see that those are accomplished. He believes the Employment Agreement is clear, it is concise, it is relatively straightforward. The cover memorandum as well as the supplement identifies the pertinent aspects of the Employment Agreement. For the public's benefit, he will simply articulate them now. This is a one-year Employment Agreement. It is effective October 1, 2008, with the retirement of the current City Manager, and runs through September 30, 2009, which coincides with the City's fiscal year. There is a 90 day notice of non-renewal from either one of them. He is proposing to accept the position at his current rate of pay as of the 1st of October. There is the opportunity for a six-month initial review of his performance as their City Manager and an opportunity to re-negotiate compensation at that time. The Employment Agreement provides for six months of severance, which is the equivalent to his current severance as their Deputy City Manager. It also provides for \$350 a month auto allowance, which is the current auto allowance he receives under his current Employment Agreement. There is a permanent City residency requirement. There is no cost use of certain City recreational facilities. And there is a provision that it provides a budget for professional dues, subscriptions, and memberships, subject to available funding. In his cover letter to the Commission, he outlined a number of initiatives he felt were important. The first being an organizational efficiency study that is designed to evaluate their existing resources with the goal of improving efficiency, economy, and productivity - the concept of value for money. What he means by that is, the optimal balance between successful outcome between successful outcomes, high productivity, and low costs. They have talked a lot about improving the City's financial reporting means. And beginning with the FY09 Financial Operating Plan, they are going to introduce a new budget format, as well as scheduled financial reporting measures on predetermined City Commission Agendas. He wants to improve the level of communication with the Commission by developing and publishing a monthly Manager's Report that will keep everyone abreast and informed of ongoing projects and activities in the organization. Finally, he wants to develop a Code of Ethics for the organization that is designed to return and instill public trust in their government as well as improve employee morale, organizational culture, the public perception, and the transparency of their operations. These are things he thinks are important. But he knows there are things out there that are important to the Commissioners. In his cover letter, he articulated how he believes as a City Manager he will be able to help them as the policy makers develop policy statements that are designed to promote a workforce that is reflective of the community's population, grow their municipal boundaries through aggressive annexation policies, expand and improve the condition of their community parks and including the potential for programming opportunities, determine how to influence and affect the way their Utilities Authority operates, and last but not least, develop a productive working relationship with the Economic Development Council of St. Lucie County. He would appreciate the Commission's support tonight. He would appreciate their unanimous support. In exchange, he is willing to make an indefinite commitment to the community, to the organization, to the public. He couldn't be more enthusiastic or more excited about the opportunity to serve as their next City Manager and he looks forward to the opportunity of working with all of them well into the years to come. He would be willing to answer any questions and discuss the Employment Agreement in whatever detail they would like.

Commissioner Alexander said this isn't anything new between him and Mr. Recor, they discussed it, and the answer he was told or heard that is doing business as usual, and that is again with the benefits and no expense about the City Marina and the Golf Course. He understands this is just a norm of maybe their upper echelon employees who have these privileges? He wasn't aware of it. When the Mayor and the Commissioners and he can't even get a signed parking space. He doesn't find that a joke. They have elevators down right now, and either they have to walk from Avenue A or they can go two or three stories up. He is not joking around about this. He is very serious about it. He just wants to know

when this practice started? Maybe somebody needs to be reimbursing the City for the uses of public properties.

Mr. Recor said he certainly didn't mean to mislead Commissioner Alexander to indicate that is a practice that everyone enjoys. He did mention to him that their Golf Course Director has that provision in his Employment Agreement and the Marina Manager has that provision in his Employment Agreement. What he tried to do was make this a very easy decision or discussion for the Commission, he certainly did not want to complicate it tonight.

In terms of identifying this as an additional benefit, what he tried to do was... This is certainly something that has some value or some significance to him, but it represents little cost, actual dollars and cents cost, to the City. In terms of the kind of additional benefits they would like to offer their employees, that was something he thought would be attractive to the Commission, given its understanding that it is something that is important to him.

Commissioner Alexander said he completely agrees. But his thing to him was as a Deputy City Manager and at that time he did not have those privileges. But he tells him the Director of a Golf Course has that privilege and he was just hired? Again, he is speaking on behalf of the public, not Commissioner Alexander, and what their perception is of that one statement. They had at no time ever had a discussion with Mr. Beach about who he hired nor who he fired. That was an agreement and contract with him. They don't discuss those things. But Mr. Recor is coming forth tonight, then is the time that they will discuss these, i.e. golf course and marina. So that is just him observing. One other thing he noticed that at the end of the contract it says this agreement was signed on September 2nd.

Mr. Recor said he signed it. The Mayor hasn't signed it.

Commissioner Alexander said the City Attorney signed it. But the Commission hasn't signed off on it.

Mr. Recor said that is correct.

Commissioner Alexander asked so why is it as of today? Everybody will probably be happy to sign it afterwards. He was just trying to understand, he got it Friday and it is already signed.

Mr. Recor said by him.

Commissioner Alexander said and by the City Attorney.

Mr. Recor said for form and correctness. But the Commission has not approved it. He hopes they will tonight.

Commissioner Alexander said he is not going to be the one who objects to it.

Commissioner Sessions said would this be a make or breaker with regards to those two benefits - having access to the Golf Course and having access to the Marina boat ramp? Would he be willing to rescind that, is what he is asking?

Mr. Recor said it is not a make or break deal. Obviously what is important to him as a waterman is the Marina. If they want to negotiate, he would really like to have a place to keep his boat. It is not a 60 foot yacht where he is down sitting in the air conditioning. He has a little 28-foot center console. It is more of a matter of convenience. He doesn't keep it in the water all the time. No, it is not a make or break. He would be willing to forego the Golf Course, if the Commission would consider even the occasional use of the Marina. No, it is not a make or break issue. Certainly don't base his approval of the Employment Agreement on that one issue.

Commissioner Becht said he has a couple of issues, not in any order of priority. He would have liked to have gotten a copy of Mr. Beach's contract. He brought him a draft over a couple of weeks ago and it was his fault for not having asked him for a copy of that to compare it with. But he would have liked to have seen that because Mr. Recor said he modeled this on Mr. Beach's prior contract. Again, not in any order of importance and not demeaning Mr. Recor or his job performance or how good a job he thinks he may have done, he still would like to pursue a national search if there are two other Commissioners that will go along with that. Assuming he did follow Mr. Beach's contract, he believes their Finance Director, Ms. Johnson, was confused or in need of legal opinion as to what was included in Mr. Beach's severance package. If he follows Mr. Beach's draft, then that language needs to be revised so it is clear, particularly to Ms. Johnson, what is included in the severance and what is not included in the severance. So that language the City Attorney needs to deal with. And if he hasn't dealt with it, then maybe he thinks it is clear and maybe Ms. Johnson needs to tell him she doesn't think it is clear. He would ask that they work that out. Again, these are just a couple of little things and not meant to be pointed to Mr. Recor, it is the document itself that he thinks needs some polishing. The timing of when Mr. Recor gets his evaluation, they talked about this today. He doesn't know if Mr. Recor had any time to ponder what he was looking for. He was trying to look at the contract, not specific to Mr. Recor but to any City Manager, in how they might want to deal with a City Manager who they wanted to break with. He can't figure out a good time or a bad time to deal with having the contract renewed and having the annual renewal. But he did talk to Mr. Recor about... Mayor Benton has been here longer than any of them as a Commissioner and has been through some hires and been through some other issues and has been through more budgets than he has. The thought he had is - and he discussed it briefly with Mr. Recor - if they had the annual review before they get into budget negotiations, then at that time the City Manager would have an opportunity to be evaluated by the Commission and he would have an opportunity for the Commission to let him know what the goals of the Commission were. They heard Mr. Thiess earlier tonight talk about he didn't really know if he had gotten three directions or one direction. What he is talking about is, they would give the City Manager an annual review where all of them were in attendance, there would be a clear direction from three of them on this is where they would like the City to go. Then that City Manager would have the opportunity to fold those goals into a budget. If they have the annual review in October, their budget is already going to be set.

Mayor Benton said going from October in six months to March, that way they have at least a month before they go into the budget.

Commissioner Becht said there are reasons to do it earlier and there are reasons to do it later, and he is focusing on the budget. But it seemed to him as he talked to Mr. Recor at that time at least - and he hit him with it cold - was in concurrence that it might be better to do it before they go into setting the budget. The City Manager would then have the direction of this in the form of an annual evaluation as to what the priorities of the City were.

Mr. Recor said he did have an opportunity to look at that. The way the Employment Agreement is constructed presently, obviously the start of the fiscal year begins October 1st. A six-month review occurs on March 31st. The annual would occur on September 30th, six months later. That then allows the budget, which generally occurs between April and August, they can either use that process to establish the goals and objectives on the front end, i.e. Commissioner Becht's suggestion; or after they have gone through the budget and they have determined the allocation of resources, determine what those goals and objectives are going to be at the conclusion of the budget, i.e. the way it is currently constructed. It matters not to him when that dialogue occurs. If it is more important for the Commission to have that established prior to the budget, that is acceptable to him. But he has described to them the intent behind constructing it the way it is.

Commissioner Becht said that was just one of the things he had. Back to the severance package, there is some language in here he wants either Ms. Johnson to tell him she can

determine it to the penny based on the way it is worded, or they get words that she can come back to him later and tell him that she...

Mr. Recor said he can tell him what was intended. And it is best to explain what is not included, i.e. he doesn't have a vehicle lease, he doesn't have an annual physical, and they are not making any contributions to any deferred retirement account. So literally what is included in salary and benefits...

Commissioner Coke said but Mr. Beach wasn't getting that either. His severance package clearly states he would get his annual base salary for the month in which his duties were terminated and for 12 consecutive months thereafter, and the City shall also pay Mr. Beach's life insurance and major medical insurance. That was it. That was all that was in his severance package.

Commissioner Becht said anyway, Ms. Johnson needs to sign off and say she can figure it out, because she was confused. He means Ms. Johnson no offense. But when he asked her certain questions about how to calculate it and what the number was, he thinks she felt there were some variables that put her in a position where she wasn't sure what was included and what wasn't. He thinks with some very easy drafting between Mr. Schwerer and Mr. Recor, that can be defined so anybody can figure that out. Somebody needs to walk him through Paragraph 11, Disability, because as he read it... He would like Mr. Schwerer to respond to this, because the way he read it is if Mr. Recor gets sick and can't do his job, they can terminate him because he wasn't doing his job, but they have to pay him the severance. That didn't sit well with him. But maybe he is missing something or maybe he is being too harsh.

Mr. Recor said that again is modeled after the existing Employment Agreement.

Commissioner Becht said he doesn't know that any of them were here, other than the Mayor and Mr. Schwerer, when that was negotiated.

