

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 7:00 P.M. ON TUESDAY, SEPTEMBER 5, 2006.

Mayor Benton called the meeting to order.

Reverend Todd Smith, Common Ground Ministry, gave the invocation.

The Pledge of Allegiance was recited.

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

The next item on the Agenda was Approve Minutes of the Regular Meeting on August 21, 2006.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Regular Meeting on August 21, 2006.

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

Mayor Benton proclaimed September 17-23, 2006 as "National Adult Day Services Week." Mr. Darrell Drummond was present to receive the proclamation.

Mr. Darrell Drummond said it is the club that they all aspire to be a part of. It is called the Senior Citizen Club. Some of them are already there. Clearly they have learned that it is best served when they are allowed to be independent for as long as they are able to be independent. It improves the quality of life and it guarantees an opportunity for them to enjoy that which they have worked so hard through the years to have. They have learned also that it is far more economical to be able to keep their loved ones in their homes. Community based programs such as the Adult Day Care Centers allow for caregivers to continue to be a part of the mainstream and at the same time have an environment where their loved ones can be secure and enjoy daily activities that prolong their opportunities to be in the community. During the course of the National Adult Day Care Week, they invite the public to come out and see what they have to offer. Over 100 citizens here in Fort Pierce and St. Lucie County utilize their Day Care on a weekly basis and they are very happy to share that with them. He would like to suggest that over the many years the City of Fort Pierce has been a staunch supporter. They appreciate the continued support of the Adult Day Care and thank them for the proclamation.

Mayor Benton proclaimed September 17-23, 2006 as "Business & Industry Appreciation Week." Ms. Natalie Neil was present to receive the proclamation.

Ms. Natalie Neil, Events Manager for the St. Lucie Chamber of Commerce, said on behalf of the Business & Industry Committee they would like to thank the Commission very much for giving them this proclamation. They are very excited to celebrate their 22nd Annual Business & Industry Appreciation Awards Dinner which will be held Thursday, September 21st, and this will be proudly put on display.

Mayor Benton proclaimed September 17-23, 2006 as "Constitution Week." Mr. Hall Riediger & Jay Wise were present to receive the proclamation.

Mr. Hall Riediger said on behalf of the St. Lucie River Chapter of the SAR and the Treasure Coast Chapters of the DAR, he would like to accept this proclamation. Each year on September 17th they celebrate the birthday of their Constitution. He cannot stress the importance of this day. And if it were possible he would make sure that every single person

in this Country would read and understand this document and also read its companion documents, the Federalist papers. Their forefathers understood these documents, they knew what they meant and how they worked, not only the writers and the officials, but the everyday person on the street. If they could not read, they were read to, so they all could understand. These men and women of all races, religions, and ethnic backgrounds have paid a heavy price for the freedom the Constitution represents. They gave it to everyone to maintain. They have sadly in some ways allowed their knowledge and understanding to lapse. The Constitution was signed on September 17, 1787. Of the 42 delegates, 39 actually signed it. Only 12 states are represented. Rhode Island did not take part. Two future Presidents would sign the document - George Washington, their first leader under the Constitution, and James Madison, the man credited with the authorship of the document. It would be written out by a man named Jacob Shallus, a clerk in the Pennsylvania General Assembly, for a fee of \$30.00. The oldest signee was Benjamin Franklin, 81. The youngest was Jonathan Dayton of New Jersey, 26. Neither Thomas Jefferson nor John Adams would sign the document or assist in its drafting. On the 26th of November 1789, President George Washington issued the proclamation and a resolution was passed by Congress proclaiming the first Thanksgiving Day. The reason for the holiday was to give thanks for the new Constitution. Finally, the word democracy does not appear in their Constitution. Upon leaving the Constitutional Convention, Benjamin Franklin was asked by a young lady, what kind of government have you given us? Franklin replied, a Republic if you can keep it. They have held on to it now for 219 years. In appreciation of the efforts of the citizens and the City Commission of Fort Pierce, he would like to present to Mayor Benton a Certificate of Appreciation from the Sons of the American Revolution, the Florida Society St. Lucie River Chapter and the National Society, and to each of the Commissioners he would like to present an outstanding citizenship pin, hoping they will wear it proudly.

Mr. Jay Wise said he also thanks the Mayor and Commission for the proclamation and the opportunity to appear here.

The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted by St. Lucie County Fire District for construction of **Fire Station #2** and a **Communication Antenna at 855 Seaway Drive**; said property zoned PUD, Planned Unit Development Zone.

Mr. Peter Buchwald, Zoning Administrator, said the St. Lucie County Fire District is proposing the construction of a Fire Station and Communication Antenna on an undeveloped 1.18 acre outparcel of the Harbour Isle Planned Unit Development. The fire station will replace the existing fire station on South Beach and will accommodate the demand of the new and proposed development on South Beach. The Comprehensive Plan identifies the future land use to be RMHI-CG which is Medium Density Residential Hutchinson Island, Commercial General. The proposed project is consistent with the Comprehensive Plan. The new fire station will be 6,640 square feet in size and will contain offices for both fire and police personnel, a garage area, dormitory, kitchen, and training and locker rooms. The exterior of the building will feature a Mediterranean design consistent with the adjoining Harbour Isle buildings. The communication antenna will be located outside the east side of the building and will be 120 feet in height and 4.5 feet in width at the base. Based on the information provided by the Fire District and their correspondence, this antenna and its height are necessary in order to provide a line of sight transmission to the Emergency Operations Center at Rock Road, which is located approximately 6.25 miles to the west-southwest of the antenna. A wooden fence will enclose the antenna and the base will be further screened by landscaping along the property perimeter. The antenna at the current fire station will be removed once the new antenna is operational. A gasoline station is located adjoining to the east of the site, and marine and commercial uses are located adjoining to the north of the site. These properties are zoned C-5, Tourist Commercial. The Harbour Isle PUD is located adjoining to the west and south of the site. All of the affected departments have reviewed the

submittals and have approved the Site Plan based on it meeting the requirements of the City Code. Last month the Planning Board voted unanimously to recommend approval with the conditions that the Fire District investigate fiber optic communication capabilities and provide additional landscape screening of the antenna. The Fire District investigated the options other than the line of sight technology and has determined that fiber optics, with only 20% underground at this time, is too vulnerable to physical damage such as by a storm. It is also too vulnerable to a security breach because it is not solely dedicated to the Fire District. Satellite transmission does not appear to be viable because of cost. Therefore it was determined that the line of sight technology is the most viable at this time. With regard to the additional screening of the antenna, bald cypress trees have been added to the southeastern portion of the site. However, in an effort to raise the bar, staff recommends that the size of the oleander shrubs proposed for the eastern property line be increased to 15 gallons and that this shrub line be further extended to the west along Seaway Drive to provide even more screening of the antenna. Therefore, staff recommends approval of the Site Plan with the condition that the size of the oleanders be increased to 15 gallons and the shrub line be extended.

Commissioner Coke asked have they pursued conditioning this upon when the technology becomes available and they are putting fiber optics on the beach, to run a dedicated line for the Fire District and then have them remove that tower?

Mr. Buchwald said not at this point, but that would be an excellent condition.

Mayor Benton said he spoke to the Fire Chief on Friday, who assured him that when technology was available that they would be more than happy to take the tower down and bring in fiber optics.

Commissioner Nelson asked did he understand Mr. Buchwald to say they are replacing the existing fire station? He hopes he is saying that they are replacing, but in a different location.

Mr. Buchwald said that is correct. That station will no longer operate. The existing fire station will be abandoned.

Commissioner Becht said first off, he had the opportunity to attend several meetings on this and one in particular last week on the fiber optic issue. They brought in all those in the know, the experts at FPUA and those from the Fire District and from the 911 Center as well. The fiber optics was thoroughly explored. There are issues other than it being aboveground. There is not the redundancy that is necessary for the security of this system.

So when they start to say that they want to condition this upon the technology being available, if they just limit it to the technology being available, they may have a problem because it won't meet - and he doesn't know if the requirements are federal or otherwise - but there has to be a redundancy, meaning dual systems that reach from that station to what is now the central station on Rhode Island Avenue. Understand, the Fire District was willing to do this even though all that meant was it was going to be fiber optic from the station on the island to the Rhode Island Avenue station and then it was going to go up to radio towers everywhere else. He would just ask that if anyone is going to make this conditioned upon changing to the next technology that they would be very careful because it has to meet more parameters than just technology.

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

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

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to

approve the Site Plan submitted by St. Lucie County Fire District for construction of Fire Station #2 and a Communication Antenna at 855 Seaway Drive, with staff recommendations that the size of each of the oleander shrubs along the eastern property line be increased to 15 gallons and that this shrub line be extended to the west along Seaway Drive to further screen the communication antenna.

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

The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by **American Legion Post 358** to operate a non-profit club in a converted single family dwelling at **4350 Oleander Avenue**; said property zoned R-4, Medium Density Residential Zone.

Mr. Peter Buchwald, Zoning Administrator, said the American Legion Post 358 recently acquired the .69 acre property located at 4350 Oleander Avenue. This property is located in an R-4 zoning district which is a medium density residential zone. Non-profit clubs in the R-4 zoning district are permitted as a conditional use. Therefore the applicant is requesting conditional use to allow them to operate a lodge on this property. The Comprehensive Plan identifies the property with a Future Land Use of RL, Single Family Low Density, which includes non-profit clubs. The proposed conditional use is consistent with the Comprehensive Plan. In addition to interior renovations of the existing structure, the lodge will include the construction of a paved parking lot with handicap parking to comply with the City Code. A stormwater retention pond also will be constructed to accommodate the drainage from the additional impervious surfaces. In addition, hedges will be planted along the edge of the parking lot and an irrigation system will be installed to establish the hedges.

Bahia sod will be planted in all areas of exposed soil. The adjoining property located to the north of the site is vacant and heavily wooded, and the adjoining property located to the east contains the Pineapple Playhouse. These properties also are zoned R-4. The adjoining property located to the south of the site is unincorporated and is vacant except for an FPL substation. The properties located on the west side of Oleander Avenue are occupied by single-family homes and are zoned R-1, Single Family Low Density. The proposed conditional use appears to be consistent with the surrounding land use. All affected departments have reviewed the proposed conditional use and have approved it based on requirements of the City Code. Last month the Planning Board voted unanimously to recommend approval of the conditional use. A total of 31 notifications of the proposed conditional use were mailed to the owners of the surrounding properties. Since the staff report in their packet was prepared and as of today, two responses have been received, one of which approved of it and one of which disapproved of it. As the proposed conditional use is consistent with the Comprehensive Plan and the surrounding land use and it meets the requirements of the City Code and the Planning Board recommended approval, staff recommends approval of the conditional use.

Commissioner Coke asked can Mr. Buchwald tell her the percentage the existing structure takes up of this lot? Because it is a rather large lot and it is a small structure.

Mr. Buchwald said guessing and looking at the figures, noticing that is the structure itself and the existing lot extends to the Pineapple Playhouse, averages about 10% at this time.

Commissioner Coke asked when did they send the notification out? She knows quite often they have some problems with notification. Are all the residents across the street in the R-1 noticed?

Mr. Buchwald said yes, at least a distance of 500 feet from the property line.

Commissioner Coke asked did they have a sign up?

Mr. Buchwald said yes, they did.

Commissioner Coke said she is asking this only because although this does not appear to be detrimental to the neighborhood, however she has some concerns if the neighbors were not properly noticed and if they did not have a sign up. Do they have any idea what the future plans are for the remainder of that property?

Mr. Buchwald said he does not know to the extent that the American Legion plans expand, but they are here today to respond to the questions such as that.

Commissioner Coke said she guesses then her fourth level of concern was, she received a memo this evening saying that there was work being done without a permit.

Mr. Buchwald said he was unaware of that.

Commissioner Becht asked is Mr. Buchwald at liberty to tell them whether the letter objecting to the conditional use is an adjoining land owner?

Mr. Buchwald said he believes it is on the west side of Oleander Avenue.

Commissioner Becht asked it is not an immediate neighbor, it is somebody across the street?

Mr. Buchwald said that is where the single-family homes are. The majority of them are situated in this area.

Commissioner Becht asked did they give a reason in the letter that he knows of?

Mr. Buchwald said the response letter only has an item to check "approve" or "disapprove", and that was checked "disapprove".

Commissioner Nelson asked is there a proposal to share the parking in any way?

Mr. Buchwald said they are proposing to have a reciprocal parking agreement with the Pineapple Playhouse and they have still yet to receive the actual written agreement from the Pineapple Playhouse. But from his understanding with discussions with them this morning, it is still in the works and the Pineapple Playhouse has indicated to them that they will be honoring that agreement and will be executing that agreement because they also would like to be able to park on the American Legion's portion of the property for events or any type of overflow parking as well. It works out well for both of them.

Commissioner Nelson said as long as the two exist as they currently exist. But if the property changes hands in the future and one of the new owners objects to that, do they see any problem in that area?

Mr. Buchwald said it appears it would be a problem. If additional parking hadn't been constructed by the American Legion at that time and they couldn't use the overflow parking at Pineapple Playhouse, then that would present a problem. But the American Legion told him that would only be used for special events, so it wouldn't be necessary for the daily use of a lodge.

Commissioner Nelson asked the building, land ratio, parking spaces now or as proposed, is all that consistent with the requirements, i.e. if they have a certain size building they need so many parking spaces, if they have so much building they have to have so much land area? Is that consistent with the Code today?

Mr. Buchwald said yes, it does meet the requirements of Section 22-60 of the City Code because there is less than 1,400 square feet they have there of activity area and it is based on the parking requirement on one space per 200 square feet for a club or indoor recreational type facility, which is the most closely type of use that is listed in the Code.

Commissioner Nelson asked so they don't need the agreement to accommodate their parking requirement?

Mr. Buchwald said not according to the City Code.

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

Mr. Robert Ryall, 900 Ibis Avenue, said actually his property is adjacent right straight across the street from the proposed project. Across from the proposed club is all single-family residents. The property they are wanting to develop is residential. Almost all that area is residential homes. Both his parents were members of the American Legion, he was a member of the Sons of the American Legion, so he is familiar with the organization. Where his concern is, most American Legions have a bar. And he doesn't know if they are going to have one, but he is just saying most clubs do. Putting a bar on Oleander Avenue in a single-family residential area to him is not a safe condition. They have a lot of children in the area. There is a new apartment complex on both Tumblin Kling Road and Weatherbee Road, which are walking distance in that area. He would be really concerned with that type of development there. He is not against the American Legion by no means. His parents were both legionnaires and he was a Son of a Legion. He was proud to be a part of that. But again, the location is his concern. Oleander Avenue is a busy street. There are a lot of cars that go up and down the street a lot faster than what they should, and that is like anywhere. But his concern there being across from a residential area and all the other residents in the area would not be a good decision. The only reason he is here tonight is, by the time he got his letter, he didn't get a chance to mail it in, so he wanted to be present to make his point.

Commissioner Coke asked when did he receive his letter?

Mr. Ryall said because of the hurricane and all, it wasn't until Thursday. He can't say for sure.

Commissioner Coke said she thinks the American Legion is a great organization, her hat is off to them; however, she does have concerns that there is going to be a bar in the middle of a residential neighborhood. Mr. Ryall is right, with their so-called Hurricane Ernesto, perhaps notices were delayed in being delivered to people.

Mr. Richard Vassar said his Post address is 4350 Oleander Avenue in Fort Pierce. First of all he would like to express his appreciation. He would like to address, he guesses it was a question and a comment from the homeowner. They have two of the finest fraternal organizations in the world right down the street, which is the Masons and Shriners, almost within sight of their organization. They are not primarily a bar. They are a fraternal organization. During the hurricanes they opened their doors at their previous location to dozens of people and they provided food and shelter. This isn't a scenario where people are just running around raising hell and drinking as civilian bars. They have other goals. They support the American Legion baseball team. This year was the first opportunity that St. Lucie County has had to host the American Legion baseball team. They were at Mets Stadium and they were also at Lawnwood. They do a number of other events and are involved in many things other than simply running a bar. They have Boys State and Girls State. They are initiating Sea Cadets. He is not going to go into a long dissertation about the American Legion because, unless they are from Mars, they are aware of the organization itself. He just did want to make the Commission aware of what they have

done locally. They were good neighbors at their previous location for 16 years. They will continue to be good neighbors, hopefully with the approval of the Commission, in their permanent address there at Oleander Avenue.

Commissioner Coke said she appreciates everything they do in the community. She has been involved with a lot of their activities and they are great. Her only concern is, if they are looking at a residential area, she wants to be sure that the residents were all noticed so that if they had an opinion, they could certainly voice it. Certainly they all fought for the right for them to voice their opinion, she is sure they would want to hear it. Can he tell her please the capacity of the lounge they are going to be constructing in this new building?

Mr. Vassar said yes. Their bar itself, they only have 1,400 square feet in there. They have tailored it down to the point where they are comfortable with 12 or 15 people, which is pretty much their average and that is on the high side. They have 24 feet of bar space in there, a single level, compared to double what they had on U.S. #1. He would also like to mention that they are set off Oleander Avenue. There will be a buffer of bushes separating them from the neighbors across the street. And as much as possible with cooperation with Pineapple Playhouse, they will be using that entry more than Oleander Avenue because that is a definite narrow road out and it may present a certain difficulty.

Commissioner Coke asked they are doing reconstruction work on the existing building, correct?

Mr. Vassar said not at this point. They have done demolitions at this point.

Commissioner Coke asked but they are planning on utilizing the existing structure?

Mr. Vassar said yes.

Commissioner Coke asked do they have plans for what they are going to do with the remaining half acre?

Mr. Vassar said actually in the future they hope to go ahead and expand somewhat. They had 4,000 square feet before because they host from time to time meetings from other Legions and other organizations and they do need that space. But in the near future they will be happy with just getting together what they have right now and making it work.

Commissioner Becht said not to be argumentative with Mr. Vassar, but the Commission gets the Minutes from the Planning Board. In the Minutes they were given from the Planning Board, Mr. Vassar said there are 30 to 40 members at the Post at any given time.

Mr. Vassar said he doesn't know whether that statement was made. That would be max. Their average occupancy at their old place was nine or ten. Thirty or forty would be maximum, and that would be meetings of all three organizations - SAL and Auxiliary.

Commissioner Becht said the Minutes are usually fairly accurate. It says they have about 300 active members and at this time 30 or 40 are at the Post at any given time. He appreciates him mentioning Boy's State because he had forgotten that they all sent him up to that girl's school in Tallahassee for Boy's State a couple of years ago and it was a good experience. But he is bothered by Mr. Vassar making a statement at the Planning Board meeting that there are 30 to 40 people there, and they are not going to be able to get 30 or 40 people in 1,400 square feet. He suspects they are going to want to serve alcohol at some point in time and they are going to have that traffic coming out on Oleander Avenue. Their organization is a stellar organization. But they have to understand that the Commission has some concerns with what they are going to do in this neighborhood. He is aware that Masonic Lodge is just down the road, but he thinks they have more frontage than this. Mr. Vassar has to help him with this, show him or tell him how he is going to deal with some of these issues that are coming up tonight.

Mr. Vassar said most of their activities will be outside. They are on .69 acres. They have plans to do just about all of their activities, if they can't do it inside, they will go out in the back. But very rarely do they have any more than 10 or 12 people together at any given time during the day. Special events or special meetings, then they will expand their capacity to outside in the back.

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

Mr. David Recor, Deputy City Manager, said with every application for conditional use, he would like to take the opportunity to remind the Commission as well as inform the public that the very nature of a conditional use is that it is a use that is permitted in the district, but due to certain characteristics it warrants additional review. He thinks the Commission has shed light on those characteristics tonight with this use. While it is a use that is permitted in the district, they have identified certain characteristics about the use that could potentially be mitigated by the Commission putting conditions on the application. For example, some of the characteristics - maybe the hours of operation, the number of parking spaces required, land use compatibility with the predominantly single-family area. As they consider the application, please consider appropriate conditions that may be appropriate to mitigate the impact on the adjacent properties.

Commissioner Alexander said he thought they met the parking requirements.

Mr. Recor said they do. But what they have heard tonight is that there is a concern that the site may allow expansion. If they are concerned, if a 1,400 square foot facility may be appropriate but a 2,800 square foot facility may not be, the Commission has the opportunity to impose a condition that would limit the ability of the facility to expand.

Commissioner Alexander said so he guesses the second part of that is, somewhere he read in here that it was speaking that they would be allowed to park on the grass areas of the property as far as the parking requirement other than what they needed.

Mr. Recor said any required parking would have to meet the requirements of the City's land development regulations.

Commissioner Alexander said they have met that already.

Mr. Recor said according to this plan and the size facility they have.

Commissioner Alexander asked so they will deal with expansion when the expansion comes about, right?

Mr. Recor said if they are indeed concerned about expansion and the impact on the residential area, they could impose a condition that would limit the ability of the facility to expand.

Commissioner Alexander said he won't do that. He will deal with that when it comes in front of the Commission.

Commissioner Nelson said he understands and he feels for the petitioner in this issue. He brings to the Commission's attention the fact that they have several other posts in their City. They are in fact mostly in residential areas. Some of them are across from parks, some are across from schools. But most of all he feels that these people are the types of people who do in fact warrant some leeway primarily for the services which they have rendered and the manner in which they conduct themselves in their facility. He thinks if

they were to go back, they would find that the majority of all the Legion Posts throughout the nation and to a certain extent throughout the world are good citizens, good neighbors, and respectful of those who they mingle with. He would urge that they approve this. He would limit conditions, recognizing that there is a potential for growth as any organization aspires to grow in the future. But he thinks these are responsible people and they will do this with a certain amount of care and respect for their neighbors. He recommends they approve this request and that the motion would include have them in fact, if they were to expand beyond their current capacity, that they come back before this Commission and ask for same.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the Application for Conditional Use submitted by American Legion Post 358 to operate a non-profit club in a converted single-family dwelling at 4350 Oleander Avenue; and if the time comes to expand, they come back before the Commission for approval.

Commissioner Becht asked could Commissioner Nelson explain the last part of his motion? He kind of lost him as he trailed off there.

Commissioner Nelson said he is thinking in terms of the fact that right now they meet the code with respect to their building. But in the future, they are invariably going to grow in membership and there is going to be a need for additional space. If that be the case, he is reserving the right for this Commission for the Legion to come back to this Commission and ask for approval before they do so, then they can fully assess the impact that it has on the surrounding area.

Commissioner Becht said that brings up an interesting point because they currently, if he understood the gentleman correctly, occupy about 4,000 square feet. That statement was made. At the other post they had 4,000 square feet. They are now down to 1,400 square feet at this place. They have 300 active members per the Planning Board notes. Regardless of what he said, the Planning Board notes say that they have upwards of 30 to 40 members attending. The reason he is bringing this up is, they are going to make an investment of capital and apparently already have made an investment with plumbers and septic tank and whatnot to fix this place up. He just doesn't like setting them up for when they come back, and maybe they are here or maybe a different group is here, and maybe the residents then get the notice and they come out and say they don't want them to expand. Now they have already made the investment.

Commissioner Nelson asked is he suggesting that they come back later?

Commissioner Becht said he is not sure what to suggest. He is just concerned that they are approving a 1,400 square foot operation and they are a good organization and it is going to be tough to tell them no when they want 4,000 square feet and they are already there.

Commissioner Nelson said let him try to further explain his position here. First of all, these people have in fact made great sacrifices being veterans. They have, by virtue of their tenure in rendering this service, invariably have limited financial well being. He recalls when he was a young person coming into the military, \$122 a month he received for his services. It wasn't the Civil War either.

Commissioner Coke said it was the war of 1812.

Commissioner Nelson said a lot of these guys and girls earn similar amounts or less, plus the fact that they are all shot up and hard of hearing and have one leg. He wants to leave it open; but he is amenable, if the others so desire, to let them have it without the requirement to come back. But he thinks on behalf of the citizens today and for tomorrow they need to have some provisions so that they do come back. Hopefully the people who

are sitting in their seats when they do will have a similar feeling as they have today.

Commissioner Becht said he is going to clarify what he was trying to say. What he was trying to say is to the good folks in the American Legion. Tonight they are going to get permission for what they have. The problem is that they may not get permission to expand what they have at a later date when none of these same Commissioners may be up here. That causes him concern because they are starting down a path. They are going to make an investment of time and energy, their own blood, their own sweat, their own tears in this structure, and they may not be able to expand it like they need to expand it in the future. That is his point, is to put them on notice that if they have more grandiose plans, maybe before they spend too much more money or time, they need to finalize those plans and bring them back and make sure they can accomplish that, if that is what they want to do at a later date. That is just him talking.

City Manager Beach said the issue here... And they always lose sight of this when they get involved in something that has emotional impact. Everybody admires and appreciates the American Legion. They do. They were all raised that way. They have been part of that. They appreciate the impact that group has on their community and the sacrifices they have made. What is in front of them this evening is a proposal that impacts a lot of other people other than just the American Legion. They are impacting a lot of single-family residents. They are impacting the viability and the future viability of a neighborhood. They have struggled with that in Fort Pierce for 50 years, making decisions about land use because they care about the people wanting to change that land use, and they lose sight of all of the individuals who are impacted by it which are the single-family owner-occupants of that area. He would encourage them to think about that as they consider this application.

City Attorney Schwerer said the Commission is struggling with a couple of points and he would like to clarify something legally. Any time they have a conditional use application, it is accompanied by a very particular and specific plan for the use of the property. Otherwise they have no ability to gauge what the impact is going to be on the surrounding property, which is one of the first factors they need to consider under the code. He wants to remind the Commission - they need to place this in the record tonight - what they have before them very specifically is a 1,400 square foot building, no more or no less. If they should approve this tonight, there are no authorized additions, there is no ability to expand that, there is no ability to expand the conditional use beyond that. There are seven parking spaces being provided and those are the only parking spaces that are going to be allowed. There are certain driveway access points and certain driveways that are shown on this plan and that is all that is going to be allowed. There is a parking layout and there is a landscaping plan, and that is all that is going to be allowed. So their approval tonight is very specifically for this. It is a conditional use approval based upon a particular site plan that has been presented to the Commission. If there are any changes to this in the future, the owner of the property must come back in and get additional approvals. Whether those approvals are forthcoming or not is going to depend on their review of what is happening with that particular use at that time and what is proposed. Additionally, this use is non-transferable to another collateral organization. So if another group comes in that is a different type of fraternal use or whatever, they are going to have to go through the same process of coming back before this Commission. He would ask that they very specifically condition their approval, if that is going to come tonight, on what he has just placed in the record so it is clear for the future Commissions that may be faced with this issue or themselves may be faced with this issue in a year or two down the road should expansion plans be presented.

Commissioner Nelson asked does not his motion embody that?

City Attorney Schwerer said he would suggest that it does. Yes, it does. And that is the intent of the Commission.

Commissioner Becht said he was less concerned about the Commissioners understanding

that than he was the applicant understanding that.

City Attorney Schwerer said yes, he thinks both sides need to understand that.

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

The next item on the Agenda was Public Hearing on Application for **Waiver of Distance** submitted by Salem Qaraleh for a 2-APS license to sell packaged beer and wine for off-premises consumption from **Wsam's Food Mart at 2410 Avenue D**; said property zoned **C-3, General Commercial Zone**.

Mr. Peter Buchwald, Zoning Administrator, said the applicant has recently acquired the business located at 2410 Avenue D now known as the Wsam's Food Mart and is requesting to transfer a 2-APS alcoholic beverage license for the sale of beer and wine in sealed containers for off-premises consumption. However, Section 3-7 of the City Code prohibits the transfer of any intoxicating or alcoholic beverage license where the business establishment is 500 feet or less from a church or school unless a waiver of distance is granted. Although no schools are located within 500 feet of this establishment, a church is located 420 feet to the east. Therefore the applicant is requesting a waiver of distance. This establishment is a convenience store, initially constructed in 1958 and has approximately 3,500 square feet in size and is located in a C-3, General Commercial zoning district. With regard to Chapter 22 of the City Code, the parking lot is not marked and landscape strips have not been provided along the street right-of-ways to comply with the Code. Prior to last month's Planning Board meeting, a notification of the waiver of distance application was mailed to owners of properties located within 500 feet of this establishment. A total of 96 notifications were mailed. A total of 20 responses were received, only two of which approved of the waiver of distance, and the other 18 responses opposed the waiver of distance. In addition, during the Planning Board meeting public testimony was heard regarding the establishment being a nuisance to the neighbors with littering, loud music playing, and public urination by the patrons at all hours of the day. Furthermore, the Police Department indicated that at least 120 calls for service were received for this address from January through July of 2006, which averages greater than 17 calls per month. The Planning Board voted 6 to 2 to recommend denial of the Waiver of Distance. Because they recommend denial, approval of the Waiver requires a 4/5ths vote by the Commission. Therefore, as the parking lot and landscape do not comply with the City Code, based on the number of disapprovals of the area residents, the number of service calls received by the Police Department, public testimony, and the Planning Board's recommendation of denial, staff recommends denial of the Waiver of Distance for a 2-APS alcoholic beverage license in accordance with Sections 3-9(8)(b) and (c) of the City Code.