City Attorney Schwerer said that is the form agreement they have used for the City Manager's contract. Anything in this contract - he just wants to point this out - is certainly negotiable with this Commission. But he would have to study why this is in here and how it is effective as far as some of the laws that have been enacted concerning disability. Whether or not they have any type of issues there, he can't tell them. This says what it says. It says basically that if he is permanently disabled or otherwise unable to perform his duties because of sickness, accident, mental incapacity, or health for a period of eight consecutive weeks beyond any accrued sick leave or for 20 working days over a 60 day working period...

Commissioner Alexander asked is that job related or is that a fishing off the intercoastal...?

City Attorney Schwerer said obviously they can take issue if there are certain intentional conduct issues on behalf of...

Commissioner Alexander said he is not being joking, he is just asking a question. Should that not be in there whether it is job related, or whether he slips and falls at home? They all have those sickness and health. But he heard him say they can negotiate any of this. They weren't here in the beginning. He just wants to elaborate on his question about that City Marina. They are telling him that Mr. Beach had privilege to that City Marina?

City Attorney Schwerer said no, it was not in his contract to have that benefit, that is correct. His job, he wants to explain this. He can't take individual direction from any one Commissioner, that is prohibited by the Charter. But when three or more of them speak, he can take that directive and he can prepare this contract as three of them want that contract prepared. So anything the Commissioners want changed in this contract, if they want it changed and there is a consensus, he will make those changes. But he doesn't sit down

and basically make changes as to this contract by any one Commissioner. Please understand that is his role and his office will take whatever direction this Commission gives.

These certainly are issues that the Commission needs to discuss with Mr. Recor. If they don't agree to something, they can simply tell him they don't agree; and if the majority doesn't agree, whatever that provision is will be deleted.

Commissioner Becht said he doesn't want any of his comments interpreted to be derogatory of Mr. Recor. These are questions about the contract, but these are not questions about him. He would like for Mr. Recor to serve in a capacity that is agreeable to all of them - as Acting City Manager or City Manager or whatever the case needs to be - running parallel with a national search, which he would ask Mr. Recor to submit his name to. And quite frankly he would hope that he comes out the other end, as he suspects he will. But the document that is presented tonight, he just questions if this is fully comprehended by all of them, and he thinks it needs some polishing.

Mayor Benton said Commissioner Sessions he believes was one who was here originally when Mr. Beach was hired. He believes Mayor Dannahower was the Mayor at the time. He came a little bit later on.

Commissioner Coke said she is going to play Mary Poppins, she has this great big bag behind her and she is pulling out a big monkey wrench, so everybody get nervous, she is throwing it right in the middle of the mix. She thinks they got six steps ahead of themselves. She doesn't think the question this evening is this contract. No offense to Mr. Recor. Because she thinks what is happening now is they are all getting bogged down with severance pay, marina, golf course. She thinks what they need to do tonight is make a decision. Do they move forward with Mr. Recor as their City Manager? She thinks each and every one of them has distinct and valid points and concerns regarding the contract. A contract is a piece of paper and it needs to be worked out. She got a copy of Mr. Beach's original contract this afternoon. Now she is trying to go word by word and she hasn't had the chance to absorb it. She thinks they would do themselves and Mr. Recor a disservice to sit here tonight until midnight or 1:00 a.m. and say this word is good, that word is good. She thinks what they need to do tonight is agree in concept that they want to sit down and hammer out and negotiate a contract with Mr. Recor. She thinks that needs to be the first step. If they agree to that, then all of this can be worked out, they can answer their questions, and they can have time to look at the other things that they need to look at.

Mayor Benton said he thinks they have heard the concerns. Bring back a contract. Basically what they are saying here is that they want to hire Mr. Recor as City Manager, that they have faith in Mr. Recor. He knows from sitting on the Fire Board - and he believes Commissioner Sessions, Commissioner Becht, and Commissioner Alexander have sat as Chair - the Fire Board has always said to the Chairman, negotiate a contract and then bring it back to the Board. He thinks this Commission has already commented that they have some concerns on the contract. So maybe at the next meeting they could have a contract brought back with input from the Commission.

Commissioner Coke said her concern with the contract itself was... She called Mr. Recor this afternoon and she called Mr. Schwerer. Mr. Beach's contract has some clauses in there about attendance, about indemnification. It may all be in here, but it is worded differently. The severance package is certainly worded differently. She doesn't want them to get a higher level of frustration with the nuts and bolts of this this evening. God knows she doesn't want to spend any more sleepless nights worrying about this. She has worked with Mr. Recor for three years now. She is hoping that in eight months they will sit down to do a review as a group and decide to renew his contract. If he doesn't do well, three months from now they can always say goodbye. They are not going to be out anything, they are still going to have to pay him the six months severance fee because it is in his contract now. She thinks if in six months they are going to sit down and do a review, that is time enough to let him either sink or swim. They should move forward this evening with a

vote of confidence; and ask him to sit down and rework some of this contract so it is more closely in line with what they had originally.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to move forward this evening with a vote of confidence in Mr. Recor; and ask him to sit down and rework some of this contract so that it is more closely in line with what they had originally.

Commissioner Sessions said for discussion purposes, he doesn't have a problem with fine tuning the contract and address some of the concerns. Perhaps there are a couple of things he would like to address. But he will be frank with them. He believes Mr. Recor deserves a chance. He has been pondering over this issue and he put a lot of time, thought, and effort into it, and he has taken on to do some investigations and some research on it, on Mr. Recor. While he did not find that Mr. Recor won a popularity contest with their employees, he is not looking for that. But by the same token, he feels they have an individual that is gifted and talented, he has spread himself out with his talents. Mr. Recor has tried to run more than his share of departments. To some degree, that has hurt him because - as his father used to always say - if you spread yourself out too much, you become ineffective. So to some degree he thinks that has been a problem for Mr. Recor. He even looked into the rumors about things that had taken place before he came aboard regarding some destruction of documents; and based on what he found out in the investigations, him personally, there was no malicious intent on Mr. Recor's part regarding any type of discrimination or anything like that. He personally has a zero tolerance level for discrimination, whether it be white on black, black on white, male against female, female against male. So that certainly won't be tolerated. And he is comfortable with what happened, he does not see that Mr. Recor had any malicious intent toward doing anything like that. While he is not here to try to paint a perfect picture of Mr. Recor, to some degree he has his faults, as they all do. But he has had some discussions with Mr. Recor, who has assured him that he is going to work on improving a lot of those faults himself. They have so much going on for them in the City of Fort Pierce, so much positive going on. They have all of this going on while they are in a financial bind. They are going through cutbacks and things of that nature. And Mr. Recor has been a part of the movement in order to address their concerns and address the issues. Mr. Recor knows what is going on, he has proved himself during the budget crises, he has done a tremendous job. And he thinks that Mr. Recor will be successful at being the City Manager. It is only a year's contract, up for renewal in six months. So Mr. Recor is giving himself the rope to hang himself. It is a win/win situation as far as the Commission is concerned. He doesn't know whether or not Mr. Recor wants to take on that responsibility. But if he wants to, then they will review it; and if they are not comfortable with him, then they can pull the rope. But again, he feels Mr. Recor deserves a chance. And in order to get the consensus of the Commission itself with addressing some specifics regarding the contract, he doesn't have a problem with waiting. But if this is the man for the job, he doesn't want to waste taxpayers time in doing a nationwide search. He doesn't want a smokescreen. If they are going to hire the man to do the job, then let's give him their full 100% support and allow him to do it. And if he can't perform, they snatch the rope.

Commissioner Becht said in looking at the bullet points in the memorandum, the only one that gives him some heartburn is the no-cost use of the City recreation facilities. They might be able to do that later in lieu of cash or something like that. That is the only one that gives him heartburn, so Mr. Recor knows what he is going to be negotiating, he wanted to let him know that. And once this motion is voted on, he will be making a motion to do a national search; and they will see whether he has to worry about that or not, because they are going to find out tonight.

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that they commence a national search for a City Manager running parallel with negotiations with Mr. Recor on his contract to serve as City Manager.

Commissioner Coke said she made the second because she does not understand. It was her understanding that they just voted to negotiate a contract and bring it back in two weeks.

Commissioner Becht said yes, and he supported that.

Commissioner Coke asked he supported that, and now he wants to go out for a national search? Does he think they can have that done in two weeks?

Commissioner Becht said no, he wants to commence it. He wants to start efforts to have a national search.

Commissioner Coke said but if they enter into a contract with Mr. Recor on September 15th and a national search will take 60 or 90 days or longer, she is not exactly sure where they would go. Certainly she does not want Mr. Recor applying for any more jobs.

Commissioner Becht said he thought, and still feels, that there will be a cleansing process going through a national search. The employees will have a validation that Mr. Recor is the best person for the job at the end of the national search and the public will have the confirmation that Mr. Recor is the best person for the job at the end of that search. He has had numerous conversations with Mr. Recor - with apologies to his family, that he is very fond of - that they are going to put him through this aggravation. But he thinks the validation that comes out of the end of the national search process is worth the headache to Staff and the expense to the City. So that is why he asked for a national search.

Commissioner Coke said her initial reaction when she first spoke with Mr. Beach regarding his retirement was that they needed to do a national search. That was several months ago. The more she thought about it over the last three or four months - heaven knows she and Mr. Recor don't always see eye to eye - she thinks he has stepped to the plate. Mr. Recor has been practically in charge of the budget process, he has been running the Planning Department. She thinks at this juncture in time after a unanimous vote to negotiate a contract with Mr. Recor, that she is going to have to withdraw her second to the motion for a national search.

COMMISSIONER COKE WITHDREW HER SECOND TO THE MOTION.

Mayor Benton said he wants to comment on national searches. Several of them have sat on boards doing that.

Commissioner Becht asked can he ask for a second to the motion?

Mayor Benton said he wants to comment on whether they do or not, because he just thinks it is a waste of money at a time when they have trained somebody...

Commissioner Becht said he is going to protest. He thinks the Mayor is out of order. Did the motion fail?

COMMISSIONER SESSIONS SECONDED THE MOTION.

Mayor Benton said on the Fire Board they tried to do this. And when they hired the Fire Chief, they got an excellent guy from within. In his opinion, he thought that is why they hired Mr. Recor, was to have somebody trained. Fort Pierce is a very unique community. After three and a half years, he thinks Mr. Recor has shown his leadership abilities second to none. At a time when they sit up here and look at companies that come in and want to

bid on doing work in Fort Pierce, and they say they want to hire from within... Then all of a sudden they have a guy here that has a family with four kids that have made a substantial commitment to their community, are they will to say he has done an all right job, but they want to look around... There is not reason to do it.

Commissioner Coke said the Mayor is going to talk her into voting for the national search. Mr. Recor is very committed and very valuable. However, he needs to remember that Mr. Recor was not born and raised in Fort Pierce. When he talks about not being able to pull talent from outside, Mr. Recor's commitment to this community has been three years long. So if the Mayor is looking to talk her into going with Commissioner Becht's theory, he is real close to having her there.