Commissioner Alexander asked this business was established in 1958?

Mr. Buchwald said the building, the structure was constructed in 1958.

Commissioner Alexander said he knows. That was his father-in-law who put that place there. It has sold beer and wine since conception. Now all of a sudden because of an owner change they want to deny beer and wine being sold. It is not consumed on this property. He is not one for the neighborhood, where the neighborhood speaks, they speak. But he doesn't think it is the problems of the building that is being created there. It is just where everybody converges on the weekends across the street from the Chinese place and then the open space. He heard him speak about the parking lot being marked. That is the open space parking lot.

Mr. Buchwald said with regards to the parking lot, it is not line striped for the regular parking spaces of the City Code and the handicap spaces are not marked. There is no landscaping provided along there in compliance. One of the aspects in considering a Waiver of

Distance, it says in the City Code, Section 3.7, Whether or not the establishment meets the requirements of the Code. And for those items it does not meet the requirements. Now with regards to the length of use in which it has been in operation, the Code provides for exactly this type of mechanism where there is a transfer of an alcoholic beverage license and an operator of business has not been a good neighbor, the City Code requires the Distance of Waiver to be, because it is within 500 feet of a church, it allows this to be brought before the Commission in the Public Hearing process. Before the Planning Board it allows notifications to be mailed out to the area residents so they can receive this type of feedback when they make their consideration.

Commissioner Alexander said they don't even know what the new owner's plans are. He just applied for a beer and wine. Because in the City of Fort Pierce, beer and wine is just like soda pop. Sometimes it is cheaper than a six-pack of soda drinks. They can get a six-pack of beer cheaper. His concern is, did he hear him say the police had 100 and some calls inside the facility or in the parking lot or in the neighborhood or what?

Assistant Police Chief Sean Baldwin said actually they logged 172 calls for service at that location from January 1, 2006 to August 31, 2006. Thirty eight of those were what they call foot patrols, where officers just check or patrol through the parking lot and so forth. He can't be real sure that those were because of a specific problem at the location. But 134 of those calls were related to some type of disturbance or suspicious person or assault or fight or disturbance and so forth.

Commissioner Alexander said he is going to get tired of him repeating what he said about the people who own these properties. The people who are convicted or people who have been stopped for whatever crime they committed don't even live in the neighborhood, and he tells him that is 75% of the time. Is he telling him that 75% of those crimes are committed by those other than in the neighborhood? Again, he just can't see penalizing people because they can go to any convenience store and buy beer and wine. And the City is all of a sudden, because they get a new owner of property, that they are going to limit it? He is a God-fearing man in church. He remembers when they opened their doors.

It hasn't been very long compared to the existence of the business. He doesn't know the owners. He just knows that this community, they need to enhance people who want to come in and do better. And in other words, to pass on as if they weren't doing what they were supposed to do, they are going to blame the new owners on what happened in the past. He thinks that is unfair and he is not going to be a supporter of this.

Commissioner Coke asked can Mr. Buchwald tell her on an average when they send out letters, what percentage return they get back?

Mr. Buchwald said roughly 20% they receive on average.

Commissioner Coke asked what was the percentage they received back this time?

Mr. Buchwald said roughly 20%. And of those, over 90% - 18 out of 20 - disapproved of the waiver of distance.

Commissioner Coke said it appeared to her reviewing this that these numbers look higher than the usual response. First she had a level of concern of 18 of the 20 residents who responded were in objection. Then when she was reading the Minutes from the Planning Board, for people in the neighborhood to get up out of their homes and go to a Planning Board meeting to speak at great length about the hardships this is causing in their neighborhood and with their youth in the neighborhood in particular, it really kind of opened her eyes a little bit that this may not be the best use for this piece of property at this point in time. That is not to say that if the new owners go in and six months down the road the Chief comes back and says they haven't had 172 calls in the last six months, then she might not be willing to reconsider it. But she thinks if they have a trouble spot there now and the residents are looking to the Commission to help them clean up the neighborhood

and stop the problems in that parking lot... Whether it is in the parking lot or on the street corner, it is obviously due to this establishment's operation. Maybe when these people are open awhile and they have proven themselves and the Police calls go down, the residents won't be up in arms and they might be more willing to consider it. Her theory has always been, she is here whenever possible to serve the public. And if that large a percentage of people are objecting to that and looking to better their neighborhood, she has to listen to them.

Commissioner Nelson asked are there any other businesses in the immediate area that serve alcoholic beverages?

Mr. Buchwald said right across the street is a convenience store that also serves beer and wine for consumption and package beer and wine for off-premise consumption.

Commissioner Nelson asked the church in question is located where and how far from this place?

Mr. Buchwald said it is about 428 feet to the east, on Avenue D.

Commissioner Nelson asked which was there first, the church or the business?

Mr. Buchwald said since 1958 the structure has been there and the business appears to have been there for quite some time. So he would guess that the business has been there before the church. Again, the City Code is clear on this. He has no authority to deviate from the requirements of the Code.

Commissioner Nelson said he knows, that is why they are talking about it. If Mr. Buchwald had the authority, he would solve it itself himself, wouldn't he?

Mr. Buchwald said he would solve a lot of problems himself if he had the authority.

Commissioner Nelson said Commissioner Becht always talks about raising the bar. He noted that the parking lot does in fact need considerable improvement. Perhaps the exterior of the building might need some improvements. It might need some landscaping. As he sees it, the facility is located at a very strategic location on their main thoroughfare. It is both on the intersection of Avenue D and Martin Luther King Jr. Boulevard at a red light. It portrays a certain image. Yes, there has in fact been considerable complaints in that area as attested to by the Police Department. But they have had a change of business ownership to the point that they could impose some requirements therein to bring this up to the bar. The benefits as he sees it would be economic benefits, stabilization of the business community there. They are trying to revitalize the Avenue D corridor and to have a first class facility there. At one time they had a 7-Eleven store there, a real national chain type operation.

Mayor Benton said that was across the street.

Commissioner Nelson said they need to, as they are trying to raise the bar and promote development in that area, consider stretching a little bit to make sure the people do measure up to that bar raising. He would like to have more testimony there to what can be done, some commitments perhaps from the owner of the business. As he understands it, the new owner severed his relationship with his partner or previous owner and now wants to start anew under his name. He thinks that is an admirable thing on the part of any business owner - to do it on his own, don't rely on his partner, and be accountable for his actions or her actions. So he wants to hear more testimony before he is in a position to make a motion in this regard. Because basically he is sort of attuned to do what he can to make this an economic possibility for all concerned.

Mr. Buchwald said if they disapprove the Waiver of Distance, that doesn't mean they have

to close up shop or can't sell anything there, they just can't sell beer and wine there if the Commissioners disapprove of the Waiver of Distance. They can still sell everything else that a convenience store can sell, they just can't sell the beer and wine. With regards to coming back at a later date, if the Commission does disapprove of this and the business owner did make substantial changes to his business to bring it into code and put in substantial mechanisms in which to be a better neighbor, then he can apply for the Waiver of Distance and appear before them again for it to be granted.

Commissioner Nelson said as a conditional use, they can flip that around. They could say in effect they are going to give the owner six months to a year to do this and that; and if he doesn't, zip they cut his neck off.

Mr. Buchwald said it is not a Conditional Use. It is a Waiver of Distance for an alcoholic beverage license.

Commissioner Becht asked if they turned it down tonight, what is the time limit they have to wait before they reapply?

City Attorney Schwerer said he doesn't know off hand. He is looking in the code right now.

Commissioner Becht asked while he is looking that up, his reading of the notes is that they are going to need a four-fifths vote tonight in order to get approval, isn't that correct?

City Attorney Schwerer said he believes that is correct based on the number of objections, but he hasn't done the math.

Commissioner Becht said yes, they are trying to do a lot of different things - they are trying to raise the bar and they are trying to create economic activity. And if this place continues to serve the ribs that at one point in time was fairly nice there, if he wants his six-pack of beer, he is going to go on the south side of the street to the convenience store to get his six-pack of beer across the street, bring it over here and eat his ribs in the parking lot here even though it is against the law. So they are going to perpetuate a problem. He thinks they have an opportunity - Commissioner Coke alluded to it, Commissioner Nelson alluded to it, and actually Ed Reilly on the Planning Board alluded to it and said, let's use a carrot. If they want the beer and wine license, let's offer them the beer and wine license if they do certain things. Rather than turn them down tonight and make them wait at least six months to reapply, he would like to perhaps postpone tonight, give them 30 days to come back and show the Commission what they are willing to do in terms of landscaping, in terms of cleaning up some of the criminal element. The criminal element, he doesn't care if they are coming from out of town or wherever they are, they are still landing on that property. And see what the business owner can come up with in terms of easing the City's concerns over the criminal activity, over the non-striping, over the landscaping. And then they can revisit in 30 days rather than making him wait six months, if anybody else is interested in that idea.

Commissioner Alexander asked when the letters went out, he received a letter at his residence and he lives on Avenue P in the 2300 block. He is asking Mr. Buchwald when they send letters out, how do the letters get to whomever they get to?

Mr. Buchwald said they have on their GIS system all the properties and then the property owners as indicated by the County Property Appraiser.

Commissioner Alexander said so as a property owner, that puts him right across the street from Avenue D. Again, his concern is with the landscaping. That is a paved parking lot from 25th Street to 24th Street. What type of landscaping would they be wanting?

Mr. Buchwald said because it was constructed prior to the enactment of the zoning ordinance in the early 1980's, it is not subject to the zoning ordinance until there is a

change of use or something in the code which requires it to come up to conformance. This is one of those areas that requires it to be in conformance with the City Code; and that means, depending on the size of the property, either a six-foot or ten-foot landscape strip along the public right-of-way. A certain amount of trees, sod, and irrigation is required by the City Code.

Commissioner Coke said she noticed the applicant was not at the Planning Board. It appeared to her that they were about ready to ask, do they have landscape plans, are they doing irrigation, are they going to fix the parking lot; but the applicant wasn't at the Planning Board. Has he personally had discussions with them regarding the requirements of landscaping and improvements of the parking lot.

Mr. Buchwald said no. They contacted him prior to the Planning Board notifying him when the Planning Board meeting was to take place; and then prior to this meeting, the City Clerk sent out a letter stating the results of the Planning Board meeting and when this hearing was to take place.

Commissioner Coke said that makes it a little more difficult if they haven't had any communication to find out if they are willing to do something, for this Commission to say let's postpone it 30 days and see what kind of plan they get back from them.

Mayor Benton said first of all, they haven't had a Public Hearing. Maybe they should hear from the applicant first. If they are done with questions from the Commission, he will open the Public Hearing and see if the applicant is here.

Assistant Chief Baldwin said he has two pieces of information that he feels compelled to give them. One because Commissioner Nelson asked specifically about the proximity of other locations in that area. There are 15 convenience type stores that are selling beer and wine within ten blocks of this location. About five of them are within a block and a half. Of the 15, there are two full service liquor stores in that area. Commissioner Nelson asked the question, so he thought he would provide that information. He doesn't know what bearing that has on this. The other thing is, they have worked with the City Attorney's office in the past to provide a list of conditions that nuisance locations have had to comply with in order to maintain their business license. Those conditions include such things as surveillance cameras and other environmental things that tend to reduce crime. They would be happy to work with the applicant to provide that list and see what he would be able to do in that regard.

Commissioner Alexander asked along that line, why is it now that they bring these issues up to a new owner versus the owner who maybe had been part of that problem? Why would they now impose these on to the new owners because of the errors of the past?

Assistant Chief Baldwin said he is not real familiar with the transaction here between ownerships. He is not familiar with the owner or the applicant of this or the previous. He is familiar with Mr. Dixon and his son, and he knows they are legitimate and hard working business owners who contribute positively to society and they have always been very cooperative with the Police. He doesn't know what their involvement is in this transaction. To answer the question, it is an opportunity to do that because now they have some issues they are dealing with and it is an opportunity. It is a little bit harder to impose these conditions to a business that is running and not applying for a new license.

Commissioner Becht said that is precisely the point he was going to try to make, that it is the change in ownership. That is what gives the City the opportunity to ask that the new owner raise the bar. He doesn't know that they are asking them to come all the way up to what it would take to rebuild the building to 2006 standards, but they can do some of the things that the City would be asking. Commissioner Nelson and the rest of this panel have

helped educate him that this is an entrance into the Avenue D corridor. They have gone so far as to write the County and ask the County to help clean up some of the properties that are further west of here that aren't dressing up their store fronts. He thinks they can make reasonable requests of this property owner and see what they are willing to do to dress up this corner that is at a major thoroughfare. They know how busy it is, 25th Street and Avenue D. If they can get them to raise up the look and appearance of their property a little bit, maybe then the other three corners will have to do something because this guy will be busier. That is his hope anyway.

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

Mr. Jamal Hashoush, 2410 Avenue D, said he is one of the owners of Wsam's Enterprise Corporation. He would like to tell them about their business. This convenience store has been there almost for 30 years. In all these years they have been serving beverages, alcohol, beer, tobacco, etc. They just purchased this business like six months ago and they have done almost \$200,000 worth of business and they work hard to turn that kind of money and have the business established. Their customers are located all around the building. 75% of their customers are low-income people that live on welfare. They have a certificate from the State of Florida for receiving food stamps. Most of their customers come and spend food stamps on milk, food, meat, or this kind of product. He doesn't think it is fair to deny their application because they try to sell beverages and alcohol. As Mr. Buchwald said, they would be able to sell other products. A lot of people like to get all products in one spot. They don't like to walk from one store to another store to purchase meat here and go across the street to grab a six-pack of beer or a bottle of wine. Most of his customers are in walking distance. They don't have transportation. They provide all kinds of service for them as far as food. He also has a check cashing provided by Mr. Vernon Dixon. They also have communication service, they sell cell phones. A lot of people come pay their phone bills at this location. They don't have transportation to go further to pay their bills and travel to shopping. If they deny them the application for the Waiver of Distance, it is going to cause them to close their business. Because for example, if they go to a store, would they like to make two stops or one stop? He would like to make one stop, purchase all his products in one place, take it and go home with it. He would not like to stop at this location and get a few items and get in his car or walk a long distance for other things because this store doesn't sell beer or wine. He does not want to walk to another store. It is going to be a convenience store for a lot of people.

Commissioner Alexander asked does Mr. Hashoush own any other locations in the City of Fort Pierce?

Mr. Hashoush said at this time, no. This is the only location they own.

Commissioner Alexander asked are there any other partners?

Mr. Hashoush said yes, his cousin Salem Qaraleh.

Commissioner Alexander asked what location does he own?

Mr. Hashoush said the name of the location is Wsam's Food Enterprise. It used to be Dixon's Food Mart. It is at 2410 Avenue D.

Commissioner Alexander asked he doesn't have any other business?

Mr. Hashoush said no, he doesn't have another business. That is the only business they have right now.

Commissioner Alexander asked so Mr. Hashoush is not known to be a troublemaker?

Mr. Hashoush said actually he has been in this country since 1991.

Commissioner Alexander said he is not speaking about being in this country because Mr. Hashoush has that right. But this is his neighborhood he is speaking of; and if he is going to be satisfied, surely he can convince other people that they should be satisfied.

Mr. Hashoush said also he would like to make a comment about the 911 calls. The only reason he makes the 911 call from his store is to try to prevent a problem to happen at that location. He tries to keep his business clear. A lot of bad people are outside selling drugs. The only way to keep them out is to call the law to keep them out of there. If there is going to be a problem because he is making a lot of calls, he will stop that. He has to protect himself that kind of way. If they are upset by him making that call, he will have to do something else to protect himself and his customers. A lot of old people come to his store and a lot of kids. He would like to keep it clean and nice around there.

Commissioner Coke asked listening to all the conversation this evening, does Mr. Hashoush think that within the next 30 days he could get with Mr. Buchwald and Assistant Chief Baldwin and possibly look at what they could do to improve the landscaping and the parking to bring that up to code, and maybe work with the Assistant Chief on some of his ideas on how to help cut down the crime? They certainly don't want him not to call the Police if he has a problem. But if they have some simple solutions that might be able to deter people from gathering there, she is sure the Assistant Chief or someone on his staff would be more than happy to share those with him. So he would be willing to work with them in the next 30 days?

Mr. Hashoush said absolutely he will.

Commissioner Alexander said one last thing. Would Mr. Hashoush allow himself to communicate to Mr. Jon Ward? Maybe he may have some monies available for facade. That is the purpose of it, he will be in the FPRA area, and the City is here to help him.

Mr. Hashoush said he would have no problem communicating with any person that would help his business and he would help with that.

Commissioner Nelson asked does he understand the tone and tenor which the Commission appears to be taking at this juncture in that they want to raise the overall quality of that store on that corner to enhance the development of the Avenue D corridor and the 25th Street corridor to make it a first class business that anybody and everybody would stop there and feel safe and secure? Involved with that is landscaping, a renovation of the parking lot with adequate striping and paving, and irrigation systems so the plants don't die in the future.

Mr. Hashoush said yes.

Commissioner Nelson asked does he own the property or does he just own the business?

Mr. Hashoush said he just owns the business. He is leasing the property.

Commissioner Nelson asked will Mr. Hashoush have the ability to work with the property owner to create these types of enhancements which they are talking about?

Mr. Hashoush said absolutely. They had a request from the City to fix a few things which they did already and they have the approval from the City for that, which are like minor things around the building that need to be fixed, they already took care of that. He has no problem if he receives a letter from the City telling him this thing is unacceptable and needs to be fixed. He has no problem fixing it.

Commissioner Nelson asked when he said minor things, like what?

Mr. Hashoush said the building from the last hurricane was damaged, which they took care of it and got it fixed already. Everything is in control now.

Commissioner Nelson said he recalls the north side of that building was in real bad shape and needed painting.

Mr. Hashoush said right, that is the one they had fixed.

Commissioner Nelson said he is looking for something a little more substantial than that - parking lot, paving, landscaping, and this kind of stuff.

Mr. Hashoush said they just purchased the business six months ago and it is going to take them some time.

Commissioner Nelson asked would it be best if he and the owner get together to work with staff and come back with a proposal as to what they think the Commission would approve?

Mr. Hashoush said sure, that is no problem.

Commissioner Nelson asked he is amenable to that?

Mr. Hashoush said yes.

Commissioner Nelson asked does he know what he means when he said amenable? Does he think that is a good idea?

Mr. Hashoush said that is a good idea. He would like to have an idea from different people telling him in order for him and his business to be successful.

Mayor Benton said he thinks where things are going tonight in a positive note that they are going to give him some time to get with staff. It is a very visible intersection in the City of Fort Pierce and they would like to see it look a little bit better. He is sure it would make his business a lot better. They will see where things go, but it appears that things could be moving forward, they have an applicant who is willing to work with staff.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to postpone action on the Application for Waiver of Distance submitted by Salem Qaraleh for a 2-APS license to sell packaged beer and wine for off-premises consumption from Wsam's Food Mart at 2410 Avenue D to the first meeting in October to allow applicant to meet with Planning Staff and the Police Department to see what improvements could be made to this site prior to approving the Waiver of Distance.

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

Mayor Benton asked will Mr. Hashoush get with staff as soon as possible and work on some improvements to that property and come back here in October? They will work with him.

City Clerk Steele said that would be October 2nd.

Ordinance No. K-435 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS

OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **1901 PONCE DE LEON PRADO**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: Luis Couvertier)

Ordinance No. K-436 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **815 TUMBLIN KLING ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: WP Homes LLC)

Ordinance No. K-437 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE WEST SIDE OF SOUTH U.S. HIGHWAY #1, SOUTH OF HIGH POINT BOULEVARD AND NORTH OF SOUTHLAND DRIVE, AT **3317 SOUTH U.S. #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: Fort Pierce SS LLC)

Ordinance No. K-438 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON **THE WEST SIDE OF SOUTH OCEAN DRIVE, AND SOUTH OF JESSAMINE STREET, IN SURFSIDE HARBOR**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: Glenn & Barbara Enriquez)

Ordinance No. K-439 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **2591 MCNEIL ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF

ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: Kenneth Delevante, Jr.)

Ordinance No. K-440 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3361 SOUTH U.S. HIGHWAY 1, AND ONE PARCEL ADJOINING TO THE NORTH OF THE PROPERTY**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Property Owner: Gray Fox Properties)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-435, K-436, K-437, K-438, K-439, and K-440 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance Nos. K-435, K-436, K-437, K-438, K-439, and K-440 be passed on second and final reading.

Those voting in favor of the passage of Ordinance Nos. K-435, K-436, K-437, K-438, K-439, and K-440 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-442 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTION 13-24; EXCLUDING FROM MEMBERSHIP IN RETIREMENT SYSTEM FORMER EMPLOYEES WHO ARE RECEIVING RETIREMENT BENEFITS FROM A PARTICIPATING EMPLOYER WHO ARE SUBSEQUENTLY REINSTATED IN EMPLOYMENT; CREATING SECTION 13-25.1; RELATING TO **EMPLOYMENT AFTER RETIREMENT**; PROVIDING FOR SUSPENSION OF BENEFITS UNDER CHAPTER 13 DURING PERIOD OF RE-EMPLOYMENT; ESTABLISHING NOTIFICATION PROCEDURES FOR MEMBER EMPLOYERS AND PERSONS WHO ARE RE-EMPLOYED; PROVIDING FOR REIMBURSEMENT OF RETIREMENT BENEFITS WHICH WERE PAID DURING PERIOD OF RE-EMPLOYMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-442 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Ordinance No. K-442 be passed on first reading.

Commissioner Becht asked what is moving this?

City Attorney Schwerer said earlier this year he believes the Commission had discussion about under what circumstances they felt from a policy standpoint employees who retire

from the City of Fort Pierce and are drawing retirement benefits be allowed to be re-employed. They also looked at some alternatives for what other retirement systems provide. And they directed the Retirement Board to study the issue and come up with a proposal and to send it back to them for approval. This is the Retirement Board's consensus, which he believes was also the consensus of the Commission when it was discussed, that they would like to prohibit any person who is receiving regular or disability benefits from the system to continue receiving those benefits if they become re-employed after the retirement event. They also indicated, and it was indicated by the Retirement Board as well, that if people come back as an independent contractor, that those arrangements be true independent contractor arrangements and not an employment relationship, and that those arrangements for independent contractor services would be allowed under certain circumstances which are described in the ordinance. They have had a number of legal cases concerning the ability of an individual to come back and work for one of the member systems. In fact he thinks they have just recently resolved one by some form of a motion in the circuit court. This is a Commission initiated directive that is bringing this back before them tonight.

Commissioner Becht said with that being said, he for one would have appreciated seeing any Minutes from the Retirement Board discussing this. There are some philosophical issues that trouble him. He is aware of two specific instances, one of the Fire District and one of the FPUA where this situation has arisen. Was this a unanimous vote at the Retirement Board?

City Attorney Schwerer said they have two members here tonight that serve on the Retirement Board (Commissioners Coke and Nelson). They also have the Board Secretary (George Bergalis) present tonight.

Commissioner Coke said she believes the only dissenting vote was from the Fire District. The Utilities Authority representative went along with it and the Fort Pierce Police Department representative went along with it. The members from the City who sit on the Board were in favor of it. And she and Commissioner Nelson were in favor of it. She thinks the only real objection at the Retirement level was from the Fire District.

Commissioner Nelson said he concurs with that. He serves as Vice-Chair of that Board. This was something that they thought was quite necessary. Work after retirement is something they want to allow for. The upward mobility of their people in the organization they are concerned with. If someone should retire today, such as the City Manager or the Fire Chief or the Planning Director, as spelled out in Section 13.24 they exclude these people. They retire at these big salaries. And of course, if they retire on Friday and come back to work on Monday as a contract employee, that stifles their organization. That is one of the things they are trying to address.

Commissioner Becht said with that being said, if he reads this correctly, if they come back on a consulting basis they still can receive the full consulting salary and receive the full retirement benefit.

Commissioner Nelson said that would be left solely up to the employer who is a member of the Retirement System. But it would not impact the total system as such because they would not be getting those benefits that are available to the rest of the membership.

Commissioner Alexander said along that line, when they come back as a consultant then a lot of times on jobs they don't have benefits, they get it in their pay. His question is, why didn't this come up when the Fire Chief made this step?

Commissioner Nelson said as a matter of fact, one of the reasons it came up is because of the Fire Chief.

Commissioner Alexander asked it went to the Retirement Board before they even allowed the Fire Chief to do that, right?

Commissioner Nelson said no. When it came before the Retirement Board, they had nothing in place to prohibit him coming back in the City ordinance. The Fire Department decided that they wanted to go contractually and re-hire the Fire Chief as the Fire Chief, which is their prerogative.

City Attorney Schwerer said remember the Fire Chief is an exempt employee so that is a totally different situation. So the Fire Chief being brought into this ordinance is confusing because he is an exempt employee. He also wants to point out that this is a Commission prerogative. The City of Fort Pierce City Commission is the body empowered to make the rules governing this Retirement System. He also wants to point out that - he doesn't know if Mr. Bergalis could share light on this - but there is in all likelihood the retirement system they are going to be looking at here and those who are affected would just be the City and the Fort Pierce Utilities Authority because he believes the Fire District is making separate action to set up their own system. So this really isn't expected to impact them at any time in the future.

Commissioner Alexander said his last question on this matter is, he doesn't see any input in here about the cost of living for the retired individuals from the City of Fort Pierce.

Commissioner Nelson said that is a separate ordinance. It is based on the CPI and a cut off at 3%. It also depends upon the actuarial status of the funded...

Commissioner Alexander asked is he saying their retired City employees are receiving a cost of living increase?

Commissioner Nelson said no. He has been here for about 10 or 11 years now and they have had maybe one or two cost of living allowances. They made a decision and got it approved by the City Commission to enact an ordinance that says that they don't get a cost of living increase unless the CPI goes up more than 3% or they have the monies to fund it. That falls in the area of \$35 million or so. They haven't been able to reach that.

Commissioner Alexander asked they want them to put a grip on the individual that retires and works after retirement. He says this happened 10 or 12 years ago? So that means it was before his time. That is not being fair to individuals who retire and are not allowed to work after retirement, because it would jeopardize their retirement. There is no cost of living imposed in that?

Commissioner Nelson said they can work after retirement. This is working within the system. They can go out and fly airplanes if they want and some of them do.

Commissioner Coke said let her add one thing. The cost of living increase, that is built into the retirement system now as part of the way they operate. There has been great discussion at length lately to revisit that. The concern is, they don't want to enact something that will affect the retirement of future employees; and in the vein, they would like to be fair to the people who have already retired. The only other comment she would like to make when they are looking at this work after retirement... And she is sorry that everybody didn't get the Minutes from the Retirement Board meetings, because it wasn't one meeting where this was discussed, it was several meetings and the discussion went on for many hours. She thinks they did all try to look at and wanted to insure being able to retain qualified people to come back for a limited time frame; however, they did not want to limit upward mobility of the people who are within the organization. And they also wanted to insure that, if everyone just kept working after retirement and no one came up from the ranks and they weren't replacing them with younger people, they would kind of be stymied at some point in time if everybody worked until they couldn't work any more and they didn't have people there to replace them. So she does want to assure this Commission that they

did work long and hard at the Retirement Board on coming up with this recommendation.

Commissioner Becht said that was his concern.

Commissioner Nelson said but they are in fact looking at the possibility of creating a means by which they can get that cost of living. They are working on it right now.

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

Ordinance No. K-443 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTION 2-27, **REGULAR MEETINGS**, TO CHANGE TIME OF REGULAR MEETINGS FROM 7:00 P.M. TO 6:30 P.M.; AMENDING SECTION 2-29(a), ORDER OF BUSINESS; AMENDING SECTION 2-29(c) AND 2-29(d), **PROCEDURE - GENERALLY**, SETTING OUT REQUIREMENTS FOR NOTICE OF APPEARANCE, AND REQUIRING AGENDA MATERIALS BE SUBMITTED TO THE CITY CLERK BY 12:00 NOON ON WEDNESDAY PRIOR TO THE REGULAR MEETING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-443 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-443 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-443 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-444 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **6880 GRAHAM ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Richard E. Wall)

Ordinance No. K-445 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **6791 TARO STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Rodney Vannoy)

Ordinance No. K-446 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **1750 SOUTH KINGS HIGHWAY**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2007; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Florida Gaming Centers, Inc.)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-444, K-445, and K-446 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 Nos. K-444, K-445, and K-446 be passed on first reading.

Commissioner Nelson asked are they keeping track or expanding their map to indicate where they are annexing that increases the size of the City now that they annexed these people? They talk about 12 square miles, 20 square miles - where are they these days?

City Manager Beach said they are approximately 24 square miles. Yes, once these ordinances pass the second reading these will go to the Planning Department to be placed on their boundary maps.