Commissioner Sessions said he really does not see the need for a search at this point. He feels they have an individual that is eager and anxious to please. He has discussed issues with Mr. Recor that are a major concern of his, that he feels addresses the concerns of his constituency, whether it be northwest section or the city at large. He feels that Mr. Recor will in fact address those issues. He is confident that Mr. Recor will do a good job. And if they are in fact sending the contract to negotiate certain terms of the contract, then it is just a smokescreen on their part, because if ultimately they are going to do a search, then it makes no sense to him. That is why he won't be able to support the motion on the floor.

COMMISSIONER SESSIONS WITHDREW HIS SECOND TO THE MOTION.

MOTION DIED FOR LACK OF A SECOND.

Mr. Recor said he thanks the Mayor and Commissioners. He is certain they will be able to come to an amicable resolution to the contract issues.

Mayor Benton said they look forward to working with Mr. Recor, as is the community.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING TARA MCFARLANE AS A MEMBER OF THE **POLICE OFFICERS RETIREMENT FUND BOARD OF TRUSTEES**; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 08-37 be adopted.

Those voting in favor of the motion to adopt Resolution No. 08-37 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Resolution No. 08-38, Appointing members to the Sunrise Theatre Advisory Board.

City Clerk Steele said she will need some names to fill in the blanks in order to make the appointments. She believes Mr. Ward has some recommendations if the Commission would like to hear them.

Mayor Benton said there are four applications. Two of them live in the City. They need two City residents and one County or Port St. Lucie resident.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said that is true. They do need one County resident and two City residents. Staff is pleased to recommend Steven

Patterson and Allison Koblegard for the City representatives and Gary Roberts as the County representative.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS OF THE **SUNRISE THEATRE ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 08-38 be adopted.

Those voting in favor of the adoption of Resolution No. 08-38 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Submittal of Applications for Appointment or Reappointment to the **Fort Pierce Utilities Authority Board**.

City Clerk Steele said they have an application in front of them to consider and there will be a Resolution on the next Agenda.

Commissioner Becht said he would like to clarify something Commissioner Sessions said earlier in the meeting. He would suggest that Mr. Drummond is one of the brightest men, black or white, that he knows. And certainly the brightest non-mayoral, non-CPA on the Utilities Authority Board as it is currently composed.

Mayor Benton said he would agree 100%. It has been a pleasure sitting with Mr. Drummond and dealing with him when he was a City Commissioner.

Commissioner Coke said she would agree with that also.

Commissioner Sessions said he concurs with each and every one of them. He looks at the young man as being a mentor. It is just what is going on at the FPUA, the concept and the ideologies, he tends to disagree. While it is nothing personal against Darrell Drummond, he takes this job personally and he is held accountable for what he does. He was elected and he made promises. People are crying out. There are certain issues that need to be addressed. This is priority for him, aside from his relationship with Mr. Drummond. He feels real close to Mr. Drummond. But by the same token, he thinks they need to explore other avenues in terms of trying to get something done with the Fort Pierce Utilities Authority.

Commissioner Alexander said ditto.

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The next item on the Agenda was Commissioner Coke discussion on an ordinance relating to **sexual predators and sexual offenders**.

Commissioner Coke said she put this on the Agenda a while back. The consensus and the advice from the City Attorney was that they should, rather than pass their own ordinance, follow the County's lead. So of course, she stepped back and they all agreed to that and they passed a Resolution to that effect. She does recall at the time saying she would be more than willing to follow the County's lead, as long as they were going to move forward expeditiously. And what a surprise, the County decided to do their ordinance for the unincorporated County only. First of all, she does not know if it is legal for them to do that. Secondly, if that is what the County is going to do, the City needs to bite the bullet and move forward with their own ordinance.

Commissioner Alexander said when they speak of the County, they speak of parks and schools. How many schools do they have outside the city limits of the City of Fort Pierce or the City of Port St. Lucie? Not very many. So he is just trying to think why it was stated like that? Because they can surely follow the State trend and come up with something of their own.

Commissioner Coke said it surprised her. She read it first on-line. It quoted a County Commissioner talking about, when you live in a city, you expect to get provided with a higher level of service, and he didn't think it is up to the County to provide that level of service. She would beg to differ with that County Commissioner. Because as City residents, they pay County taxes and they are entitled to every bit of the service that the County provides in unincorporated County. Shame of the County for thinking that they don't need to take care of Fort Pierce as well as unincorporated County.

Mayor Benton said thank God the Sheriff does. They must not know what the Sheriff does inside the City limits. He thinks it is up to this Commission now. Could they have this brought back on the next Agenda, as soon as they can advertise an ordinance?

Commissioner Becht said the sooner, the better.

Commissioner Alexander asked what are they going to discuss changing that is not already a law?

Mayor Benton said he does not think they were looking to change it. They are going to adopt it and enforce it in the City limits of Fort Pierce.

Commissioner Coke said they lost a month on Mr. Schwerer's advice.

City Attorney Schwerer said it is pretty complicated and there are some issues with respect to the City as to whether or not these additional protections or this additional distance is going to be all that effective because of the compact size of their City and the location of all these other activities that already prohibit folks from living that close. He would like to inform the Commission that they are currently researching the issue of whether or not the County can selectively choose to adopt an ordinance that won't apply in the City. He is going to be conferencing with the Port St. Lucie attorney on the results of his research. If it turns out that the County cannot do that, then there may be a legal issue as to whether the County ordinance automatically applies despite the fact they say they don't intend it to apply. He would simply want to complete that research and advise the Commission not to finalize its own ordinance until they have some definitive legal position on that. Because they may end up with a situation where the City's ordinance, if it is identical to the County's... They can certainly make it more restrictive than the County's, but that is not what he heard the Commission wanting to do.

Mayor Benton asked what don't they make it more restrictive? Other cities have already adopted an ordinance similar to this. True?

City Attorney Schwerer said yes.

Mayor Benton said what they are trying to avoid is that influx of people that can't live in these other cities. If it means they need to make theirs more restrictive... They have to do something that they act in a timely fashion.

Commissioner Coke said maybe what they can do is advertise the ordinance. And if that takes two weeks, she is sure by then Mr. Schwerer will have an answer on whether or not it was legal for the County to try to exclude Fort Pierce from this ordinance. And if it is not and it is already a legal ordinance that is enforceable inside the City, then they don't need to act on it; and if it is not, then they do.

City Attorney Schwerer said they can probably do that.

Commissioner Becht said he would like to move forward with the ordinance, because he thinks if they don't, they are going to be hurt by not moving forward on it. But he does not think that in and of itself is the answer. He would like to authorize the Mayor to sign a letter to all of their Legislators and the Governor, asking them to adopt statewide legislation addressing this issue. Because if it is not done in a statewide fashion, they are going to be raising the limit every time one city in the State of Florida goes from... They are going from 1,500 feet to 2,500 feet. When Winter Park or Delray goes to 3,500 feet, they are going to have to come back and change their. Or when they come up with a new way of keeping the sexual predators out, they are going to have to adopt theirs. So he wants to strongly suggest they send a letter to the Legislature, so that they deal with it on a state-wide basis and get it out of their hands. He would also like to send a letter to the County - and maybe coordinate this with Port St. Lucie - asking them to revisit the issue. The discussion he has had with a couple of County Commissioners just did not make sense as to why they weren't moving forward on it. This incorporated versus unincorporated, they ask them to do it via the sheriff, he really didn't get the explanation, it did not make sense to him why the County didn't move forward on it. Maybe Mr. Schwerer can find that out through Mr. McIntyre. But definitely a letter to the Governor and all of the Legislators and the League of Cities. Those that attend the League of Cities meetings, if they could press forward...

Commissioner Alexander said those are some pressing issues already, have been, and going to continue to be the same. That is why he said they didn't have to follow the County. They can ask the League of Cities come in, they have it in place. That is where it came in with the parks and recreation, where it used to be a limited amount, they extended that because of the League of Cities extended that. That is already on the table. It has been a hot issue for at least a couple of years that he knows of.

Commissioner Becht said State legislation is what he is pushing for. The Leagues of Cities has a much stronger lobby in Tallahassee than Fort Pierce is ever going to have. Commissioner Alexander is saying they have already been pushing for State legislation?

Commissioner Alexander said they are.

Commissioner Becht said okay. But he thinks a letter from the City of Fort Pierce might help.

Commissioner Coke said it couldn't hurt.

Mayor Benton said Mr. Schwerer has direction.

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The next item on the Agenda was City Manager discussion on correspondence from County Administrator regarding the City's interest in acquiring and maintaining **Neighborhood Parks** and operation of the Fort Pierce **Community Center**.

City Manager Beach said they have a memo from him dated August 25th that has attached to it an August 18th letter from the County Administrator, recapping discussion that took place during a budget workshop; and that is, the offer from St. Lucie County to turn over a number of parks and facilities to the City of Fort Pierce. The tone of this letter is more in the vein of giving the City the opportunity to take over these facilities, or reject taking them over. He believes Mr. Anderson's intention is to find out whether or not that is an option for St. Lucie County. If it is not an option, the County is going to go into another direction in terms of how to dispose of these facilities. It appears the County is on course to close the Community Center at Indian River Veterans Memorial Park by the end of this fiscal year. That is something they will see close immediately if someone else doesn't step up to the plate to operate that facility. The County is moving their staff and operations from that facility to the new Havert Fenn Center on 25th Street and Virginia Avenue. The County also put together a list of costs they had experienced with all of these facilities they are

considering abandoning. Those have been reviewed by the City's Public Works, Facilities Maintenance folks; and they do concur that is about the cost, it runs almost \$1.5 million a year in terms of upkeep and mowing and staffing to deal with these facilities the County is proposing to vacate. It primarily relates to what they are considering neighborhood facilities. Of course, there are some fairly significant facilities at Ilois Ellis Park and it is a costly operation to maintain. So this is presented to the Commission for their consideration. He does not expect them to make a decision on it this evening, but they do need to give Staff some direction as to what their thinking is so that he can respond to the County Administrator.

Commissioner Coke asked is it the County's intention, if they were to agree to take over these parks, to then deed the parks to the City?

City Manager Beach said yes, he is sure they would do that, if in fact these are not already City-owned parks.

Commissioner Coke said as they all know, the City is going to maintain Causeway Park and not have ownership of it. It looks wonderful, thanks to everybody in Public Works. They had talked several months back about looking to possibly renegotiate the Parks Referendum money. Every time they get a report, the report is not as clear as she would like it to be; but it still appears to her that 99% of the revenue generated within the City of Fort Pierce that has been bonded out, has been spent on a County facility - Lawnwood Stadium - that happens to be located inside the City. That is all well and good and they can't change what has happened in the past. But if they all read that Interlocal Agreement they signed, it does say that they can renegotiate that. They can request that they get some of those Parks Referendum monies to come to their City, which would then enable them to make improvements to parks and keep parks up and going. She does not know about all the parks listed here, but she is familiar with several of them, she drives past them, and they are all well-utilized. It is not a matter of an under-utilized park that no one ever goes to or an under-utilized community center that they are looking now to cut back on the quality of life they are offering their citizens. She for one thinks that whether it is through the Parks Referendum or some other way, they need to find a way to keep their parks open. Because the Chief will tell them, if there is nothing for these kids to do, they are going to end up in jail.