Those voting in favor of the passage of Ordinance Nos. K-444, K-445, and K-446 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item considered was Ms. Gerri McPherson, Vice President of FAU Treasure Coast Campus, to give presentation on Florida Atlantic University.

Ms. Gerri McPherson, Vice President of FAU Treasure Coast Campus, said it is a pleasure to be here representing Florida Atlantic University this evening. She brings the Commission greetings from President Brogan and their Board of Trustees, and they also have some of their alumni here with them this evening. FAU is one of eleven public universities in the State of Florida and it was established 41 years ago - for the first 20 years as an upper division school and for the last 21 years they have served students from freshman to graduate. They have students who work on their Ph.D.'s right now here in St. Lucie County. She has known many of them for years. She was an Elementary Principal and a High School Principal in this community. It is wonderful to see students grow up here and go on to college. She has seen them walk across the stage and get their Master's Degree and get their Doctorate. It is just fabulous. In fact at their last graduation in Boca Raton the youngest graduate and the oldest graduate were both from St. Lucie County. They had a 19 year old getting a Bachelor's Degree and they had - and this is a record - an 86 year old getting a Baccalaureate Degree, all from right here in St. Lucie County. They were very excited about that. They have nine colleges and their newest college is a medical college. They have fabulous opportunities for the 27,000 students that they have. How many of them have been to their campus here in Port St. Lucie? Great, she is impressed. And as they know they are opening a new building at Harbor Branch Oceanographic Institute. That dedication is going to be on November 13th. They may have read in the paper that they are going to be lending the building for a couple of years if

everything goes through with the Torrey Pines Institute which they are excited about. They are also in negotiations with Harbor Branch to preserve that land in that area. So they are very much committed to the Treasure Coast area. They are very excited to be here. This evening with her she has Cara Perry, who is their Director of University Relations, and she is going to present them with some items from Florida Atlantic University. In here they will see brochures about their campus and about the entire University. They will see newsletters, information, anything that they could possibly want to know. If anyone is interested in coming back for any type of degree program, it is amazing what they can do at universities now. They can get a whole degree online totally. She has asked the professors, do the students really hit online? And 2:00 a.m. in the morning somebody working on an MBA will be sitting there getting their degree. She just talked to their criminal justice professors today. They have more and more people coming through with their Master's Degree, so the Chief could send his people right along, they are excited to get them. But it is really a pleasure to be here. She would like to show them a very short DVD on FAU and then one of their alumnus is going to speak to them for just a second. (Ms. McPherson showed a DVD about FAU.) She would like to introduce Laura and Pat Murphy, who are going to tell them a little bit about being alumni from FAU.

Mr. Pat Murphy said he thinks it is fabulous to have FAU here in St. Lucie County just to the south of Fort Pierce, and of course now soon to be up to the north. The only point he wanted to make is that they appreciate the City Commission's support over the years. It is quickly becoming a world class university. Just to have now that association with Scripps down in Palm Beach County and now with Torrey Pines here in St. Lucie County. But the fact for this community to have it available so near to them. When he was down there having to commute back and forth to Boca Raton, it was a bit of a challenge, the same for his wife. So it opens up a lot of doors to citizens in St. Lucie County and they appreciate the City's support and look forward to FAU growing more and more in St. Lucie County and Fort Pierce.

Ms. McPherson said she thanks the Commission very much for giving them the opportunity to come and speak.

Mayor Benton said he thanks Ms. McPherson for coming. He wanted to thank Florida Atlantic University, President Brogan, and Ms. McPherson for raising the bar in education in the Treasure Coast and specifically here in St. Lucie County.

The next item on the Agenda was Mr. Bill Thiess and Mr. Frank Varella, Fort Pierce Utilities Authority, to present Resolution No. U.A. 2006-08, Amending the FPUA FY 2006 O&M Budget and Adopting the FY 2007 Annual Budget.

Mr. Bill Thiess, Director of the Fort Pierce Utilities Authority, said he is here tonight asking the Commission to approve Resolution No. U.A. 2006-08 adopting the FY 2007 Annual Budget and also amending the FY 2006 Budget. He will give a brief recap on the budget. If they want to get into any specific issues, they can do that on a case by case basis later. In the Capital Budget, the Capital Budget Summary, they look at the amended FY 2006 budget. It is \$16,289,771. FY 2007 is a substantial increase over the estimated 2006 amended budget at \$48,698,205. He will just go over briefly why that is a huge increase, that is a \$32.5 million increase over the estimated 2006 budget. Most of that or a good part of that is in the wastewater projects. As most of them know, they are building a new Water Reclamation Facility out on Glades Road. In that budget under Wastewater Engineering, they have \$21.5 million in wastewater items in that budget. That is all geared to that plant, the deep injection wells, and force mains to turn the flows out in the other direction to that plant. Under Water Projects, they have about \$3.5 million in water projects budgeted for FY 2007. That is to keep pace with their existing customers and the demand they are looking at with all the developments coming in. Electric Systems, under Electric Engineering they are looking at about \$8 million in improvements above and beyond what they normally do on a year to year basis. Those are mostly for substation upgrades and

tie-ins and things that will increase the reliability of the electric system. If they add those up that is \$33 million in things that they don't normally do on a year to year basis. That explains the difference between the amended 2006 budget and the projected 2007 budget.

On the O&M side, the expenditures are summarized and the amended FY 2006 total of \$97,501,444 and on FY 2007 it is \$103,804,157 total expenditures. The percent change on 2006 for Personnel & Contractual Services is up 5% and 5.6% respectively, about what they would appreciate for an increase. Commodity is 11.53%. That is largely increasing costs that they can't do anything about. On the 2007 budget the Personnel and Contractual Services, 4.76% and 4.47%. Commodity is up almost 10%. Again, out of their control with the cost. Page 11 of the O&M budget spells out the annual transfer to the City.

The estimated transfer for Fiscal Year of 2006 is \$4,885,443 which would be paid in March 2007. And the estimated transfer for Fiscal Year 2007 is estimated at this time to be \$5,372,916 which would be paid in March 2008. That is the brief recap in a nutshell. If they have any questions, he would be glad to go into those. Also here is Frank Varella, who can get into the real detail if they need to go there.

Commissioner Nelson said first let him congratulate Mr. Thiess on being selected as head of the Fort Pierce Utilities Authority. Per usual he looks forward to that transfer of monies that the FPUA makes over there to the City of Fort Pierce for the City's use. \$5.3 million is a sizable sum that they certainly appreciate. He is still getting questions relative to the cost of their utility bills. Mr. Thiess just inherited that organization; and certainly based on where he was in the organization before, he is perhaps aware of the concerns the citizens have regarding high utility bills. He was questioned today for example as saying that the people in the County who get service from the FPUA, aside from the surcharge, are paying more for their utilities than the people within the corporate City limits. Is there any truth in the validity to that statement? Can Mr. Thiess do anything to quell those type of misconceptions, if there are any?

Mr. Thiess said they are paying the 25% surcharge for out of City service. They don't pay the City utility tax. So there is a net more that they pay by being outside the City limits.

Commissioner Nelson said he can recognize and appreciate the surcharge. But aside from the surcharge, if there was a City residence and a non-City residence, are their costs the same for the same services? Does a gallon of water in the City cost less than the gallon of water in the unincorporated area?

Mr. Thiess asked to the customer?

Commissioner Nelson said to the customer, yes.

Mr. Thiess said the charge to the customer outside the City would be more because of the surcharge. The rates are exactly the same. The only difference is the surcharge.

Commissioner Nelson said that is what he was confronted with today, and he said no, that is not true.

Mr. Thiess said the rates are identical.

Commissioner Nelson said he thought that. What he gleaned from that conversation and what Mr. Thiess is telling him now, there might be a need to try to public relations this issue so their people receiving U.A. services outside of the City limits know the truth about this. It has a lot of merit because he thinks somewhere along the line between now and Christmas the Commissioners voted to go with a referendum asking about whether or not the people will annex into the City. They are going to be faced with these types of questions. So he wants them to understand what they are asking for. Mr. Thiess could help the Commission and he could help himself if that be the case.

Mr. Thiess said they would be glad to do that.

Commissioner Alexander said he brought this up two years ago about the surcharge because they were asking about implications of annexing individuals in Sheraton Plaza and Paradise Park into the City. That was the main thing he kept emphasizing is that they would inform the public. That would be the perfect venue is the Fort Pierce Utilities Authority. He does want to congratulate Mr. Thiess on this job. He was able to come before the concerned citizens and he spoke very well. He told the citizens he wasn't taking sides, but he wanted to make sure they give him the opportunity besides the eight days that he has been on the job, but to just be fair to him. That is a perfect venue they can educate the people as far as those 25% surcharges. He hasn't gotten it from his staff yet what the difference is being a citizen of the City of Fort Pierce and being a resident of those areas. He hasn't gotten those figures yet. Again, maybe that is something they can task Mr. Thiess. He doesn't want to put anything on his desk, but they have to inform the public.

Mr. Thiess said they can work on that. They will be coming back to that group. They can present it there or other venues.

Commissioner Coke asked what about a FPTV commercial?

Commissioner Alexander said he thinks that would be an excellent venue, that Channel 27, presented by the Fort Pierce Utilities Authority under the seal of the City of Fort Pierce.

Commissioner Coke said they won't charge them a lot for that commercial - 25% depending upon where they are at.

Motion was made by Commissioner Coke, seconded by Commissioner Becht to approve Resolution No. U.A. 2006-08, Amending the FPUA FY 2006 O&M Budget and Adopting the FY 2007 Annual Budget.

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

The next item on the Agenda was Mr. Jose Vega, Jr. of Elevate, Inc., request \$1,000 in Public Funds for 1st Annual Palm Beach Post Drum Line Competition at Lawnwood Stadium on September 30, 2006.

Mr. Jose Vega, Jr. said on behalf of the kids on the Treasure Coast St. Lucie County/Fort Pierce who are going to benefit from this program, he would like to thank the Commission for the opportunity of being here tonight to present this formal request. They have the First Annual Palm Beach Post Drum Line Competition coming to Lawnwood Stadium September 30th. It looks like it is going to be an all day event. They received overwhelming support from the business and private community. Their goal and their sole purpose of existing is to raise funds for underprivileged and at-risk kids to go to college with full scholarships. He is a parent and 12 year resident in St. Lucie County. He put three kids through St. Lucie County schools. His oldest one graduated from Centennial High School last year. He has a sophomore in Centennial High School and a 7th grader at Northport K-8. He found himself in a situation where it became more difficult for him to pay the tuition with the cost of living increases and the way things went up in this area so quickly. So he kind of put his head down and tried to figure out what were some of the things they could do to make that better for a lot of people who weren't underprivileged, but if they look at the typical guidelines of underprivileged, a lot more people fall into those categories now than they did maybe three or four years ago. So they came up with this project. Their Board of Directors is a varied Board of Directors, people from all walks of life. They are very excited about this first event. He was at Fort Pierce Central today performing his duty as an employee of the St. Lucie County School District and he happened to hear the drums coming out of the band room. He stuck his head in there and they had their drum line practicing and they

sound really good and they look really good, so it is really cool to see that they are getting ready with a month left to go. They have four schools coming to visit from Broward County for this event. St. Lucie County has already come on board to sponsor the event and they are adding sponsors every day. So they are very excited and they look forward to their support.

Commissioner Coke asked did he tell them St. Lucie County gave him money?

Mr. Vega said St. Lucie County waived the fees for them to use...

Commissioner Coke asked they didn't write them a check?

Mr. Vega said no, they didn't write them a check; but they did contribute \$1,500 worth of the fees they had in the budget.

Commissioner Coke asked did the City of Port St. Lucie give them anything?

Mr. Vega said the City of Port St. Lucie extended an opportunity for them to use their T.V. station and their website to advertise.

Commissioner Coke said so now they have two no's as far as monetary contributions. It is a good thing he is at the good City now.

Commissioner Alexander said it didn't come to Port St. Lucie. They have to look at it that it is going to be in Fort Pierce's front yard.

Mr. Vega said he believes this is an excellent opportunity. He believes that not just with this event, but when he sat down and started thinking about this, he has seen what a lot of wonderful organizations and wonderful businesses have done for their kids with scholarships in their communities. He can name off plenty. They all know who does and who doesn't. As a parent and as a student at IRCC part time, it kind of bothered him that the \$500 scholarship and the \$1,000 scholarship is so prevalent. He thought that is a teaser. His wife and he both study and sometimes it is \$500 just in books for a semester. So he thought to himself, promotion companies are going to be very profitable in their county and in their communities because of the numbers of people and the growth they have in their area and the lack of quality entertainment, so they are going to come and do it. Why not do it and give the money back to the community.

Commissioner Coke asked Mr. Vega can say that this money is for advertising this event, can't he?

Mr. Vega said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Application for Public Funds of \$1,000 for advertising for the First Annual Palm Beach Post Drum Line Competition at Lawnwood Stadium on September 30, 2006.

Commissioner Nelson asked has Mr. Vega asked for money from other governmental organizations?

Mr. Vega said he has to be totally candid with him. He has been at this for three months and he has come a long way for a one man show. He can't really say honestly that it is a one man show, he has had support from other people as well. But most of the phone calls and most of the appointments and most of the meetings, only one man can really sell this project like he can, and that is him. He has done what he can with being a full time employee of the County and also being a father of three and a husband. They are very excited about what they have developed with this event.

Commissioner Nelson asked is he familiar with the Children's Services Council?

Mr. Vega said he placed two calls to Children's Services Council and he has not received calls back. He can't expect people to jump when he calls them. They are brand new and he understands the level of caution with brand new groups. He has tried to comprise the Board of people who are trustworthy in the community. But unfortunately the bureaucracy and the way that non-profits operate, they just look at who is the Executive Director, Jose Vega; and they don't know him, so they will wait and see what happens. With that let's wait and see attitude, it has been a little bit of a tough road. But he can take it, he has big shoulders, so they will be fine.

Commissioner Alexander said he just has to divulge that he has spoken with Mr. Vega on several occasions and he supported him when he came to him with the idea of their children in this community and this county. Not only did he welcome him with open arms because he is an advocate for the children. He looks at even yesterday it was Memorial Day and the children had nothing to do. The Acting Chief of Police is not here right now, but he saw a couple of his City Police Officers sitting down having a conversation with the kids, and he thought that was such a good idea because the kids were just sitting around. Mr. Vega came before him and maybe he was confused because he thought he was asking for a sponsorship from the City of Fort Pierce and that is how he relayed it to staff to go forth on that. But if this Commission is satisfied with \$1,000 toward the efforts of their children in their community, he begs to differ.

Mr. Vega said he just brought out an interesting point. Because he looked at the application for the request and it was a \$1,000 limit. Does it change if they are asking for advertising help? They really could use additional help right now, but they are grateful for whatever help they can give.

Mayor Benton said he will make a suggestion. He has been reading in the paper where a developer has given the County Commission \$250,000 to divvy up. Each Commissioner has \$50,000 and several haven't spent their money yet. So Mr. Vega should make a request to them.

Mr. Vega said they have made requests to the Youth Leadership Council because they had some grant money available, which they weren't the recipient of this year. But they are looking to - as a matter of fact, this Friday - bringing to the Youth Leadership Council a package of advertising materials and tickets. He feels the response from Christine Epps was that they are going to go ahead and help them promote the event and sell tickets and things like that, so they will be working with Youth Leadership. This is the beginning of a pretty cool thing. Being out here in the public now and extending himself, they are pretty much committed. But after 12 years of being a resident here, he doesn't have any plans of going anywhere.

Mayor Benton said he wishes Mr. Vega the best and he thinks it will be a success.

Commissioner Alexander said he is not through with his conversation because again him being confused and staff being confused. Because he put it before his staff as the City of Fort Pierce being a sponsor. Now the advertisement funds are set up for just that alone. He is going to make sure Mr. Vega gets a check from himself and his business. But when he put a request before the City Commission, he doesn't want it to be confusing. His request was for a sponsorship and now he hears they are going to give him the \$1,000 advertisement. He is okay with it. But in other words, his request went out the door. Is that what he is hearing?

Commissioner Coke said she just acted on what she had in front of her.

Mr. Vega said he is treating it as a sponsorship.

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

Commissioner Alexander asked can he make a motion on what he presented to the Commission as far as a sponsorship from the City of Fort Pierce?

Motion was made by Commissioner Alexander, to approve \$1,000 for City sponsorship of the First Annual Palm Beach Post Drum Line Competition.

MOTION DIED FOR LACK OF SECOND.

Mr. David Recor, Deputy City Manager, said since he is the one who took responsibility for putting this on the Agenda, he would like to know what Commissioner Alexander is confused about. He doesn't see there being any confusion as far as what alternatives there were available to the Commission this evening.

Commissioner Alexander said when Mr. Recor, Mr. Beach, and he were sitting down talking, he gave both of them a copy of the request of doing a sponsorship. Now the difference between a sponsorship and advertisement to him are two different items.

Mr. Recor said excuse him, but the suggestion for advertising was from a Commissioner. The alternatives that were presented in the cover sheet to them include three levels of sponsorship.

Commissioner Coke said she will apologize to Commissioner Alexander. She just felt that she knows they do not have a classification for that type of expenditure of public funds under this forum for a sponsorship, but she knew they had the same \$1,000 under advertising. And it was her assumption - Mr. Vega can tell her if she is incorrect - that he would need that money for advertising just as well as a sponsorship.

Mr. Vega said the radio advertising is where they are under a crunch right now.

Commissioner Alexander said okay, but along with the sponsorship came some amenities to the City of Fort Pierce as far as being placed on their promotions.

Commissioner Coke said Mr. Vega said he was going to treat it as a sponsorship.

Commissioner Alexander said again, it was a request he placed. If there was a confusion and it dies for lack of a second. He doesn't like the confusion when he puts something up front. So the confusion did not come from the Commission, it came from Staff.

Mayor Benton said good luck and they will look forward to this program.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-43

"A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING AND APPROVING THE ISSUANCE BY THE FORT PIERCE REDEVELOPMENT AGENCY OF IT'S NOT EXCEEDING \$21,000,000 PRINCIPAL AMOUNT OF **REDEVELOPMENT REVENUE BONDS, SERIES 2006** IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; APPROVING THE SALE OF SAID BONDS BY THE REDEVELOPMENT AGENCY; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 06-43 be adopted.

Those voting in favor of the adoption of Resolution No. 06-43 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed:

(The Mayor adjourned the meeting of the City Commission at 9:20 p.m. in order to convene a Special Meeting of the Fort Pierce Redevelopment Agency; and then reconvened the meeting of the Fort Pierce City Commission at 9:25 p.m.)

The next Agenda item considered was City Engineer request funding for design of Hibiscus Park Improvements.

Mr. Jack Andrews, Assistant City Engineer, said he has this Hibiscus Park Project to present for the Commission. Hibiscus Park is bounded by Georgia Avenue to the north, Beach Court to the east, Mississippi Avenue to the south, and 13th Street to the west. It encompasses approximately 86 acres. It is made up mostly of single-family homes. There are a few duplexes in this area. The subdivision contains approximately three miles of their City streets. The Engineering Department was asked to prepare a preliminary report of the existing conditions of this subdivision. They found that more than half of the mileage of the streets the pavement was in poor condition. Approximately 35% of the curb and gutter needed to be replaced or installed because there wasn't any. Sidewalks in the subdivision are very sparse. What sidewalks they do have are below the minimum standard. These are three or four foot wide instead of their City standard of five feet. The existing street lighting was found to be very sporadic. They had lighting at different intersections, most of it was from the existing electric poles. Also the drainage, they found that the inlet sizes were small. They have some pipe runs that are undersize, which they really need to replace in that area. In September 2005, the Hibiscus Homeowners and the City had a neighborhood charrette where the citizens came together and proposed ideas they had for their subdivision. With that and with followup meetings with the property owners association, the following improvements were brought before City staff: Drainage improvements, street resurfacing, neighborhood sidewalks, underground utilities, different traffic calming devices, bike lanes, decorative street lighting, and different streetscaping improvements such as crosswalks, landscaping, and different items like that. The Engineering Department did a preliminary estimate of these. They had their survey crew go out, do the existing conditions, come up with exactly what they have out there. They came up with a preliminary estimate of \$3.1 million to bring this up to what the homeowners had requested. There are some other items that may not be included. Something was brought up that they should have additional roundabouts installed, but these were not part of this cost. They are here tonight to request the City Commission to authorize the Engineering Department to enter into negotiations with one of their design consultants. Currently they have a list of four and they would start with their next available one and start negotiating with them for the design of the subdivision as well as preparing the MSBU mechanism and assessment roll to get this. The homeowner's association is proposing that they do an MSBU to pay for the improvements of this subdivision. So they are before the Commission at this time asking for the City to front the fees for the design consultants to start this project.

Commissioner Coke said she will say this as someone who drives through that neighborhood on a daily basis, it is only about ten years too late. But she thinks it is a great thing. Her only concern with it is, when she is looking at the map here and she sees Beach Court goes around from Wendell Road to Parkway Drive, they are missing those little bit of half blocks that go through to Sunrise Boulevard. She would hate to redo the whole neighborhood with this map the Engineering Department has given her that doesn't show that last little bit.

Mr. Andrews said correct. The existing boundaries of the Hibiscus Park Subdivision are shown there. Those other areas like 7th Street out to Sunrise Boulevard are not part of the Hibiscus Park Subdivision.

Commissioner Becht said he thinks Mr. Andrews has been attending meetings where he has been asking that they look into the cost of solar lights. Their last budget workshop showed they had a utility bill for street lighting of in excess of \$650,000. The sooner they can start trying to address that, the better off they are going to be. He tried to figure out what the cost might be to a particular homeowner; and it looked to him like if they assume a 100 foot lot, they are looking at close to \$7,800. If they allocate that over 15 years, does anybody have a calculator? \$7,800 at some kind of interest rate over 15 years. He is trying to figure out what the cost would be to a homeowner on his tax bill. \$7,800 over 15 years at some kind of interest rate, something over \$520 a year. The reason he asked that is he is more than willing to commit \$350,000 to do the design work as long as the residents are aware that they are going to get tagged with upwards of \$500 a year in an increased tax bill. Personally he believes that at the end of this process the value of their property is going to go up far in excess of \$7,800, but he is not the one who is paying the \$500 a year to accomplish that. So if there is some kind of support for that, he doesn't have a problem if the City can find the money and move forward with it.

City Manager Beach said this process anticipates going into the community once these costs are better known and understood. It anticipates going into the community and getting either an actual vote or what they refer to as a straw poll. Typically they would not move forward unless they had a over a 50% authorization to move forward with it.

Commissioner Becht said all he is saying is with the numbers they have before them, he thinks they can project that at a minimum those residents are going to get hit with \$500 a year and that is a starting point.

City Manager Beach said at the same time they will also be looking for opportunities for grants and for other ways to subsidize this so the property owners do not have to pay all that.

Commissioner Becht said whatever other money they can find. He just doesn't want to throw \$350,000 in design work and find out that the residents aren't even willing to consider a \$200 a year bill. Because in the end it could be \$750, it could be \$250, they don't know what it is going to be, but they do know that the residents are going to pay part of this. He is seeing several folks who are here and interested in this and maybe they will hear from them tonight and maybe they won't. But as long as they understand it is going to cost them money, cost the City money, and wherever they can find grant money or any other kind of money, that is what the process is about.

City Manager Beach said this was initiated by the Hibiscus Park neighborhood. They approached the City to put this together.

Commissioner Becht said he is aware of that; but what he is just trying to make certain is that they understand there is going to be an expense involved. The City will pay part of it and they will try to find other money for it.

Mayor Benton asked the \$3.1 million, does that include underground utilities?

Mr. Andrews said yes, they figured on that. That was the City's portion of it. That is not including the U.A.'s portion for the transformers and wiring.

Mayor Benton asked nobody has talked to the U.A. yet? That is like pulling teeth sometimes.

Mr. Andrews said that is just the City's cost for conduit and the agreement they have made with them in the past.

Mayor Benton said he agrees with Commissioner Becht. He thinks there has to be some more answers before they spend \$350,000. First they need to know if the neighborhood is completely willing to do this or at least 50%. And then they need to get the numbers on the underground utilities. Because he knows when he was looking at doing that in other areas of the City, the numbers came in extremely high. Are they talking about everybody's feed coming in or just along the street? There are a lot of numbers there.

Mr. Andrews said the \$3.1 million included the portion in the right-of-way. It is in the report that each individual homeowner would have another cost of the undergrounding of the service into their house. That is another estimate at \$1,200.

Mayor Benton said he knows the U.A. has a number, he doesn't have that number here, but it is so many dollars a foot and it is extremely high.

Commissioner Nelson asked to what extent have they gotten recent formal input from the Hibiscus Park folks as a body? Mr. Andrews is making the pitch. He is concerned whether or not they are fully aware of the potential cost that they are going to be dealing with here that is going to be levied back to them.

Mr. Andrews said there was a meeting with the property owner's association to review this report that the Engineering Department did come up with. At that time they were a little bit shocked by the figures, but they wanted to go ahead and proceed to see if they could go ahead with the design and possible mechanism for the...

Commissioner Nelson said if he gets 100 phone calls tomorrow based on this telecast that he misquoted them, don't be surprised.

Mr. Andrews said that was based on one meeting.

Commissioner Nelson said to have the rubber hit the road and they have to pay for it, it causes quite a different response. He would urge that they have the president or somebody join him in making this presentation indicating on behalf of that association that this is what they want and they understand fully the cost associated therewith.

Mayor Benton asked do they have a representative from the homeowner's association who would like to come up?

Commissioner Coke asked by a show of hands, could they see who is here on behalf of this? (A show of hands indicated approximately 25 people representing Hibiscus Park).

Mayor Benton asked how many homes are they talking about out there?

Ms. Cecelia S. DeFilippis said she is the Acting President and is currently President-Elect of the Hibiscus Park Homeowner's Association. It is their understanding that they cannot proceed without this design being done. The \$350,000 is the cost that the City has come up with. Would she be correct in saying that this is the City Engineer's estimate?

Mr. Andrews said yes, that is their estimate for the design cost.

Ms. DeFilippis said quite frankly, they are somewhat at this point concerned or she should say they are questioning the dollar amount for that report, not sure how the City came up with \$350,000. They agree that is a lot of money. However, it is their understanding that they cannot move forward with talking to all of the residents unless they have hard dollar figures to work with. There are 290 residents in the boundaries. So when they go to a homeowner's meeting every month, they are getting 40 people at a meeting if they are

lucky and that varies. So let's say 60 people know about it. She has 80 people on the e-mail who are hearing about it through e-mail correspondence. That is roughly one-third. That is probably about as good as they are going to get with any homeowner's association. They know that the City can also come through and decide to do this and tax them anyway; but probably wouldn't do it, it might be political suicide. But they would rather be pro-active than waiting. Commissioner Coke is right, it is ten years overdue. At some point the rubber is going to meet the road, they have to do these things. They have decided as the leaders of this community they want to be pro-active in making sure that they have a part of what is going to happen and when it is going to happen. Will they get 51% of the neighborhood to agree once they come up with hard numbers? She can only tell them that they are willing to go out there and really campaign for it. They understand that they could be two to three years away from those hard numbers, so they have started to plant the seeds now. When they hand a document like this to a typical person, they ask did you read it and what does it say? On this page it says that. Everything comes out of context. They had a lot of craziness going on right after their last meeting where people thought this was a done deal, these were the hard numbers, and this is what they were going to pay; and they didn't want to pay it. They have spent the last couple of weeks getting in touch with people saying, this is the time for them to get active, this is the time to come to a meeting. They didn't have a lot of time either, with the holiday and the hurricane, to get out and talk to people. So if they can move forward with this design, maybe that is what they would do. If there are questions about the cost and the need for this, let's talk about it. They are not here to push this down anybody's throat. They are here to say, if this is the next step - and it is her understanding at this point that it is - they want to go forward, they are willing to go out and do the campaign that it needs to talk to their neighbors to make sure this happens. They do not want to continue to drive over those roads. They want lights that they can depend on. She thinks solar lights are a great idea. There are things they are wanting that they are going to go back and forth negotiating over the next two to three years and hopefully come up with a plan that everybody can agree with. That is why they are here tonight.

Mr. David Recor, Deputy City Manager, said the \$350,000 is a percentage estimate based on the unit cost that the City Engineer's office developed in response to the list of improvements that were generated by the neighborhood charrette. It is not a bottom line figure. It is a figure up to, not to exceed. He thinks the general rule is 10% of the estimated cost of construction, they anticipate in design fees. The leadership of Hibiscus Park may very well come back and say they really want these traffic calming devices, they really want these roundabouts at Kentucky Avenue and Mississippi Avenue and at the various other areas of the subdivision that were identified in the charrette. That could affect the design fees. Of course, it is also going to affect the total cost of the public improvements as well. Let's just look at the worst case scenario; and that is, that the MSBU does not generate 51%. The money is not ill spent. They still will have designs for public improvements for the subdivision, some of which are necessary public improvements aside from the aesthetic public improvements for the neighborhood that could easily be incorporated into the City's CIP.