Commissioner Alexander said he had one of the same concerns about that Parks Referendum monies. Are they going to relinquish these parks to the City without any capital or any improvement?

City Manager Beach said yes, that is their proposal. In fact he thinks the way the County has termed this in previous discussions is that the City has the option of assuming responsibility for them; and if the City does not accept that, then the County will find other alternatives. And one of those alternatives is the actual closing of the park.

Commissioner Coke said the County even used the word, sell, at one juncture.

Commissioner Alexander asked he did say the City owns some of these parks already, right?

City Manager Beach said he wouldn't want to say that without verifying it, but he believes they do. His suspicion is that they turned these over to the County some 30 years ago.

Commissioner Alexander asked where does he expect this annual \$1.5 million will come from? He knows it is not going to stay there. Are they going to start their own Recreation Department? He knows two of them have been asking and itching and fidgeting for that for a long time. Where will they say this money is coming from?

City Manager Beach said the figures they see there are not about recreation programming. These figures are about maintenance of facilities. There may be a few positions at the Fort Pierce Community Center, but the balance of it are simply maintenance costs.

Commissioner Alexander said they have listed inclusive of this is personnel at all levels. So the personnel is in this.

City Manager Beach said no, the only one staffed for recreation purposes is the Fort Pierce Community Center. The rest of that is people who take care of the fields and the grounds and things of that nature. Is he stating that accurately?

Mr. Bob Hood, Director of Public Works, said the numbers they are seeing developed by the County and verified by the Public Works Department on this subject do contain the personnel and equipment expenditures and materials to maintain those facilities. That does not include the staffing necessary to program the recreation opportunities at those facilities. This is maintenance only.

Commissioner Becht asked is he to understand these figures are Mr. Hood's, not figures that came from the County?

Mr. Hood said they verified the County's figures. They looked at their figures and made a tour of each of the sites, talked to their personnel with their qualified people to see if there was anything in that they agreed with or didn't agree with of a major nature.

Commissioner Becht said he would like to move forward with the idea of investigating what would be involved in taking over these listed parks. But he also would like a survey of all St. Lucie County parks within the corporate limits of the City of Fort Pierce as exist today and what is reasonably foreseeable in the next five to ten years of their annexing. He would like to add Causeway Park to this list. He would like legal to look at the Fort Pierce Community Center lease and tell him, if the County shuts down operations, does that automatically revert to the City? He would like to add to the list both the Causeway Park and he would like to at least put an asterisk by the Old Fire Station #2, which is on the other side of Chucks Restaurant. Once they identify those, what he will be looking for from Mr. Hood is a budget signed by him that clearly identifies what he expects to be the annual maintenance cost of the City taking these over. Not just sort of kind of validating what the County says it is going to cost, but he is looking for a budget from Mr. Hood that he can fold into next year's budget, if he had to, with great reliability. The other thing he would like is for all Fort Pierce residents, as they encounter the current crop of County Commissioner candidates, to ask them pointedly what their intentions are with funding County Parks that are within the City limits of Fort Pierce? Because if they got a commitment from the current crop of County Commissioners and they are coming around asking for their vote, the residents should ask them for something. If the current crop of candidates pledges and all of them pledge to fund County Parks within the City limits of Fort Pierce, the City won't have to do anything because they will change the budget and they will fund the maintenance and operation of County Parks within the City limits.

Commissioner Sessions asked so these figures don't encompass the staff that actually operates them. He knows a couple of these places, they do have a staff. These figures do not encompass their salaries, is he correct?

Mr. Hood said right. For instance, for Ilous Ellis Park or Open Space Pool, the lifeguards and that sort of thing are considered recreation and would not be included in the maintenance cost on that. He might add that on some of these parks they have Interlocal Agreements from 1999 where they traded the maintenance on some parks such, as South Beach Boardwalk Park. They traded the maintenance on that park for the County to take over maintenance at Open Space Park or Ilous Ellis Park. They tried to make trades on those areas since the City doesn't have a Recreation Department and haven't since the 1970's. They tried to trade out sites that are heavy recreation sites. Most of the ones listed

on here are heavy recreation sites. So that is something to take into consideration. Also, the City took over Old Fort Park. They might have noticed Public Works is trying to make some improvements in there. So that would in some effect revert back to the County, that would have to be determined. But that is inside the City limits. So there are some County parks that the underlying ground is owned by the County which the City maintains because it is a more efficient operation that way.

Commissioner Sessions said if they are talking about taking the parks back, then they certainly need the staff that is currently operating the Recreation Department or they are just getting a skeleton. So that needs to be encompassed too, the salaries of those individuals as well. And particularly those he just mentioned that he knows the key to the success of those parks is contingent upon the productivity of the staff there, so that is essential they are going to have to be there and they are going to have to be in place. But by the same token, he feels that it is time that the City steps to the plate and takes on the responsibility of operating their parks. He thinks that is one of the biggest deterrents in crimes in terms of their young people. And for them to have an impact on that, he thinks they need to operate their own parks as well as the recreation within those parks. While they are talking about offsetting the cost, he knows at the last meeting they were talking about the Humane Society and legislatively whether or not they can hold the County responsible for their burden of taking on that cost, so that might be something that would tremendously offset what it is going to take in order for them to run their own parks and recreation.

Mr. Recor said he is glad to hear they are cognizant of the resource issue.

Commissioner Alexander asked is Mr. Hood telling him the Fort Pierce Community Center would cost them \$370,000 a year just to maintain that building?

Mr. Hood said the inside of the structure itself and the operations that are going on within that structure cost the County that amount of money, that is maintenance and utilities and that sort of thing. The Fort Pierce Community Center in Indian River Veterans Memorial Park is maintained by the County, as is the shuffleboard court adjoining. Everything around that on the outside of that building is maintained by the City of Fort Pierce and has been since 1999.

Commissioner Alexander said he is just trying to get some idea on that Amphitheater. What cost has that come in at for the City to maintain since they have taken over that?

Mr. Hood said that cost is a part of their Parks & Grounds Facilities & Maintenance Budget. They spent a great deal of money initially because there was so much deferred maintenance on it and to make some improvements on it. They have replaced much of the back of the house and that sort of thing.

Commissioner Alexander said that is the only thing he resents, that the County sent them crap for them to rebuild which is in their City. They should have never allowed those to get it to get to that condition, because Code Enforcement within the City should have been working on the County agenda.

City Manager Beach asked does he hear the Commission saying they would like to explore this and have Staff bring back some options for how this may occur? (The Commissioners agreed.)

Commissioner Coke asked could they also find out if it was a trade or maintenance deal with the County, what other parks they would be returning to the County?

City Manager Beach said Public Works prepared a fairly comprehensive list of all of the City and County parks just recently.

Commissioner Coke said she got it. She just didn't know if everybody got it.

City Manager Beach asked he doesn't think they determined who owned each one, did they?

Mr. Hood said he doesn't believe the ownership issue... And he might not be as clear as he might need to be on that, it can get pretty murky. For instance Causeway Park that Commissioner Coke was mentioning, that is part of the Port & Airport Authority property. So that is the underlying ownership issue there. It doesn't belong to the County per se or the City.

City Manager Beach said they will research that. As part of this analysis, they will look at the land ownership.

Commissioner Coke asked if it doesn't belong to the County, how come they had to ask for their permission to clean it up?

City Manager Beach said the County Commission is the Port & Airport Authority.

Commissioner Becht asked can they identify which ones are in the FPRA area as well? That is a funding source. Just put a little asterisk by those that might be in the FPRA area.

Mr. Hood said he doesn't see a problem with that. He thinks they can elaborate on the table they provided and maybe code these as to ownership and boundaries.

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The next item on the Agenda was City Manager Discussion on Disposition of **Old Historic Post Office Building** at 500 Orange Avenue.

City Manager Beach said this was put on the agenda at the request of a Commissioner during their last Fort Pierce Redevelopment Agency meeting. It was actually a FPRA agenda item, but it was determined that it was more appropriate for the City Commission to consider. The building is owned by the City of Fort Pierce. He believes the Commission was wanting to give Staff some formal direction on the disposition of that Post Office building.

Mayor Benton said he thinks they were looking to market it.

Commissioner Becht said if his recollection is correct, Mr. Ward said he had been approached by the adjoining property owner with an eye toward incorporating the Post Office building into the development of the property to the west. He for one would be very much interested in authorizing somebody to enter into negotiations with that person, if they can. If they have to do an RFP, then they have to do an RFP.

City Attorney Schwerer said the Charter requires that if the City no longer utilizes or needs property for public use, that they put it out as surplus property, and then that kicks in the request for proposals for bids on it and pricing. They can reject those bids as they see fit. But they must put it out first for a public bid, unless they are going to be transferring it to another governmental entity and not the Federal Government.

Commissioner Alexander said they have that Federal Courthouse getting ready to break ground. If they go out for bids now and get a bid on that property versus they wait another 12 months, they are not going to triple...

Mayor Benton said his suggestion would be, by the time they go through the process, it is going to take a couple of meetings before it came back in front of the Commission. They hope to be breaking ground in October on the Federal Courthouse. He wouldn't want to put it on the market until then. But once that breaks ground, he would expect that property value to go up considerably.

Commissioner Alexander said that is what he is asking. They only spent \$100,000 for that and they have done a little tie-in making sure everything is kosher there, so it won't hurt that property to sit. That is his opinion. Unless they are going to give it to another government entity, he could go along with that, but not just arbitrarily selling it to the general public, because they had an opportunity to buy it before the City did.

Mayor Benton said he would rather see it bringing in taxes. Because if it sits, it is just going to deteriorate and cost them more money. If they can get an attorney who is looking for a new office, that would be an appropriate use of it, he thinks.

Commissioner Alexander said he is looking for a mighty large firm.

Mayor Benton said when they have a Federal Courthouse, there is going to be a lot of firms looking for property here.

Commissioner Coke said she couldn't agree more that this is probably the worst time to do this. She understands if they have one person interested, they still have to go out for a proposal. With the economy and the real estate market being what it is, they may or may not get other proposals. She thinks this time next year, after they finish drying in the roof and spending the grant money they received, would be a much better time frame to look at this. Because they don't know what the real estate market will do. They know where they are at now, they are at the bottom. She is thinking it is going to come back up.