Mayor Benton asked in this request, are they going to get a detailed price list on what each one costs - underground utilities, paving the roads, street lights - so they have an accurate number to go out there to the neighborhood?

Mr. Recor said yes. He thinks the next step would be for the leadership of Hibiscus Park to fully identify the public improvements they would like to see. The City would then task one of their design consultants with actually developing the plans. Again, subject to the limitations of funds as a result of this discussion.

Ms. DeFilippis asked will the Hibiscus Park Homeowner's Association have a chance to meet with this design team before, so they can go over these items again?

Mr. Recor said they are going to include the leadership of Hibiscus Park at every step along

the way.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve up to \$350,000 in funds to negotiate with a consultant for design of improvements to Hibiscus Park.

Commissioner Nelson said should it pass, this represents a template for the many other neighborhoods that they have to address. Are they contemplating that in any fashion and do they have a projection of the potential cost for those neighborhoods that are to come on line? What they are doing for Hibiscus Park they should do for everybody else.

Mr. Recor said one of the reasons why the partnership with Hibiscus Park is so attractive is that the leadership of Hibiscus Park has indicated the desire to step forward and pay for a share of these public improvements. And to the degree that other neighborhoods would like to emulate this partnership they have developed with the Hibiscus Park Neighborhood Association, they would certainly encourage that. NEAT (Neighborhood Enhancement Action Team) was the first effort in Hibiscus Park. They are now moving forward into Oakland Park and Sample Oaks in the next fiscal year. He thinks the answer is yes, to the degree that other neighborhood associations would like to partner with the City in sharing the cost of these public improvements to improve their neighborhoods, they would certainly encourage that.

Commissioner Becht said many years back when he was riding a bicycle around this neighborhood, there have been drainage problems in there. As young men they always tried to find the deepest puddle and it is in there. So this neighborhood is peculiar in that it has some drainage problems which he thinks have escalated the engineering and the cure cost. Now every neighborhood they approach and try to clean up is going to have a different type of problem. But he thinks this one is unique in that it has some drainage issues that really pump the figure up more than just pavers and street lights.

Commissioner Nelson said he thinks it is a great idea for Hibiscus Park. But his point is, there are other neighborhoods that are going to have similar type problems that the City is going to address in a fair and equitable basis that don't have the organizational structure, the leadership, and the financial wherewithal in some of these other neighborhoods to do as these people have done. He commends them for that. But he is looking at it in a broader perspective, trying to address the needs of all of the people of the City of Fort Pierce in a uniform equitable basis. His question is, is the City prepared to do just that in other neighborhoods? They are setting a precedence if they do this for Hibiscus Park.

Mr. Recor said he is going to respond simply by saying yes, the City is prepared to do that. They will not do that however without the input and participation from whatever neighborhood they go in. What drove this initiative was the leadership of Hibiscus Park Neighborhood Association. The City will engage other neighborhoods as well and encourage them to identify the kinds of public improvements they would like to see. The Commission has made that very clear as to their expectation. And Staff would not go in and design a neighborhood for the neighborhood without their input.

Commissioner Nelson said they are going to have different challenges in certain neighborhoods in comparison to Hibiscus Park. They don't have the same caliber of people. The same potential, yes. But some people don't have as much money, some people don't have certain desires in the neighborhood, they don't have the leadership. That is what he is looking for. Is the City willing to take that extra step to fill the voids in those neighborhoods that don't have the qualities of people in Hibiscus Park?

Mr. Recor said he thinks the organization is willing to commit the resources. The funding is always going to be a challenge. So they can plan and they can identify improvements. The challenge will be coming up with funding alternatives in making it happen.

Commissioner Nelson said his job is to point it out.

Commissioner Alexander said he just wants to put his two cents in. The leadership is going to have to come from this Commission when it is going out into the community. Hibiscus Park was the first community in his tenure that they come forth and laid themselves out in front of the Commission for them to butcher as they please. He has said it before, the FPRA has a district and they do so much for the City. That was allowing the City of Fort Pierce to save monies on he doesn't know how many numerous events or projects or whatever that the FPRA has taken charge. So now again he made a statement before when he was speaking about Hibiscus Park that the City needs to go into the coffers. This community has asked and requested from the City to help them. He thinks they have an interest in the Dan McCarty School. It was a high school, now it is a middle school. Surely that should be the hub of that whole community right there is that school alone. He agrees with the assistance of this community and whenever they come back, whatever their endeavors are, the City ought to be able to go forth. He knows Mr. Beach will be able to find some assistance for them so they don't have to incur these costs. He knows it might not sound like much, \$500 a year, but it is a lot. They have kids going to school in this neighborhood, so the parents have that obligation to their children first, but to their community too. He spoke to several of those members and they don't have to ask him twice.

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

Mayor Benton said this is step one.

Commissioner Alexander said if they have more community participation like that, they will go a long way.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-44

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ADMINISTER THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) **BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM GRANT** ON BEHALF OF THE CITY OF FORT PIERCE, THE GOVERNING BODY; PROVIDING AN EFFECTIVE DATE."

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 06-44 be adopted.

Commissioner Coke said one would think since she has devoted many hours to this, somebody might have called her to discuss it with her. However, she just today got from the County, they were kind enough to expedite the City of Fort Pierce's portion of the dune study as far as re-nourishment and re-vegetation. She is looking here and this is talking about applying for funding for dune renourishment. The project they discussed at the Commission workshop and this Commission approved, was dune replanting.

Mr. David Recor, Deputy City Manager, said restoration.

Commissioner Coke said no, it is two different things. Dune renourishment is when they come in and bring the sand up to a certain level. Dune replanting, which they had discussed, it they come in and plants the plants in a specific grid pattern, there are seven or eight different types of plants and vines and sea oats. And from that replanting, they can gain seven to twelve vertical inches a year in sand just by the plants retaining all of this. So

her concern is dune renourishment, they are not going to be able to being to tackle until the County finishes their T-groins, which is going to be 2007-2008. The replanting of the dune, which would help save the property on A-1-A and west of A-1-A, is a project they could begin in the immediate future.

City Manager Beach said let's hear from Christa Razem in regards to the details of this application. He sees two different words used on this agenda item. One is renourishment, the other is dune revegetation. So could Ms. Razem explain?

Ms. Christa Razem, Grant Writer, said she apologizes for the confusion. This grant is intended for dune revegetation.

Commissioner Coke said she knows this Commission had approved funding for it. Is it possible, without jeopardizing this grant, that if they were to go ahead and do part of it prior to these funds being available in July 2007?

Ms. Razem said that would be a problem. That is why she wrote it in that way. They would not have those funds until June or July 2007 and would not be able to start that project, so they would have to wait until then. They would know if they are going to get the funding probably by January, but they wouldn't be able to start the project until July.

Commissioner Coke said the reason she asked those questions is because having spoken with the gentleman that is doing the work for the County. Way down south they are working now, the County is paying for him to replant their dunes. They cannot do this during certain months. They can't do it in January or February. The ideal time to do it is September, October, November when they have rain on a daily basis, so that way they don't have to irrigate. Of course then if they were to move forward with it now, they would lose the grant money. However, they might save a lot in property damage.

Mr. Recor said he wants to make sure the Commissioner understands, this is in addition to the discussion they had at the workshop. He does not know if she has had a chance to read the City Manager's follow-up memorandum that was distributed this evening, but it acknowledges the \$125,000 in funding for dune restoration that was discussed at the City Commission Workshop. They are absolutely looking at these as two separate initiatives and two separate projects.

Commissioner Coke said then she appreciates all the efforts. Her thought was that they were looking to delay the replanting they were looking to do immediately. Mr. Recor is saying rather than delay that, they are looking to supplement it in July. That is wonderful.

Mr. Recor said these are two separate things, he just wanted to make that clear.

Those voting in favor of the adoption of Resolution No. 06-44 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 06-45

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF A QUIT CLAIM DEED TRANSFERRING OWNERSHIP OF CITY-OWNED PROPERTY ALONG STATE ROAD 615 (**25TH STREET A/K/A MARTIN LUTHER KING JR. BOULEVARD**) TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO STATE ROAD 615 FROM ORANGE AVENUE TO AVENUE Q; PROVIDING AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 06-45 be adopted.

City Attorney Schwerer said his only comment is a legal clean up issue. Under Charter Section 13(d), if the Commission is satisfied that the property is required for public use or purpose by another agency of the State of Florida, which this is FDOT, that they can fix the compensation payable to the City at a nominal amount or such other amount as the Commission wishes. He thinks in this case staff is suggesting a nominal amount, but it must be fixed by the Commission. In that case, he would suggest \$10.00, if that is the wish of the Commission.

Mayor Benton said maybe they can get the rest of the money they need for A-1-A.

City Attorney Schwerer said they could do that as well. It is within their discretion.

Mayor Benton said it is taking so long and they need about another \$9 million. What better time?

City Attorney Schwerer said up to the value of the property.

Commissioner Nelson said some time ago FDOT came before them in laying out their plans for restructuring that road as well as the relocation of some of the utilities along that line. The third factor in there was the fact that one of those permanent property owners there was concerned about the access to his property. Have those issues been resolved or will those be resolved by this?

Mr. Jack Andrews, Assistant City Engineer, said he hasn't seen the exact location of the relocated bus stop, but it has been relocated from the area he is referring to.

Commissioner Nelson asked relative to the utilities underground and all that, where do they stand on that?

Mr. Andrews said from the last he heard it was proposed that the utilities would be placed underground in that section.

City Manager Beach said the decision to place the utilities underground has been made; and the design for the relocation of the utilities, as he understands it, includes putting them underground. That is the design that is underway. They are still at odds with the Utilities Authority in regards to how it is going to be paid for. That subject will evolve over the next few years as it starts to happen.

Commissioner Nelson asked they are on schedule with the reconstruction of that road between Orange Avenue and Avenue Q, are they not? When is that to begin?

Mr. Andrews said he knows they are on track for design. They are still in the design phases. The letting date, he is not sure of that date right off hand.

Mr. Scott Horlander, Project Manager with Protean Design Group, said he is not an FDOT man but a consultant actually who works for FDOT. They are the design consultants for the project, working for DOT.

Commissioner Nelson asked could Mr. Horlander answer any of those questions? When are they going to start the reconstruction?

Mr. Horlander said he thinks it is somewhere around the fall of 2007 or early 2008. He would have to check on that. He is not positive.

Mayor Benton said after they finish A-1-A.

Mr. Horlander said he is not sure anything about A-1-A. But Mr. Andrews is correct about the bus stop they were referring to, that is going to be relocated or else removed. There has never been any intent to block anybody's access; so once they realized that, they can get rid of that. The underground electric, they have been working with FPUA on that.

Commissioner Nelson asked is there any possibility that FDOT can defray some of this cost or all of it? It is their road.

Mr. Horlander said he doesn't speak for the Department of Transportation on those matters. He can't answer that for him.

Commissioner Nelson said they have everything on record already, so he can go back and read what they said.

Commissioner Becht said his recollection is that when the City abandons property, they go through a checklist by Department and each of the Departments checks off and says they are okay with this. He has seen that somewhere. He doesn't see that with the conveyance albeit by Quitclaim Deed of this property to FDOT. It would be his preference to have each Department sign off, and that would include FPUA that they don't have a problem with conveyance, because he doesn't know what they have under the ground. Is he mistaken? Do they not go through a Department review?

City Attorney Schwerer said when they abandon property, that is correct. But this is a conveyance.

Commissioner Becht asked he thinks they are still going to have the same problems if the utilities are underneath the ground, are they not?

City Attorney Schwerer said if they own the property and someone has an easement to a utility, the City is not warranting the title, they are simply conveying it by quit claim deed to FDOT. FDOT was requested to get title searches on all of the parcels, which he thinks they did.

Commissioner Becht said not a problem then, they will just give FDOT the quit claim deed and it becomes their headache.

City Attorney Schwerer said that is exactly what he is saying; in other words, it becomes FDOT's issue.

Those voting in favor of the adoption of Resolution No. 06-45 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Attorney Schwerer asked do they have an amount for the transfer, if it is going to be nominal? Again, he would suggest the \$10.00 figure.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that the consideration be \$10.00.

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

The next item on the Agenda was Request from the St. Lucie County School District to appoint one staff member and a citizen member to the **Public Schools Advisory Committee.**

Commissioner Coke said she thinks in the effort of being good neighbors, they ought to direct the City Manager to please appoint a staff member and maybe advertise that the City is looking for a citizen member to be their representative on the Public School Advisory

Committee.

Mayor Benton said he will guarantee they will get some volunteers for that.

Commissioner Becht asked what is the date of the agreement that the City was allowed to have these two people? The reason it is significant to him is the manner in which Central High School was handled, the relocation, and they are still getting promises that they are going to rebuild a school on the old Central High School location on Edwards Road concerns him. Had this Committee been appointed, he thinks they would have known about that move perhaps earlier than after it was fait accompli. Does anybody know?

City Attorney Schwerer said they just did that Interlocal Agreement for the School Siting incident to some issues they were handling with their Comprehensive Plan. Perhaps Mr. Recor remembers that. It was within the last year, he believes, but that is a wild guess.

Commissioner Becht said he is comfortable with delegating the staff person to Mr. Beach.

Mayor Benton said they can come back at the next meeting with a couple of names.

The next item on the Agenda was Commissioner Coke request appropriation of \$25,000 to be used for public information on the **St. Lucie County Research & Education Park**.

Commissioner Coke said plain and simple, as a government they can't go out and actively campaign for the Referendum for the Research Park; however, the governments have been getting together and they are trying to do their best to educate everyone on it. The City of Port St. Lucie has donated \$25,000 toward this education campaign and St. Lucie County has contributed \$25,000 toward this. So they have requested that she bring it to the Commission and get some matching funds.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to appropriate \$25,000 to be used for public information on the St. Lucie County Research & Education Park.

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

The next item on the Agenda was Discussion on creation of a **Sunrise Theatre Advisory Board**.

City Manager Beach said what they have in front of them is a proposed organizational structure for an Advisory Committee for the Sunrise Theatre. That was actually drafted by the existing Sunrise Theatre Board. They did this by looking at different structures that exist in the State today and primarily the organization of the theater in Sarasota. What they have done is simply used a lot of that language in coming up with this membership composition and purpose and goals of the Advisory Board itself. He thinks the meat of it in terms of the composition of the Board is in Section 3, where it talks about the composition, qualifications, and terms of the office of members. That is really the focus of what that membership would consist of. The responsibilities and the objectives of the Board are outlined as well. It talks about the duties and reports, terms of officers, and so on. What he would ask is that they review this. He knows they didn't receive this until last Friday. He would ask that they look at this and give some feedback as to whether or not this fits their own ideas in regards to where they are going with this subject. At some point they will put it into some type of formal document for adoption.

Commissioner Coke said having had the pleasure of representing them all on the Sunrise Theatre Board, it is with a little bit of sadness that she will be leaving that Board. However, before she does she would like to make a couple of recommendations on this. She feels -

and Mr. Jenkins knows - this Board should be very representative not only of this City but the entire community. They are more of a regional theater than they are a local theater. That being said, she thinks they should have an option and try to fill it for a resident of Martin County and Okeechobee County. Also, having served on the Sunrise Theatre Board for an extended period of time, she has a problem with the theory of one lifetime member in recognition. There are so many people who have devoted so much time, effort, and energy to that. She thinks to choose one person to be a lifetime member of that Board to the exclusion of several other people who are equally committed, it just becomes a very political thing. She doesn't want the Sunrise Theatre become a political tool. For that reason, personally she would not like to see that in there. It is one thing to make somebody an honorary member; but to make somebody a lifetime member of an Advisory Board kind of ties them down. The only other suggestion she would make, and she was surprised to see that they did not have, equally as important to the Sunrise Theatre having an Advisory Board is the theatre establishing relatively quickly and working on a Foundation Board to do fundraising. She would like to see that as expeditiously, if not more so, than the regular Advisory Board.

Mayor Benton said he agrees 100%.

Commissioner Alexander said just for his information, so there will be no confusion here, they have a Sunrise Theatre Board and they are requesting Sunrise Theatre Advisory Board?

Commissioner Coke said no. When the City took over the Sunrise Theatre, the Sunrise Theatre Board itself is no longer in existence.

Commissioner Alexander said he just didn't want there to be any confusion because exactly what she said, that they are regional and they should be inclusive of all their surroundings.

Commissioner Coke said she doesn't want them to think because she has one less Board to sit on, she has extra time.

Commissioner Alexander said but there will be representation there from the City of Fort Pierce.

Commissioner Coke said that is not the way they presented this.

Commissioner Alexander said then they need to revisit this. Because surely if they have an entity of the City of Fort Pierce, their attorney is going to be there, right? Representation from the attorney's office?

City Attorney Schwerer said if they so direct, they will do what the Commission requires of them.

Mayor Benton said they are looking for input.

Commissioner Alexander said surely he thinks the City should go gung ho and make sure that they are represented well. They need Port St. Lucie input, they have 100,000 people down there.

Commissioner Coke said the truth is it was only in the last year that they invited St. Lucie County to have a Commissioner there and the City of Port St. Lucie, and she thinks it provided some positive feedback.

City Manager Beach said he would ask the Commissioners to submit their comments and suggestions in writing; and he will attempt to accumulate those and bring them all back at the same time so they can get some consensus on proposed changes.

Commissioner Alexander said he heard Mr. Beach speak about Sarasota. He gave them some information concerning that. A few of them took that trip over there. But is there any updated information? Because the paper trail he doesn't keep up with too well. Is there information how they did it in Sarasota?

City Manager Beach said he thinks a great deal of this document is a reflection of what they currently do in Sarasota.

Mayor Benton said he also would support Commissioner Coke. They need to get that Foundation up and running as soon as possible, so next year they will bring in money from other areas, not just from the City.

The next item on the Agenda was Submittal of Applications for appointment to the **Historic Preservation Board**.

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

The next item on the Agenda was City Engineer request Preliminary Review of the revised Stormwater Ordinance (Section 17-34) pertaining to **Stormwater Retention and Detention Systems**.

Mr. Jack Andrews, Assistant City Engineer, said this was put on the Agenda for the Commission's review of this document. This was something that came up at the Workshop in July. Staff would like their review of it and get responses back from them.

Commissioner Becht asked has this one been sent out to anybody in the public, specifically any engineering firms that are licensed in the City of Fort Pierce, the Treasure Coast Builder's Association, the Chamber of Commerce, and the Board of Realtors?

Mr. Andrews said no, it hasn't. This was just strictly reviewed in-house and brought before the Commission for their review.

Commissioner Becht said it would be his preference that something of this magnitude, at a minimum, be sent out to the engineering firms that he assumes are going to be having to deal with the issues that are raised in it. Also he would ask that it go to the other organizations just because if they can get the community to buy into these ordinances while they are drafting them, it is going to be easier to get the enforcement later, and regularly they get good ideas from the public.

Mr. Andrews said they will take care of that.

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

Commissioner Nelson said he wants to look at Item 35b (Change Order to Contract with Dickerson for Street Resurfacing) removed for discussion.

Commissioner Alexander said he would like Item 35g (Florida League of Cities Legislative Council Meeting) removed for discussion.

City Attorney Schwerer said his office would request Item 35f (Grant of Temporary Construction Easement to Boca Ven Land of Fort Pierce, Inc.) be removed and they will bring this back to the Commission at the next meeting. There are some issues they have to further research.

Commissioner Becht asked is the removal of Item 35f going to delay The Renaissance construction?

City Attorney Schwerer said no, it is underway. It is the terms of the Construction Easement, some of the things they have to discuss with them concerning some bonding issues and some termination provisions.

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

a. Approve purchase of replacement computer equipment for the Police Department from Dell Computers and Insight Public Sector in the total amount of \$47,821.60.

c. Approve Interlocal Agreement between the City and St. Lucie County for Application for a Florida Recreation Development Assistance Program (FRDAP) Grant for improvements to Savannas Recreation Area.

d. Approve Interlocal Agreement between the City, St. Lucie County, and the Fort Pierce Utilities Authority for the South 26th Street infrastructure project using Community Development Block Grant Disaster Recovery Initiative (CDBG DRI) funds.

e. Approve Interlocal Agreement between the City and St. Lucie County for services of consulting, manpower, and broadcasting all regular City Commission meetings by SLCTV Staff.

The next item considered was Item 35b, which had previously been removed from the Consent Agenda: Approve Change Order No. 1 to Contract with Dickerson Florida, Inc for 2005 Street Resurfacing in the amount of \$114,839.11 for addition of Sunrise Boulevard and additional curb and driveway work.

Commissioner Nelson said he is having problems getting a handle on their resurfacing efforts. Where are they on their resurfacing effort now?

Mr. Jack Andrews, Assistant City Engineer, said they met with the contractor. They are currently coordinating with the Fort Pierce Utilities Authority for upgrading of services. They anticipate that this resurfacing in the FPRA area will begin within the next 30 days. They are really confident of that.

Commissioner Nelson said he is not being specific in terms of which avenues and streets are going to be resurfaced in this timeframe according to a plan. They have a plan he knows, he saw the plan.

Mr. Andrews said right. The area they will be going to first is in the area of 29th Street in the northwest section. They will be getting those areas there and then working east along Avenue Q in those areas.

Commissioner Nelson said they have real serious pothole problems out there. Their project areas have not been resurfaced in the last 40 years.

Mr. Andrews said correct. That is their first area they are going to. They will continue east of that. They are going to do the whole length of Avenue Q and all those areas in that section.

Commissioner Nelson said he just took this opportunity to jab a little bit on that, but he has no serious heartburn about the \$114,000.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve

Change Order No. 1 to Contract with Dickerson Florida, Inc. for 2005 Street Resurfacing in the amount of \$114,839.11 for addition of Sunrise Boulevard and additional curb and driveway.

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

The next item considered was Item 35g, which had previously been removed from the Consent Agenda: Approve travel and attendance by Commissioner Alexander at the 2006 Florida League of Cities Legislative Council Meeting in Orlando, Florida on Friday, September 15, 2006.

Commissioner Alexander said just for information. He questioned staff about receiving this information at a late date. Commissioner Nelson is not going to be attending that conference?

Commissioner Nelson said yes. He notes Commissioner Alexander's request; and he wants to emphasize the fact that not only have they been selected to those respective committees, he has been put on the Legislative Committee. The first meeting is going to be on 15th of September, the second meeting is going to be the 20th of October, and the third meeting is going to be the 16th of November. Rather than approve just one, i.e. 15th of September for Commissioner Alexander, he thinks they ought to approve all of those - September 15th, October 20th, and November 16th - for both of them for all those.

Commissioner Alexander said that is the reason he brought it up, because he didn't see Commissioner Nelson's name on here, and he knows he is on the committees as well as he is. He just didn't want it to be a dilemma with Mr. Bergalis, not being able to take care of his travels. The thing is that it came in late and only because he questioned it, because he didn't see it on the agenda, is the only reason he brought it up. He knows Commissioner Nelson attends those and he doesn't want to omit him.

Commissioner Nelson said the motion should be to approve the three dates for both of them.

Mayor Benton said he doesn't think they can do that tonight.

City Clerk Steele said there is time to submit the paperwork for the October 20th and November 16th in proper order.

Commissioner Alexander said that is fine.

City Clerk Steele said she just doesn't know how they want to handle that.

Commissioner Nelson said approval for the three dates for the two Commissioners in question.

Commissioner Coke said the City Clerk is saying they can't do that until they fill out the paperwork.

Commissioner Nelson asked can they do it condition upon the paperwork?

Motion was made by Commissioner Coke, seconded by Becht, to approve sending Commissioner Alexander to the Florida League of Cities Legislative Council Meeting on September 15, 2006 and request Commissioner Nelson submit his request in writing.

Commissioner Nelson said by the time it happens, everything will be over with.

Commissioner Becht asked can they tonight have Commissioner Nelson piggyback this request with identical numbers?

City Attorney Schwerer said yes, they can.

Motion was amended by Commissioner Coke, seconded by Becht, to approve travel and attendance by Commissioner Alexander and Commissioner Nelson to the Florida League of Cities Legislative Council Meeting on September 15, 2006.

Commissioner Becht said he wants to make sure Commissioner Nelson understands what they are doing. Commissioner Nelson is going to piggyback this request so they will get this travel approved for the first one. For October and November, get their forms in.

City Clerk Steele said she might want to point out that it is from a different budget, if that helps.

City Attorney Schwerer said it is. October is a different budget.

Mayor Benton said the other one is exhausted anyway.

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

Mr. Darryl Bey, Fort Pierce Jazz and Blues Society, said September marks the tenth anniversary of **Fort Pierce Jazz and Blues Society** in this community. During the ten years that they have been in existence they have done a number of very positive things in the community like sponsor Jazz and Blues Concerts, many of which have been free and open to the public. They have done numerous lectures, workshops, and master classes in the schools from K through college. And without the help of the City Commission, it would have been difficult if not impossible for them to do that. What he would like to do is thank them all for being supportive and helpful of their organization. He thinks they have helped to improve the quality of life in Fort Pierce and the surrounding areas and impacted cultural arts in their town. So again, he thanks the Commission. They are having two anniversary celebrations - one Friday night, September 15th at the Pelican Yacht Club, and one Saturday, September 16th on 2nd Street in downtown Fort Pierce. They invite the Commissioners to come out and celebrate this occasion with them.

Commissioner Alexander asked would it be appropriate for the Mayor to issue a Proclamation for their ten year anniversary?

Mayor Benton said yes, it would.

Commissioner Alexander asked if Mr. Bey can compile the information and to get it to their City Clerk, they can have that taken care of.

Mr. Bey said yes, they can do that.

Commissioner Alexander said they appreciate his input in this community.

Mayor Benton said Mr. Bey has done a great job. They look forward to another year with the Jazz Society. Who knows what they have coming next year, right? It is a surprise.

Mr. Bey said they have a lot of really good things coming up in the next season.

Commissioner Alexander said Assistant Chief Baldwin was out of the Chambers earlier tonight when he spoke about yesterday being a holiday and their kids are having their usual jumble up in certain areas. He just wanted to let him know he passed by there and he saw

a couple of **Police Officers**, they were not disrupting anything, they were sitting there having a general conversation with the kids. And he thinks they had a lengthy conversation because he did go by a couple of times and they were still talking. So he just wanted to let Assistant Chief Baldwin know that he commends those officers. He doesn't know who they were, but they had traffic control in mind.

Assistant Police Chief Sean Baldwin said he actually overheard Commissioner Alexander, he was standing right outside. He appreciates those kind words.

Commissioner Becht asked when is the **trolley** going to start rolling? Did they get the request for employees, has that advertisement gone out? Have they had any applicants come in?

Mr. Bob Hood, Director of Public Works, said this afternoon before he came over here they were reviewing the job description and they will get those to Human Resources to get out.

Commissioner Becht said earlier tonight the subject of the **solar lights** came up. Mr. Hood caught him after a meeting and he has some information on that. As soon as he can get it to him, he would love to review it.

Mr. Bob Hood, Director of Public Works, said they are still developing that. He will get with Engineering Department. Maybe both his group and the Engineering Department can go down and make that visit to that site in Stuart.

Commissioner Becht said excellent.

Commissioner Nelson said he wonders whether they have any late information on the number one project for the City of Fort Pierce. Is it going to be on time in terms of the September deadline?

City Manager Beach asked is that the Human Development & Resources Centre?

Commissioner Nelson said no. The number one project is the **Parking Garage at City Hall**.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said they will be getting the package from the consultant on the 23rd of September. They lost one week because of a delay in their survey. However, he stressed to them that if they can have it on the 23rd, he will make that presentation to the Commission on their meeting on September 26th. It is not going to delay them putting anything on the street for bids at all. They are just losing a week for the survey.

Commissioner Nelson said he doesn't want him slipping on that.

Mr. Ward said he was confident that the Commissioner would point that out.

Commissioner Nelson said he understands, Acts of God, the hurricane.

Commissioner Coke said she was cleaning off a little corner of her desk and found a letter that they had received from Doug Anderson requesting that the City submit a name of an appointee to be on the **County Space Needs Committee**. She did not recall if they had done that or if Mayor Benton had just volunteered to do that?

Mayor Benton said that letter was supposed to have gone out with the last meeting's packet. If they would like to have him to sit on that board, he would be more than happy too.

Commissioner Coke said she doesn't want to see the City lag behind anybody else. She thinks they need to have a big opinion there.

Mayor Benton said that Committee has lagged behind unfortunately for some time, because he knows the judges are getting antsy. They need to set something and get it moving. So he will sit on that Board.

Mayor Benton said at the last meeting they talked about this Committee for the **Skate Park**. He came up with a name, a volunteer. Bruce Strunk is the owner of Spunky's Surf Shop. He has been pursuing this for some years like himself. So if that is okay with the Commission? (The Commissioners agreed.)

There being no further business, Mayor Benton declared the meeting adjourned at 10:35 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