Mayor Benton said they don't have to sell it. But the market isn't hurting the attorneys. Once this breaks ground, they are going to have a lot of attorneys coming into this community. There are certain trial attorneys who are still doing very well, they are all suing the City and the County and everybody else.

Commissioner Coke said what she is saying is, the appraisal now is going to come in a lot lower than it will in a year from now.

Mayor Benton said then they can reject it. But it doesn't cost anything to test the water.

Commissioner Coke said except then they are back to the same thing, like when they put out a bid for an \$18 million project when they are only planning on doing \$200,000 of it. It is like the little boy who cried wolf. They are asking people to come give them a bid, but they changed their mind and they are not going to award it. Especially nowadays the average businessman is scrambling trying to build his business, and if he expends time and effort and energy on putting in a bid, whether it is for a job or to buy a building, only to find out it is being rejected or not being pursued, she doesn't think that is very fair for the people they are asking to come in and bid.

Mayor Benton said that is two who are opposed. Do they have a third one so they can end this discussion?

Commissioner Sessions said the bottom is out of the market right now. He just doesn't feel they would get a fair price for what they have made in terms of an investment. So he tends to agree that perhaps they should delay it and then sell it at a later date in time when they can get more money for it.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said Staff will take their direction that they need to proceed with the drying in and fixing up of the roof. He is commenting on that because they have a time frame on the grant that they have from the State right now, so they need to either do the work or give the money back to them. He needs to do that immediately. So if it is their direction, he will move forward with drying it in and preserving it for a potential sale at a later date.

Commissioner Alexander asked for public awareness, how much money did they get from that grant?

Mr. Ward said they got a \$350,000 State Grant right now. The County has \$150,000 in their current budget to contribute toward the drying in of the facility.

Commissioner Alexander said so they are not spending the taxpayer's money. These are grant monies that are available to them.

Mr. Ward said they would probably be spending 25-cent dollars literally. He also wants to point out to the Commission while they are making these considerations, there are some very real deed restrictions that come along with this property. When they acquired this for the City, they acquired it with a set of strings. And certain things are triggered, certain actions will be triggered if they go to dispose of it. Some of them may be relatively minor considerations, but there will be some attendant issues they will have to go along with. But that will be for another time.

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The next item on the Agenda was City Manager Status Report on Demolition of the H.D. King Power Plant.

City Manager Beach said as all of them are aware, the Utilities Authority is in the process of removing the old King Power Plant from downtown. One of the questions that has surfaced over the past several months is, how is the most appropriate way to deal with the resources generated by the company who is demolishing the plant? They actually have paid or have credited the Utilities Authority \$974,000 for the salvage rights to that facility. They are actually taking the building and selling it. The Commissioners are also aware that the property is owned by the City of Fort Pierce, for use by the Fort Pierce Utilities Authority. More than one Commissioner has brought up the question as to whether or not that \$974,000 should be an asset of the City of Fort Pierce as opposed to an asset of the Fort Pierce Utilities Authority. In their Agenda packet they have a list that was prepared by the Fort Pierce Utilities Authority of costs associated with the decommissioning of that plant. Those costs outlined them far exceed the resources that were provided from the company who is removing the plant itself. This Agenda item was put on because of a request by the City Commission. This is an opportunity for them to discuss this. He sees Mr. Thiess is still in the audience, if they have specific questions for him. He knows the City Attorney has reviewed this and he believes he has talked with the Fort Pierce Utilities Authority attorney, and he may have something to add to this or he may not.

Commissioner Becht asked does Mr. Koblegard agree that this property is owned by the City?

City Attorney Schwerer said yes, he would agree with that, the real estate.

Commissioner Becht asked does anybody have the history of this property? Did the City buy it? Did the City buy it at that time with identifiable FPUA monies or did they buy it with City monies? Or was this part of the dredge and fill project?

City Manager Beach said there was one property what was acquired by the Fort Pierce Utilities Authority after it became the Fort Pierce Utilities Authority. The balance of it was acquired...

City Attorney Schwerer said since 1911.

City Clerk Steele said way before there was a Utilities Authority.

City Manager Beach said there is no debate with the U.A. about who owns the property. The U.A. understands this is owned by the City.

Commissioner Becht asked what is the debate then?

City Manager Beach said the debate is about who is entitled to the \$974,000 for the sale of the building to the demolition company.

Commissioner Becht said so the City either built or the FPUA built the King Power Plant way back when on vacant land the City owned and the City will get back the vacant land at the end of the process.

City Manager Beach said keep in mind, the Fort Pierce Utilities Authority didn't exist until 1975. Before that, everything was owned and operated by the City. So more than likely everything on that site was built by the City. He thinks they built the cooling towers after it became the Utilities Authority and the Utilities Authority acquired some property for that site. He can tell them from his own perspective after looking at what they are doing, he doesn't have any claims to those resources. He thinks the cost the U.A. is experiencing with the demolition, the environmental assessment, and all the work associated with removing it, is virtually eating up that entire amount of money that is being generated.

Commissioner Becht said if they accept the U.A.'s figures, another \$10 million.

City Manager Beach said that is if they accept their figures, yes.

Commissioner Becht said so even if he discounts their figures 50% with creative finance, they are still \$5 million out.

City Manager Beach said it is an arguable issue, regardless. If they wanted to take the position that they owed it, then it would be a big debate.

Commissioner Becht asked can't they just be gracious and say thank you if they return it free and clean?

Commissioner Coke said that sounds good.

City Manager Beach said it is good for him.

Commissioner Alexander asked is that inclusive of all the clean up of the soil?

Mayor Benton said down to four feet.

Commissioner Alexander asked what about the adjacent waterway?

Mayor Benton said they are looking at the seawall, behind the seawall where the intake is. They are waiting to hear those figures.

Commissioner Alexander said that is what he wants to make sure, that they are not just talking about the building and not the surrounding area.

Mayor Benton said the cooling towers are already down. He noticed the other day those are gone. The only thing that should be left is some of the transformer yard there to the north.

Commissioner Alexander asked has those grounds been tested?

City Manager Beach said they are doing that now.

Commissioner Alexander said he is asking because they have the Brownfield. Can that be associated with that King Plant?

City Manager Beach said that process is underway as well.

Commissioner Alexander said it is a benefit to the City's citizens as a whole, because the citizens own all of it. The Fort Pierce Utilities Authority and the City of Fort Pierce, the citizens own that. He is going to get a figure of \$10 million for a final cost. Who is going to absorb that, the taxpayer?

Mayor Benton said no, the \$10 million is the cost absorbed by the Utilities Authority for the new power plant that has already been built and to transfer power coming from one plant to the other. Also the figure is just under \$1 million for demolition.

Commissioner Alexander asked maybe they can explain to him what does the new Power Plant have to do with the demolition of the King Power Plant that gives them a total of \$10 million?

Mayor Benton said there were needs because the power is distributed out of that power plant and they have to turn transformers and the grid system. That power plant didn't make power just for Fort Pierce, it went onto the grid. And they have to now tie this power plant in.

Commissioner Alexander asked when was the last time that was done?

Mayor Benton said that was only done once.

Commissioner Alexander said okay, it isn't like they are doing a lack of business there.

Mayor Benton said he thinks he said that accurately. Close, without minor details.

City Manager Beach said unless there is any direction contrary, his understanding of what he just heard was they are fine with how it is proceeding, and they will just work it from that direction. Is that accurate?

Commissioner Sessions said yes.

Mayor Benton said they are good with it. They are glad it didn't cost them money.

Commissioner Becht asked when will they have that vacant land turned over to the City clean?

City Manager Beach said their current schedule is by the end of this calendar year. Whether or not that is accomplished, it will be a few months before they will know. It is still on schedule to be clean by the end of this year and then it would be turned back to the City whenever that takes place.

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The next item on the Agenda was City Manager Status Report on Pending Lease Agreement for the **Little Jim Bridge Property**.

City Manager Beach said they haven't moved as rapidly on the Little Jim Bridge lease negotiations as some would be comfortable with. They do have a negotiation session scheduled tomorrow. They have received a good deal of information from their attorney. Tomorrow Mr. Recor and Mr. Schwerer will be sitting in on that session with him. They will get some idea then as to what time frame they are looking at to have something in front of the City Commission. The concern that has been expressed is that their lease has expired. Of course, they are still operating under the same terms they had on that old lease that some of them are not comfortable with. So staff will try to move this forward at a more rapid pace. If they have any different direction for him, please share it with him now.

Commissioner Alexander asked this is not the only City-owned property they have that is being leased out? He recalls they had a car wash on Okeechobee Road and it didn't bring or draw anywhere close as much attention as this one piece of property.

Commissioner Coke said that was just a right-of-way strip for the parking.

Commissioner Alexander said he knows it, but it was just carte blanche and Mr. Schwerer took care of that in a matter of a conversation.

Commissioner Coke said this has been 5-1/2 or 6 months.

Mayor Benton said the owners of that car wash would not be agreeing with Commissioner Alexander. In their eyes, it still hasn't been straightened out with the language of who owns it. They are in his office on a regular basis.

Commissioner Alexander asked they know who owns it, right?

Commissioner Becht said the City owns it.

Commissioner Alexander asked if they as a City allow people to go into business and then at the end they don't have a ten-year lease with options, if they are not doing anything wrong, then why are they opting to bring in someone else? Not that he cares who else may be there, he thinks it is up to the Commission to say who is going to stay there.

Mayor Benton said what has happened here is, because there are attorneys involved, it is taking a little bit longer. He guesses they are looking at surveys. They are paying 3% more than they were earlier with their old lease. It is just mainly working the details out.

City Manager Beach said yes. To answer what he believes Commissioner Alexander's question was, the reason this is going through negotiations right now is that this company just came off of a 15-year lease. They had three 5-year renewals or something of that nature. What they are trying to do now is renegotiate another long-term lease.

Commissioner Becht said he thinks there is a clarification that is due here. The prior tenant was Roberta Minor and she is not going to be the new tenant. It will be the Kings. So it is not the same company, it is the Kings. He thinks in point of fact that the Kings have been operating it for probably five or ten years. They have been there a while. Somebody under their tutelage has been there. His concern is that the lease expired in April. What is the current monthly rent for that place?

City Manager Beach said he thinks it is \$1,200 a month.

Commissioner Becht said so a 3% increase was like \$36 a month. That is nothing for what the place is worth. If they look at an aerial, they have 23 boat slips in there. If they ask Dean Kubitschek what one of those slips ought to go for, the slips should be cheap at \$200, maybe marketed at \$350, and if they are pushing the envelope maybe they could get \$400 or \$500 for a slip. There are 23 slips in there. So three slips at \$400, they cover the monthly rent, and they got 20 slips that the City owns.

Commissioner Alexander asked they don't have any millionaires running that place of business there.

Commissioner Becht asked has he paid the money to park a boat in the water? If they had Dean Kubitschek running that place, then they could have those boat slips paying rent to the City at \$400 a slip, instead of paying \$6,000 a month to the current tenant who then turns around and pays the City \$1,200. Once they grasp that, he thinks they see the inequity that is being done to the citizens of Fort Pierce who own that property. He doesn't mind somebody making money, but he would like to see some reinvestment back in the property. He would like to see some different operations. He would like to see some food service. He would like to see some beach volleyball, some kayak rentals, or something. But back to what is bothering him is, if they are paying \$1,200 a month, there is no incentive to get this lease deal done. He is wondering if tomorrow they can get a

commitment that whatever the final rental agreement is, that the City will be reimbursed back to April for what the difference is between whatever they are paying and whatever the agreed-upon rental is going forward. He for one would like to see that in good faith. He thinks that is a commitment they can make.

City Manager Beach said he thinks that would help them move this forward.

Commissioner Becht said it would make him a lot less anxious about trying to get the thing rebid. Because somebody is dragging their feet. Either the City is dragging their feet and not getting it done, or they are dragging their feet and not getting it done. He doesn't want to think it is the City. So if it Staff, then to his way of thinking, they need to get it done and they need to be fair to the citizens of Fort Pierce who have a valuable investment there. He is just trying to be fair to the citizens who own the property. Let them make a good living, he thinks they are making a good living off the boat slips. And if they are not, then maybe somebody who knows how to run a marina needs to get in there and run it for them.

Mr. Recor asked they have boat slips over there?

Commissioner Becht said there are 23 boat slips over there. He is real happy about the thought of Mr. Recor negotiating a lease with them. If they could keep that moving, he really would like to see the lease finalized. They all know what they have so they can make the investment back on the property that they talked about months ago. He is not seeing any investment in the property now. It would be nice to see some good faith with them all going forward.

City Manager Beach said they have their direction.

Commissioner Alexander asked of all the years that place has been leased out, who has maintained the property?

City Manager Beach said the tenant maintains the property.

Commissioner Alexander asked they do not associate any cost?

Mayor Benton said the City one day just found out they owned that property. The people who originally settled on the property never filed the appropriate paperwork. And one day out of the clear blue sky, the City found out the State deeded it to them.

Commissioner Alexander said there is nothing that is being done to that property.

Mayor Benton said everything that has been done to that property has been done by private owners. And specifically the improvements made today are a lot better than they were years ago. He knows they would disagree, they are not dragging their feet. From his discussion with them last week, it might be City staff. So both parties need to sit down and get this hashed out.

City Manager Beach said they have their direction.

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The next item on the Agenda was Deputy City Manager request establishment of a LDR (Land Development Regulations) Rewrite Committee.

Deputy City Manager David Recor, said this is actually a very important assignment and he would really like for them to think about their appointments. As they are well aware, this is a significant undertaking, the much anticipated rewrite of the Land Development Regulations that are intended to implement the goals and objectives of their new Comprehensive Plan. This is a working group that was specially called out in the scope of services. What he would like for them to do is think about an appointment to this LDR advisory group who would work along with staff and the consultant (Duncan and

Associates, Inc.) in preparing the individual modules that will comprise the rewrite of the Land Development Regulations. They literally will be a working group in terms of using their experience in working with the development regulations, advising staff and the consultant of what sections in their experience need work, where they can improve in certain areas, making recommendations for the Commission to consider. It is on tonight's agenda simply to get the wheels rolling, to get them to start thinking about it. He would like to have them to have their appointments ready on September 15th. He is going to have the consultant here in two weeks. That is the kick-off week. They will be in town all week long and will be having listening sessions with staff. He would like to be able to form the first meeting of the LDR Advisory Group that week while the consultant is here.

Commissioner Becht said he thanks Mr. Recor for bringing this forward, he has been very instrumental in getting the LDR Rewrite to fruition. He loves the idea about the Advisory Committee. He is concerned with one appointee from the Commission they are going to have a five-member committee. He thinks they need to do something different and he is not sure what they need to do different. He can see the need to have engineers review certain portions of the code. He can see the need to have landscape architects review other portions of the code, but not all of the code. Believe it or not, he has had lawyers who have said they will help them review the code from the private sector standpoint. Then they really need businesses and architects and other people to buy into this and understand what it is going to mean to take an abstract written document and say this is how it will apply in the real world. So he is wondering if there is a format for doing this that might be slightly different than what Mr. Recor proposed. He has had two or three people who said they would volunteer their time or employees of theirs time. But he doesn't know that they need a landscape architect to sit on the committee from nuts to soup.

Mr. Recor said certainly it is within the Commission's prerogative to redefine his suggestions or recommendations to them. He wanted to keep the group relatively small in that they were going to be significantly tasked. His thought was that it would be a group of seven. They would have the five appointments from the City Commission and then they would have a representative of the Planning Board and a representative of the Board of Adjustment. If they would like to increase that to 12, he thinks that is a manageable group, particularly if they anticipate that not everyone will be able to attend and participate in every discussion because there would be more than several. He can't emphasize enough what the expectations of this group will be.

Commissioner Becht said he had a developer and a local engineering firm who said they would appoint somebody, who is probably going to get paid overtime for attending these.

Mr. Recor said there may actually be some merit to expanding the composition of the Committee, because they don't want to overload it with developer-friendly participants as opposed to someone who has an opposite or alternative interest.

Commissioner Becht said his suggestion would be that they raise it to two. And then if that Committee comes back and says they need sub-committees, he doesn't know that they have to come back to the Commission. But if they say they want input from a landscape architect to review the new landscaping ordinance, then they can certainly do that. He doesn't know that they need to come back to the Commission. What action does he need from them, just consensus?

Mr. Recor said consensus and to think about their two appointments then for the next Commission meeting.

Commissioner Becht said he would like to push it to two.

Mayor Benton said he would agree to two.

Commissioner Coke said okay.

Mayor Benton asked they will have two appointments each by the next meeting?

Mr. Recor said yes.

Mayor Benton asked they should get those to Mr. Recor?

Mr. Recor said they can have it on the next Commission Agenda. He figured that is the way they would move forward.

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The next item on the Agenda was Chief of Police report concerning the **Ellis Substation Expanded Hours Pilot Program.** (Continued from August 18th City Commission meeting.)

Commissioner Becht asked has he seen any demonstrable reduction in crime as a result in keeping the station open?

Police Captain Gregory Kirk said no. As a matter of fact, the statistics actually reflect an increase. Of course, that may not have anything to do with the actual opening of the substation in the evening hours, it could have to do with the months of the year.

Commissioner Becht asked does it have anything to do with more reporting or more observance of crime? Crime is like the tree falling in the forest - it falls, it makes a noise, but if nobody hears it... So if they have the station open and they have more people reporting the crime...

Captain Kirk said they have been operating out of the Ellis Substation for the past several years, so that activity is continuous. So with regards to that kind of stuff, he would have to say no.

Mayor Benton said he remembers what the past Chief told him. Would they have been better off if those officers were out on the street?

Captain Kirk said the answer is yes.

Mayor Benton said that is all he needs to say, because that is what he had told him. They had pushed this issue some years ago when they first built the substation. After a trial period like this, the Chief came back and said he would rather have the officers out on the street where actual crime is taking place. He always goes by what the Chief's recommendation is.

Commissioner Sessions said having one individual operate the substation, he doesn't understand the impact that would have on officers out on the street, because the job titles and job descriptions are totally different. So he doesn't know whether or not that should be a determining factor.

Chief of Police Sean Baldwin said he would like to try to address these questions because they do have something to do with the Police Department's overall operating policy. Captain Kirk has some specific statistics if they need those. But as far as the operational policy goes, he will try to take on these questions. Keeping the substation open in the manner they did, it did not affect patrol staffing. It did of course use a considerable amount of resources, he thinks they are somewhere in the neighborhood of close to \$25,000 in doing this now. That is not to say this pilot program was not worthwhile, but he thinks the statistics show they are not getting the activity level they had hoped for. At this point they need to decide whether or not they are going to continue. He doesn't believe they can continue this as a pilot program on overtime because of the expense. So they need to make a decision if they are going to continue this; and if they are, how are they going to fund it? Just in review of these particular statistics, he doesn't think they are finding the answers they are looking for. They went back and looked at the period before and the period after, and he thinks they found exactly the opposite answer to what they were looking for. He doesn't know that they could ever at this point - because that substation

has been around so long now - show empirically the value of having it there or having it open, just because it has been around. If they had started this study maybe before the substation was put there, they would probably have a much better database to go by from their statistics. He know it is something that is incredibly important to members of that community. But it just doesn't appear this is working the way they have attempted to do it. His suggestion is going to be that they not continue to pay overtime to keep the substation open. However, even if they make that decision as a Commission, he will tell them he remains committed to trying to make this work somehow as they go into the future. They are just going to have to find another way to go about doing it.

Commissioner Alexander said he supports all the efforts when it comes down to the City Police Department. But then his phone calls off the hook. The Chief can't get to him sometimes because the machine is full, but it is for a reason, because he gets so many complaints. People call him and tells him they call the substation or they call the station and they want to request this and request that, and they tell them there is no need in coming down because they are not going to get any response unless they speak to a Sergeant. He tells that individual to call and say Commissioner Alexander told him to ask for Captain Kirk, and he knows Captain Kirk is going to respond to anyone that he directs in his direction, as well as Captain Sandifer. He gets this on a regular basis. So the people who are calling and inquiring are told there is no need coming in here because they are not going to get it for whatever reason. He doesn't want to just air anything. He has given a couple of them, directions to Captain Kirk. And it is not being fair because they are not integrating those numbers in to it when they say people are not walking in the doors. They are literally afraid to walk in the door because they are not going to get a response or they are going to be shown the door or told to come back later and all this. When they tell him these numbers are not true, he gets them regular, too regular for him. He is not saying it has to do with... He just wants to let them know that is his route back and forth. He is very proud to see officers that are there and he knows they are there for immediate response for anything to the public. That is the safety and health of this community. But when maybe someone wants to complain, they get the shaft; and he doesn't like that, because they should welcome, any and everybody in that station, even if they just need to use the restroom. They have a problem with restrooms, right Captain Kirk? He knows he does.

Chief Baldwin said just to remind the public, if there is a complaint about police services, he answers calls all day long; and anybody can feel free to call him directly with a complaint about the services they are providing and he will address it.

Commissioner Alexander said he wouldn't know unless someone told him that they have to call Sergeant such and such person. He wouldn't know that unless it had been told to him.

Chief Baldwin said that is why he just took this opportunity to let everybody know who is watching that they can feel free to call the Chief of Police if they need to. Again, like he said, they set off on this pilot program to see if they could build the type of statistics they needed to build in order to justify or support this expenditure. He doesn't know that they have succeeded. That doesn't mean that the community doesn't still think it is important to do it, either on an emotional level or security level. He believes they can find an answer. He just doesn't believe this is it. If they will allow him to, he will continue to work on this until they find some way to balance what it costs in providing the community the services they expect.

Commissioner Becht said now that he has actually operated it, does he have a better feel for what the additional cost is going to be to continue? If they were to continue the pilot program, is that still going to be overtime, or is there a way of changing things around so it is not overtime?

Chief Baldwin said unfortunately, the only way for them to do it at this point is on overtime. It is costing about \$2,000 a week almost to do that.

Commissioner Becht said so on an annual basis that would be a little over \$100,000 for how many additional hours of operation?

Chief Baldwin said the additional hours of operation are from 5:00 p.m. until midnight on weekdays, and then from 8:00 a.m. until 12:00 midnight on weekends. If they were going to continue to do this on an annual basis, his suggestion would be that they do it with full time Staff, which would be cheaper than overtime. It is still expensive, but a little bit less expensive.

Commissioner Becht asked 10% or 20% or the nearest \$10,000? Because they are looking at about \$100,000 the way they are currently doing it. How much if they converted it to full time staff?

Chief Baldwin said he can give them that answer, it was in the initial proposal. It is over \$100,000 a year to hire the staff. They would need to hire at least three full time staff members to maintain the hours they are now.

Commissioner Becht said all of this is a balancing and he doesn't know how to balance it. If they had \$100,000 they were going to have to allocate, he needs help with why \$100,000 spent for the emotional band-aid of that perception that they are helping or doing something is better than taking that \$100,000 and creating two or three more officers on the street. He needs help with that. He does want to be supportive.

Commissioner Sessions asked first of all in terms of trying to fund this thing, how about the FPRA grant funds? Have they explored that? Are all those funds committed? He knows they have some cameras now they are going to be monitoring. They are going to have to pay somebody to monitor those cameras, is he correct?

Chief Baldwin said both of those certainly would be an option to look at the FPRA. He can tell them that the funds that are currently allocated would not cover the Substation. They would have to adjust the program in order to do that or allocate additional funds. The FPRA Board will consider the public surveillance cameras at the next meeting. If that project is adopted and implemented, ultimately and optimally they will have somebody watching those cameras, at least during the times of the day they are subject to more crime. So that is certainly a use. There is no reason why they couldn't plug all that into the substation and have somebody sitting there and serving sort of a dual purpose, watching those cameras and staffing the substation. It doesn't completely help them with how they are going to pay for it, but it certainly does provide additional justification for doing it.

Commissioner Sessions said to address Commissioner Becht's concern, he feels this is a step toward being more proactive than reactive. It doesn't take an individual with a PhD in Criminology to figure out that visibility in a crime-infested area, an area that has a high flux of crime, is a deterrent. He guesses their predecessors before them felt that way, because that is the reason why the station was on Avenue D and 7th Street. But for whatever reasons, it is now on U.S. #1, which is totally away from where the crime is. But he just feels from talking to the individuals out in the city that they need to have some visibility in that area. It is somewhat of a crime-infested area, there is a lot of crime there. Like he said before, it doesn't matter what side of town they live on, ultimately if they don't put a cure right there where the cancer is and try to inject some prevention, then it is going to affect them on South Hutchinson Island as well as it is affecting him over on 22nd Street. So they may not see the necessity right now, but ultimately if they don't start to do something from a preventative measure and stop putting so many officers out on the streets and trying to do some things from a preventative measure and let the public know and the public can see from a visibility standpoint that they are taking an active bite out of crime, then they are going to have problems. He gets upset when he sees or at least he hears anyway that they have a substation on one corner and they are selling drugs on the next corner. That is something they feels the Chief is going to address real soon and take care of. But that is a different issue all together. But by the same token, he thinks they

need to keep that station open and send a message out to the individuals that are committing crimes that they are not going to tolerate those crimes being committed in this community. And this is just a preventative means of doing so, not a security blanket for the constituents but a preventative measure of letting individuals know they are not going to tolerate crime in their community. They have a Police Substation right here where the problem is. That sends a strong message that they are in fact not going to tolerate having crime in their area. But to have the substation open from 9:00 a.m. to 5:00 p.m., he can assure them most of the crimes aren't being committed during business hours, at least not in his community anyway. That is his position and that is the position he has taken from day one and he still feels the same way. He hears the cost involved. And to be honest, he thinks it is a nominal amount when they look at the benefit. They spent a lot more money for less important things.

Commissioner Coke said she guesses she is a little mixed up here. They are talking about the fiscal cost of this pilot program, \$1,650 a week.

Captain Kirk said that is on an overtime basis.

Commissioner Coke said overtime is time and a half. So if that works out to \$100,000, then on regular time if they were to hire people to staff it, it would be less than \$100,000.

Captain Kirk said yes, but they still have to consider the benefit packages and the time off. That is the reason they have to have three in order to properly staff it.

Commissioner Coke said she understands that. At the Police Station on U.S. #1, is there somebody there 24 hours a day?

Chief Baldwin said the Police Station on U.S. #1 is staffed from 8:00 a.m. until 6:00 p.m. at the duty station. Just like at the Substation, there are officers who come and go throughout the day, but there is somebody physically sitting in the lobby from 8:00 a.m. to 6:00 p.m. Monday through Friday.

Commissioner Coke asked is the front door locked at 6:05 p.m.? If John Q. Citizen said he has a problem and went up and knocked on the door, there would be nobody there at 6:05 p.m.?

Chief Baldwin said that is correct.

Commissioner Coke said she thinks part of what they are looking to have happen is more visibility. Is there a reason then, if they have officers coming and going out of the U.S. #1 station all hours of the day and night, they can't direct their check-in and check-out to the Avenue D Substation and give them some more visibility there?

Chief Baldwin said they actually have done that over the last couple of years. They have well over half of their patrol staff working out of the Ellis Substation. They attend roll call there, they come in to finish their reports and submit their paperwork. The Sergeants work out of there. Captain Kirk himself works out of the Substation.

Commissioner Coke said with all the great strides they have made and the money they have invested trying to improve the Avenue D corridor and establishing the Lincoln Park Main Street and the Lincoln Park Business Association, she really still in her heart believe there is light at the end of the tunnel; but they haven't gotten to the point where they can see if it is a train or if it is the sunshine. She thinks they need to push it a little bit further to the point where they have moved around the curve in the tunnel and they are in the sunshine. She can't help but think there are police reports she is sure are being written during the evening times. There has got to be a way to find the \$100,000 that needs to fund this. She doesn't think six weeks or three months is a long enough time to make people aware of it. And if they are still getting people complaining that they don't think they

can go file a report there or they don't think the necessary personnel is there, then someplace along the line they need to do an infomercial. Lots of people watch Channel 27.

They need to take five minutes to stand in front of the camera and explain the workings of the Avenue D Substation. And they can run that over and over again instead of this meeting. She thinks they need to continue the program. She thinks eventually, whether it is the camera monitoring people there or clerical staff there on a more regular basis, there will be a way to bring the cost of the operation down. But she thinks the benefit to the community is great.

City Manager Beach asked so the consensus is to continue with the staffing as it is?

Mayor Benton said that is what it sounds like.

Chief Baldwin said what he will do is look at this and try to determine the most cost-effective way to continue their operations; and if it requires bringing something back to the Commission to authorize additional personnel, he will do that. He will work with the City Manager's office. It sounds to him like they will continue the hours of operation.

Commissioner Coke asked are they running the new FPRA Community Policing program out of there?

Chief Baldwin said there are several members of that unit who will work out of that substation, yes.

Commissioner Coke said she would think all of them should work out of there, because the Police Station on U.S. #1 is not in the FPRA district.

Chief Baldwin said actually a number of the members working out of schools, they School Resource Officers. They have officers working out of the Substation on Avenue I and 23rd Street. They have at least one officer who is assigned to the Substation at the Fire Station on the beach. So they are actually decentralized. Frankly there is not enough room in that Substation for offices and they really don't want those officers working inside, they want them out in the community.

Commissioner Becht said he would like a follow-up at one year from the start of the pilot program, if the Chief could diary that to give them a report back. After the 16 weeks or whatever time period they are into the program, he heard what the Chief said. He was also listening to Commissioner Alexander and Commissioner Sessions to an extent that maybe the community hasn't bought into it yet. So at the end of a year he would like to have the report; and at that time he may be more of a mind to follow his recommendation, which is to use the monies elsewhere. But he would like a report at the end of a year.

Commissioner Alexander said yes. He doesn't want Chief Baldwin to think he is trying to overburden any department. But all he wants to express to the Chief and the Commissioners is that individuals in the Lincoln Park area want the best for their children, they want their children to have a chance. When he tells them that he sees prostitutes walking up and down the street on a cell phone with umbrellas, that is ridiculous. He wants it to be just like pristine downtown where if they are walking, they are walking from the Courthouse and headed back to where their sanctuary is. That is a sanctuary for them, they feel comfortable to sit there right next to his business. He doesn't know what kind of house it is, but he won't put the eyes on them. He is going to see how long it takes for them to open up a blind eye. He is seeing them sitting there next to his place of business. He sees condoms and he sees all these little things that are not necessary, it is not called for. Where every officer he knows is going back and forth traveling up and down Avenue D from U.S. #1 where they come from the Central Station and go on wherever, they come in there. If they don't see it, then he no longer sees it himself.

Chief Baldwin said he will make sure that specific concern is addressed and provide him with some follow up to that.

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The next item on the Agenda was City Engineer concerning **Decorative Lighting and Landscape Upgrades on Okeechobee Road** (State Road 70) from Kings Highway to Jenkins Road.

Mr. Jack Andrews, City Engineer, said Florida Department of Transportation is in the process of starting design of the section of the section of Okeechobee Road from Jenkins Road out to Kings Highway. The plan calls for the addition of lanes in each direction. What FDOT is doing is, at the beginning of the process they are coming to the City to see if they want to have any improvements - decorative lighting, additional landscaping - to see if the City would be interested in funding any of those additional costs. Currently in their budget, FDOT has \$485,000 for landscaping and hardscape improvements - pavers in the median and different things like that. They are proposing right now to do the conventional lighting at their cost; but if the City wants to upgrade to decorative lighting, that would be the City's cost, the City would have to pay the difference for the decorative lighting. FDOT is looking for some indication from the City of how they want to proceed.

Mayor Benton asked is he talking about the fake pavers, right? The ones they put a red tint in the concrete and sort of finish the concrete to look like pavers?

Mr. Andrews said yes.

Commissioner Becht asked where are they with the developer who bought the old St. Andrews property at the south end of Crossroads? Have they come in for Site Plan review or anything?

Mr. David Recor, Deputy City Manager, said IDI Development. He believes, if they have not been scheduled for the Planning Board, they are still in Technical Review.

Commissioner Becht asked what ability do they have to approach them about contributions to - in his opinion - improving the primary access into their project? They are at Okeechobee Road and whatever the entrance is there.

Mr. Recor said he thinks as long as there is what is called a rational nexus between the improvement they are looking to exact, he thinks they can make that request. But that is the key, that there has to be a rational nexus between the impact and the improvement they are trying to get.

Commissioner Becht said Mr. Andrews needs to talk to IDI's engineers and maybe let their engineers design it at their cost and see if they are interested in paying for an enhanced entrance.

City Manager Beach asked what cost to the City would it occur here if they went with the landscaping and the decorative lighting?

Mr. Andrews said none on the landscaping.

City Manager Beach asked what about the decorative lighting?

Mr. Andrews said to upgrade to decorative lighting, it is about \$165,000 the City would have to pay.

City Manager Beach asked how would they pay for that?

Mr. Andrews said that would have to come out of the General Fund.

City Manager Beach said that is the parameters. That is doable. He thinks they all know they always get a better project when they invest that little bit extra to get the better street lights and the landscaping. So if that will work for them, then staff will respond to FDOT that yes, they want to do that, if that is what the Commissioners want.

Mayor Benton said he would be okay with that. But what he would ask is something that they haven't done yet, but he really thinks it is time they started xeriscaping. They are watering the median along Okeechobee Road quite a bit, or maybe they have turned it off. But he thinks it is time to look at a lower maintenance when it comes to the grass they use and some of the ground cover. It has been done in other cities. It can be very attractive, but require a lot less maintenance. Because if it is done out there the way it could be done, they are going to have to hire five more people in Public Works just to maintain it.

Mr. Andrews said that is one option that FDOT asked them to consider, what kind of landscaping they would like to have. So that is a possibility.

Commissioner Coke said she thinks they need to bite the bullet and find \$165,000 for decorative lighting and landscaping.

Commissioner Becht said ditto.

Mayor Benton said he would agree. When it comes to trees he would like to see what they are looking at, because the Royal Palms along A1A in the long run saved them money because there is very little maintenance compared to any other palm tree. Everybody was saying they spent all this money. They really didn't. In the long run they are going to save money on the maintenance of it. So he thinks they have direction.

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

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

- a. Approve application for **Alcohol Beverage Permit** submitted by Stephanie Garwood, Leed Fireproofing & Insulation, for a Company Picnic in Jaycee Park on September 6, 2008.
- b. Approve purchase of **Internet and Telephone Modules** from Selectron and HTE in the total amount of \$99,470 to interface with existing computer software for the Building Department permit process.

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Commissioner Becht said it was brought to his attention that a landscaping plan had been submitted for **North Indian River Drive** next to Indian River Veterans Memorial Park. There are two things that happened that he thinks the landscaping could be a problem with. One is the Art in the Park, there is a big art festival where they set booths up and the cars park right there on the grass. Maybe that was what they intended was, to eliminate that function. But if the trees haven't been planted, then he would ask that they have the ability to have some public input into where they are going to plant the trees, vis-a-vis people actually using that right-of-way to park the cars for the Art in the Park events. They have a couple of parades in Downtown Fort Pierce where they use that for a staging area and the trees are going to be a problem for that. He is all in favor of making it a prettier place, but he thinks that goal has maybe interfered with some function. He can get people from the private sector to talk to... Who are they supposed to talk to?

City Manager Beach said they could probably talk to Jack Andrews at this point in time. But he thinks part of the purpose of the trees is to protect the right-of-way and keep people from parking on the right-of-way. It might be kind of a contradictory set of objectives there.

Commissioner Becht asked was that the intent?

Mayor Benton said he doesn't think so. But then again, when this was brought to her attention, he has not seen the plan yet. If they saw the plan, can they maneuver around the trees? Most of the time he doesn't see them being that close together that they couldn't park in between them.

City Manager Beach asked these are 30 feet apart, aren't they?

Mr. Andrews said they had planned on 40 feet apart down there.

Mayor Benton said he doesn't see that, in his opinion, being a real problem other than every 40 feet one car can't park there.

Commissioner Becht asked can he get a copy of as close to a final plan for the landscaping as possible so he can get it out to others?

Mr. Andrews said yes, he would be happy to.

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Commissioner Becht said he didn't get a report on **Jetty Linear Park** tonight, so he is looking forward to that at the next meeting.

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Commissioner Becht said he doesn't mean this in an offensive way, but he is going to revisit something they talked about before, the **mobile vendors**. Commissioner Alexander pointed out something today that he, as an on the street business person with a vested interest in property, is doing; because those things, if they are happening in front of his business, he is moving them away from in front of his business because he is going out there and saying move on down the road. If they can get more buy in with vested business owners who are either renting or owning their businesses out of land-based operations as distinguished from mobile operators, whatever they can do to stimulate land-based operations, he thinks this is going to help move that element out of Fort Pierce or at least off of what should be a viable commercial corridor, Avenue D.

Commissioner Alexander said Commissioner Becht misunderstood that he has control over those prostitutes and what they do.

Commissioner Becht said no, not control.

Commissioner Alexander said that is the oldest profession he knows and they still exist.

Commissioner Becht said but he thinks he can discourage them from being in front of his business.

Commissioner Alexander said not likely. They sit on the benches.

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Commissioner Alexander said maybe it is too late in the day to make complaints about it, but it has just become visible to him with dividers they are putting in **U.S. #1** and the one they are putting down **25th Street**. He doesn't care what they put in 25th Street, nor does he care about what they put in U.S. #1. But for them to ride from here to Virginia Avenue and see the cutoff they do to certain businesses. People are not going to go down to the light, do a u-turn, and come back to that business, they are going to continue on. He just doesn't understand it. He just rode and rode day after day, and he is saying this does not make sense. He knows it is a done deal. But it is impossible for them to expect that these business people have these business licenses, insurance, rent, and all that, to have their customers driven off by a median that is placed in front of their business where there has always been that fifth lane for turning. He just thought it was odd. And he has had a

couple of people just beat him up. He knows they all have had the same. But one thing he would like to add about 25th Street, the weeds. Wherever they got that soil from, it must have been off a canal bank or something, because that stuff is at least 4-feet tall and nothing but weeds. It is a sin and a shame that it is a major corridor through the City that looks like that. And they tell him that they as the City officials or City employees don't see that and it doesn't disturb them? He is not putting any more work on Bob Hood and his crew because that is not their job. He thinks until they finish a job, they are not through with a job. The other thing he wants to make mention about, the standing water on the side of 25th Street. That is ridiculous. When they open it up for the public, is that water going to be standing there? He doesn't know. He is just very observant. If 25th Street is going to look like that, it is going to be a shame.

Mayor Benton said he had a business over on Virginia Avenue when they decided to put those medians in and it basically closed down several commercial plazas. Because when they are looking for that convenient drive-through traffic that doesn't come any more, it put a lot of people out of business. U.S. #1, unfortunately the City doesn't have a dog in that fight, it was done by FDOT whether they said yes or no. And then when they go ahead and increase the lanes one day down the road, luckily when it comes to the money, it could be a long time from now; but that is only going to increase the traffic and also increase the speed and that will only make it worse. It is hard to believe what FDOT does. When it comes to drainage, take a look at Virginia Avenue and U.S. #1. That is probably the worst flood they do have in the City.

Mayor Benton said he wants to comment on another area that needs some attention, he told the residents he would bring this up - the area of Oakland Park, specifically **Beach Court**. He witnessed it flooding several times this summer. The last one was the worst, the day of the big rain. It does drain after a while. The next morning it was gone. But at 3:00 o'clock that afternoon, when the tide was high, he guesses it must drain in Moore's Creek like everything else, and that was high tide in the afternoon. But somehow they have to do something to resolve that problem. He is sure Mayor Enns would be screaming and yelling because he could look out his back window and see the worst of it. But what he saw was from 10th Street, the water was just flowing directly east. And 7th Street was high and dry. Beach Court was taking the majority of it. He thinks everyone here feels that concern. If they could look at what the problem is at Beach Court and if they can find a way to try to resolve that problem. Because there are some people who have had water in their house several times this summer.

Commissioner Becht said FEMA dollars.

Mayor Benton said that is okay when they have a declaration, but the other two times they didn't have a declaration. He has witnessed it and he would just like to be able to help resolve that problem they have over there.

Mr. Jack Andrews, City Engineer, said that is an area they are looking at. In fact they met with NRCS (Natural Resources Conservation Service) today on that area. They will be meeting with FEMA on that area. They have some plans they have developed. They have some existing projects that are supposed to be coming up in the next few months. They have **10th Street** that was scheduled to go. They are going to be moving those projects ahead, so that would be helping that area. They just finished the **7th Street** Outfall, so they have helped that outfall on that section. They now need to do 10th Street. And then the interior of that subdivision, they need to get it out to those outfalls. So they are looking at it.

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Mayor Benton said so everyone knows, the **Days Inn** hotel out next to the South Jetty has finally been foreclosed on. They have had some of the unwanted element over the weekend calling it home and also removing stuff. So hopefully they can get that secured. If it is scheduled for demolition, or if it isn't and if it has been condemned, let's get rid of that facility before it becomes...

City Manager Beach said they understand that the new owner is closing early in October. The first thing he is going to do is demolish it. But it has been condemned by the City Building Department. It is somewhere in the process of condemnation. He should know by tomorrow where in that process it is, not only that building, but buildings to the west of it as well.

Mr. David Recor, Deputy City Manager, said 1770 Seaway Drive.

Mayor Benton said several of those have open doors, so if they can get in there and have the owner somehow... If it means they have to lien the property, but whatever they have to do. With the amount of storms that are lining up out there, it becomes a real hazard to the residents.

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Mr. David Recor, Deputy City Manager, said he received word from the Treasure Coast Regional Planning Council that they are prepared and ready to give their final report on the **Downtown Waterfront Charrette**. They have asked for a special meeting of the City Commission. What he has done is tentatively targeted the September 22nd meeting of the City Commission where they are scheduled at 5:05 p.m. to have their final Public Hearing on the Budget. If the Commission is amenable, TCRPC would like to give the final presentation that evening, say from 5:30 p.m. to 7:30 p.m. - an hour and a half presentation and then a half hour for questions and comments. He would just like concurrence from the Commission before they firm that date up. If they are agreeable to that, he will notify the TCRPC tomorrow and they can begin to promote that date. They can talk about the possibility of televising it and making it available to the public.

Mayor Benton asked can everyone check their schedule and give Mr. Recor a call tomorrow?

Commissioner Alexander said one of the secretaries will do that rather than him trying to remember to call Mr. Recor.

Mayor Benton asked will Mr. Recor's secretary will call everyone tomorrow and see if that will fit in their schedule?

Mr. Recor said yes.

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There will be a Special City Commission Meeting on Monday, September 8, 2008, beginning at 5:05 p.m. in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, for the purpose of conducting the First Public Hearing on the 2008-09 General Fund Budget.

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There being no further business, Mayor Benton declared the meeting adjourned at 11:00 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER