

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, SEPTEMBER 17, 2007.

Mayor Benton called the meeting to order.

Reverend Todd Smith, Common Ground Vineyard Church, gave the invocation.

The Pledge of Allegiance was recited.

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

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The next item on the Agenda was Approve Minutes of the Special Meeting on August 30, 2007, and the Regular Postponed Meeting on September 4, 2007, and the Special Meeting on September 5, 2007, and the Special Meeting on September 12, 2007.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Special Meeting on August 30, 2007, and the Minutes of the Regular Postponed Meeting on September 4, 2007, and the Minutes of the Special Meeting on September 5, 2007, and the Minutes of the Special Meeting on September 12, 2007.

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

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Mayor Benton proclaimed September 17-23, 2007, as CONSTITUTION WEEK. Hal Riediger, Past President of Sons of the American Revolution, was present to receive the proclamation.

**Mr. Hal Riediger**, Registrar of the St. Lucie River Chapter of the Florida Society Sons of the American Revolution, said on behalf of the St. Lucie Chapter and the Treasure Coast Chapter of the DAR (Daughters of the American Revolution), 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. If it was possible, he would make sure every single person in this country would read and understand this document. Their forefathers understood the document, knew what it meant, knew how it worked, not only the writers and the officials, but the everyday person on the street. If they could not understand and could not read, they were read to so they would be able to understand. These men and women of all races, religions, and ethnic backgrounds had paid a heavy price for the freedom the Constitution represents. They gave it to them to maintain. They have sadly allowed their knowledge and understanding to lapse and their maintenance has fallen for a little dubious security. The Constitution was signed on the 17th of September in 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 President, and James Madison, the man credited with the authorship of the document. It would be written out by Jacob Shallus, a clerk in the Pennsylvania General Assembly, and he was paid \$30. The oldest signee was Benjamin Franklin at 81, the youngest Jonathan Dayton of New Jersey at 26. The word democracy does not appear in the Constitution. Upon leaving the Constitutional Convention, Benjamin Franklin was asked by a young woman, what kind of government have you given us? Franklin replied, a Republic - if you can keep it. They have held on to it for 220 years. The members of the SAR appreciate the efforts of the citizens and the City Commission of Fort Pierce and he would like to thank each and everyone of them for their efforts in this proclamation.

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

Letter from John B. Gonzalez, Gonzalez Associates, Inc., in appreciation of the professionalism, knowledge, and poise from Kia Powers, Historic Preservation Officer.

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The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by Ziad Marjeh to construct a **Private Dock** into the Indian River from property at **2827 South Indian River Drive**; said property zoned E-1, Single Family Estate Density Zone, and A-1, Aquatic Conservation Zone.

Mr. David Carlin, Development Review Planner, said tonight the applicant is requesting Conditional Use approval to construct a private dock which extends from their property located on the western shoreline of the Indian River. The site and the adjoining properties to the north and south are zoned Single Family Estate Density Zone and are occupied by single-family homes. The property to the west of the subject parcel is zoned I-1, Light Industrial Zone, and is occupied by the Florida East Coast Railway. The proposed Conditional Use is not inconsistent with the surrounding properties. The 1,960 square foot dock will include an access walkway that measures 4 feet wide and 490 feet long. In addition, a terminal platform will be constructed at the end of the dock which measures approximately 10 feet by 16 feet, with an additional 12 foot by 12 foot boat lift area which is adjacent to the terminal platform. The submerged bottom at the project site includes lagoon grasses, so the dock will be constructed with grated decking extending from the mean high water line. An approximate 50-foot long access point walkway will also extend from the dock and include stairs that will go up the bank and include some type of platform for the residents to walk off the dock. Permits have been obtained from both FDEP and the U.S. Army Corps of Engineers. A total of 25 notifications of the proposed Conditional Use permit were mailed to property owners within 500 feet. As of today, a total of six responses have been received - six of which approved, zero opposed. All affected Departments have reviewed the proposed Conditional Use application and approved it based on it meeting the requirements of the City Code. And at their August 14, 2007 meeting, the Planning Board voted unanimously to recommend approval of the Conditional Use. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends approval of the Conditional Use.

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 Alexander, seconded by Commissioner Becht, to approve the Conditional Use submitted by Ziad Marjeh to construct a Private Dock into the Indian River from property at 2827 South Indian River Drive.

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

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The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted by Ohio Avenue Realty LLC and Florida Property Investment Partners Inc. to construct a **Walgreens** pharmacy and retail store at **1603 South U.S. #1**; said property zoned C-3, General Commercial Zone.

Mr. David Carlin, Development Review Planner, said the applicant is requesting Site Plan approval to construct a Walgreens pharmacy and retail store located on the west side of U.S. Highway #1 just south of Ohio Avenue. The 1.45-acre parcel formerly was occupied by the Club Omega Lounge and the existing building will be demolished as part of the redevelopment. The property is zoned C-3, General Commercial Zone, with a Future Land use of CG, Commercial General. All properties surrounding the proposed development are zoned C-3, General Commercial Zone, and include a retail shopping plaza to the south, Popeye's Restaurant to the north, vacant land to the west, and a bank on the east side of U.S. #1. The proposed land use is consistent with the surrounding land uses. One building will be constructed on the property and will contain 14,730 square feet of floor space and

will consist of a drive-thru area with two dedicated drive-thru lanes for pharmacy transactions. The height of the building will extend to 22 feet, with the exception of the tower feature that will extend to 28 feet. Access to the development will consist of an entrance on U.S. Highway #1 that will be limited to right turn in, and right turn out movements. These movements are based on the FDOT improvements for U.S. #1 which will consist of medians which will separate the northbound and southbound lanes along U.S. #1. What they will see there in the photo is the median that will be placed in the future in front of the Walgreens. A second access will also serve the Walgreens development and that will be situated up towards the northwest portion of the property, it would be an access easement that will extend behind the Popeye's Restaurant. It should also be noted that an existing curb cut that was on this property has been closed, which is just south of the Popeye's Restaurant, because it was nonconforming and it didn't meet the spacing requirements, so that driveway is closed to improve the traffic flow along U.S. #1. The traffic study conducted by Culpepper & Terpening, Inc. indicated that 1,285 daily trips would be generated by the proposed development. And of those trips, 64 of them would be PM peak hour. The project contributes less than 2% to the existing traffic on U.S. #1 and replaces the existing Walgreens, so the project is considered to be de minimus by the traffic report. In addition, the interim improvement of eliminating the existing nonconforming curb cut from the Walgreens property will also help traffic congestion and improve the flow along U.S. #1. All affected departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the requirements of the City Code. At their August 14, 2007 meeting, the Planning Board voted unanimously to recommend approval of the Site Plan. As the proposed Site Plan does meet the requirements of the City Code, Staff does recommend approval.

Commissioner Alexander said he just wants to commend this Staff of fixing a quick fix on this. And he hopes any other ventures that come to the City of Fort Pierce... This was kind of a quick turn around. Mr. Carlin said the old Omega Lounge, right? They just came out of a huge headache with the Omega Lounge. And they got all this in order in this short period of time. He is commending Staff. So the next time when he says something to Staff, they don't take it wrong.

Commissioner Nelson said asked with respect to the lack of doing their due diligence somewhat when they did the Harbor Federal building at Virginia Avenue and U.S. #1, do they have adequate right-of-way on that west side of the street there? Also he saw some notation about the Ohio Avenue intersection. But he is very much concerned that they don't fall in the same trap that they fell in with Harbor Federal at Virginia Avenue and U.S. #1.

Mr. Jack Andrews, City Engineer, said yes, they do. They will continue to coordinate this with the Ohio Avenue realignment. That was one of the conditions they put on the Site Plan, that they would utilize Ohio Avenue. This will fall in line with that realignment when they do succeed in doing it.

Commissioner Nelson said he knew Mr. Andrews wouldn't be asleep at the switch.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Site Plan submitted by Ohio Avenue Realty LLC and Florida Property Investment Partners, Inc. to construct a Walgreens pharmacy and retail store at 1603 South U.S. #1.

Commissioner Becht asked when do they expect the Walgreens to be open?

**Mr. James Mercurio** said he works for Ohio Realty Property Management, the company that owns the property the Walgreens is being built on.

Commissioner Becht asked when does he think the Walgreens will be open?

Mr. Mercurio said depending on the permitting process, in three months, then they would be open about six months after the permit is issued.

Commissioner Becht asked six months from permit to C.O. (Certificate of Occupancy)?

Mr. Mercurio said yes.

Commissioner Becht asked when will the existing building be knocked down?

Mr. Mercurio said at the time the permit is issued that will be the first thing they will do, demolish the building.

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

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The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted by MGC Ft. Pierce Corp. to construct the **Fort Pierce Hotel Plaza - Holiday Inn Express and Candlewood Suites at 7151 Okeechobee Road**; said property zoned C-3, **General Commercial Zone**.

Mr. Peter Buchwald, Zoning Administrator, said the applicant is requesting Site Plan approval to construct two hotels on 8.24 acres located on the south side of Okeechobee Road just east of the Florida Turnpike Toll Plaza. A Holiday Inn Express and a Candlewood Suites will be constructed on a parcel which is currently occupied by a Holiday Inn Express that will be demolished. The property is zoned C-3, General Commercial Zone, with a Future Land Use of CG, Commercial General. The properties to the north and east of the subject development are zoned C-3 and consist of gasoline stations and restaurants, the Turnpike is located to the west, and unincorporated vacant land is located to the south. The redevelopment will occur in several phases. The first phase will involve constructing the Holiday Inn Express which will be situated on the western side of the property. This 4-story hotel will contain approximately 13,034 square feet of floor space and 94 hotel rooms. The next phase will consist of demolishing the existing hotel. Then the next phase will involve constructing the Candlewood Suites Hotel, which will be situated on the south side of the property. This 3-story building will contain 13,457 square feet of floor space and consist of 77 hotel rooms. Both hotels will incorporate a fitness center and a shared outdoor pool will be located between both hotels. Following completion of the Candlewood Suites, the westernmost ingress/egress to Okeechobee Road will be closed and the easternmost access point will remain open and be the primary access point. A traffic impact statement conducted by Culpepper & Terpening, Inc. specified that the proposed hotels will generate a total of 957 daily trips with a total of 92 PM peak hour trips.

The project impact on the local roadway network will be de minimus and the concurrency requirements as specified by the City Code have been satisfied. All affected Departments have approved the Site Plan based on it meeting the requirements of the City Code. At the August 14, 2007 Planning Board meeting, the Planning Board voted unanimously to recommend approval of the Site Plan with conditions that have been addressed. As the proposed Site Plan meets the requirements of the City Code, Staff recommends approval.

Commissioner Nelson said for the record, he thinks he should reveal he met with the representative or applicant in this case. He posed the question during the interview relative to the traffic, making a left turn in particular going west off Okeechobee Road into that complex. Right now as it is in close proximity to the intersection at King's Highway and Okeechobee Road, one has to go all the way down virtually to the end of the intersection.

There is not a median to cross and go into that complex. Also as they come off the Turnpike and turn right to go east on Okeechobee Road, they have a very short distance there. When they look at the future and with the addition of the added phases, he can envision more traffic going in there. They say right now it is de minimus type impact from a traffic standpoint. To what extent are they reviewing the future impact where they are building those added phases back there? Do they have in fact some type of linkage with FDOT to allow for a left turn going in there going west on Okeechobee Road?

Mr. Buchwald said the analysis included what the impact would be at build-out. At completion of all the phases, that is what the analysis included. So that was the impact that was determined, when the project was completed, not at any particular time before that. With regards to the second question, if they will take a look at the screen, that is the proposed Okeechobee Road improvements by FDOT that he understands will be constructed in 2011. So any changes they can see there indicated in green is the proposed raised median. Any type of change to that would require the City to make application for a change to their design. But that is the design as it is and as will be constructed in 2011.

Commissioner Nelson asked are they looking at that possibility of a left turn there going west on Okeechobee Road?

Mr. Jack Andrews, City Engineer, said this project is under design right now to take Okeechobee Road in that section to six lanes. That is currently under design with FDOT. The close proximity that this property has to the signalized intersection will not permit a full left-turn access into this. They would have to go up and make the u-turn and come back to it. The distance just does not warrant that.

Commissioner Nelson asked because the signal is there, there would not be a left turn allowed?

Mr. Andrews said right, because that would be interfering with the proposed stacking for the intersection. They would have to utilize the u-turn scenario and come back to it.

Commissioner Nelson said okay, if that is the rule. But he tell them from his own personal experience he has come off that Turnpike and tried to turn in there and he had a heck of a time turning in there. But if that is the rule, that is the rule.

Commissioner Alexander said he did speak with the developers on this. His concern, he heard Mr. Buchwald say something about utilizing only one entrance? In other words, the westernmost entrance will be closed down?

Mr. Buchwald said yes, at the completion of the project. At the last phase, the Candlewood Suites, that western access will be closed and only the eastern access will be shared with the gasoline station that is there. Again, all those accesses are nonconforming, so the distances between them are too small. So this is going to improve traffic flow along Okeechobee Road.

Commissioner Alexander asked what are they going to do for construction? What kind of construction entrance are they going to have?

Mr. Buchwald said included in their packet was a design protocol by which they phase in the construction phases. At the completion of the Holiday Inn Express, then the easternmost access will be used for construction only and the westernmost access will be used for people using the Holiday Inn Express, so thereby to separate the construction and demolition traffic. At the completion of a project when there is no longer any need for that separation because there is no more construction or demolition traffic, that is when that access will be closed up. So there will be a separation there to eliminate any conflict between guests and workers at the hotel and construction/demolition traffic.

Commissioner Alexander asked does Mr. Buchwald have a layout of the land mass right in that area? So from Point A from Okeechobee Road to the most southern portion of that property, there will be no entrance or exit along the eastern border of that property? Everybody who has to come out of that property has to go east?

Mr. Buchwald asked onto Okeechobee Road? Yes. They can't turn left because there is going to be a median there and FDOT won't allow them to turn left there to go west. They will have to go down to the light and make a u-turn to go west.

Commissioner Alexander asked there is no possibility of them utilizing any of that eastern part, maybe at the rear end of this property? What is adjacent to them?

Mr. Buchwald said right now it is vacant land unincorporated to the south.

Commissioner Alexander asked what is adjacent to that property?

Mr. Buchwald said it is vacant wooded land to the south, that is the unincorporated part of St. Lucie County. Certainly they can look into it. As they can see, there is quite a lot of different development there behind other developments.

Commissioner Alexander said he is just speaking out for public safety, because if that is the only entrance and exit there. He guesses not. He is just looking at the eastern borders. They can't come in through McDonald's or any other entrance and come back into it?

Mr. Buchwald said that is a great idea. They have encouraged applicants to coordinate their access points between them, because they have some redevelopment coming in. Also that gas station they see there that is adjacent to the east is behind the Waffle House which is behind a truck stop next to a gas station. They are trying to coordinate it and come up with a plan and then connect over to the Crossroads Parkway, but they haven't been successful yet.

Commissioner Alexander asked that is in the future?

Mr. Buchwald said yes.

Mayor Benton said for the record, he did meet with Mr. McCarty who is the attorney for the applicant.

Commissioner Alexander said ditto.

Commissioner Coke said for the record, so did she.

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

**Mr. Mac McCarty**, Melville, Sowerby, & McCarty, P.L., said first he wants to thank the Planning Department for the efforts they put in working through some of the new design review criteria and getting this project put together and on the Planning Board last month and on the Commission agenda this month. One issue did come up just before this hearing and he spoke briefly to Mr. Margotta about it; and that was, to put a time limit for beginning construction on the Candlewood Suites just to make sure it wouldn't sit there unconstructed for many years. That was a suggestion he had received and they are certainly amenable to five years for beginning construction on the Candlewood Suites, if that is acceptable to the Commission and to the Planning Department.

Commissioner Becht asked that would be five years from C.O. of the Holiday Inn Express?

Mr. McCarty said absolutely, that would be fine.

Commissioner Alexander asked what type of time has this application been sitting on the desk?

Mr. McCarty said he believes the initial application - and he will look to the owner and the team here - was submitted in the spring of this year and then it worked its way through the process.

Mr. Buchwald said yes, it was submitted in April of this year, so it is less than five months to get to this point.

Commissioner Alexander asked do they have an estimated time when they are going to open for business?

**Mr. Michael Cantonis**, Vice-President of MGC Ft. Pierce Corp., said they are hoping to open by the Spring of 2009. Obviously it depends on permitting, construction, hurricanes. But that is their target time frame.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve Site Plan submitted by MGC Ft. Pierce Corp. to construct the Fort Pierce Hotel Plaza - Holiday Inn Express and Candlewood Suites - at 7151 Okeechobee Road, with the condition that Candlewood Suites begin construction within five years from the date of Certificate of Occupancy for the Holiday Inn Express.

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

Mayor Benton said he would like to thank Mr. Cantonis for re-investing in Fort Pierce. He knows it took some time with these new plans. After the hurricanes, he knows they had a tough time out there, so he does appreciate their re-investing here.

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The next item on the Agenda was the Public Hearing on proposed 2007-08 General Fund Budget for the City of Fort Pierce.

City Manager Dennis Beach said this is the first Public Hearing on the proposed General Fund Budget. There was a General Fund Budget proposed to the Commission in the amount of \$41,500,000 some time ago. After a tremendous amount of discussion and debate about how that was to be funded and what sources of revenue to be used, the Commission eventually directed Staff to reduce approximately \$475,000 from that document and return it for the Commission's consideration. The document in front of them this evening reflects that. There is a memo attached to that budget document that describes the specific changes in the document to achieve that reduction and that is what is in front of the Commission this evening for discussion. They continue to receive a lot of challenges on this subject. They may have read, and he thinks he sent some correspondence out, regarding what the Florida Supreme Court has handed them over the last couple of weeks. So all of these things put them in a set of circumstances that they have to continue to change and maneuver and modify what they are doing. His suspicion is that this upcoming year is going to be very interesting. There is a referendum scheduled he believes for January of 2008 that could certainly impact their circumstances as well. This document in front of them this evening is here for a Public Hearing. They have the opportunity to discuss that, modify it, and give some direction back to staff. He is not sure how much of their meetings have been televised recently, but he does want to re-emphasize one thing that the City Commission has been able to achieve over the last few

years and that is also reflected in this budget document; and that is, taking their millage rate from 7.8 down to 5.5 over the last four years. It represents a reduction in millage rate of almost 30%. That is a significant accomplishment and they are certainly to be commended for that. But their challenges continue. They are starting to learn rather quickly that there is no such thing as low enough. Staff is here to answer any questions. This is obviously an opportunity for the public to approach the Commission on this subject and give input and they are available to respond to any questions or comments that anyone has.

Commissioner Becht said the memo (from the City Manager dated September 14, 2007) references in the Planning Department, it eliminates/reduces funding for contractual planning activities outside of the FPRA. His specific question is, is this going to affect letting the contract for the anticipated updates to their land development regulations, their LDRs?

City Manager Beach said it does not. The Land Development Regulations are a portion of what remains in the General Fund Budget.

Commissioner Becht asked so they are going to be able to update them?

City Manager Beach said that is correct.

Commissioner Coke said she would like some clarification. As she peruses through yet the final copy of this budget so far, she noticed they have well over \$250,000 in temporary services and almost double that in contract services. They didn't have a recap of expenditures the way they did on revenues, so it was difficult for her to go through page by page and add it up. Can someone please define for her the difference between temporary services and contractual services?

City Manager Beach said he will give them his definition and then they will find out where it is in the budget and get the departments definition of it. Temporary services are typically temporary employees who are hired for various purposes. Contractual services are typically maintenance agreements and contractual agreements that they have with other companies.

Commissioner Coke said that was her understanding of it. She really doesn't want to beat dead horses here, but it would seem to her that they have over \$250,000 budgeted in temporary services and twice that in contractual services. She understands the theory behind the contractual services - it is much better for the City financially, when they do not need building inspectors, not to have them on the payroll and not to have the liability of having to dismiss someone or cut staff. But she doesn't understand - and someone could please explain to her - if they are in such budgetary constraints, why they still have such a large budget for temporary services?

City Manager Beach said if Commissioner Coke will tell him the budget line item and which department it is, they will ask that question.

Commissioner Coke said it is in every department. That is why her concern. She shouldn't say every department. There were two or three departments that had them in there last year that removed it. But as she started going through, she noticed it was on Page 10 - \$5,000; Page 17 - \$5,000; Page 19 - \$5,000; Page 21 - \$5,000; Page 23 - \$5,000; Page 42 - \$10,000; Page 44 - \$35,000; Page 46 - \$123,000. So someplace along the line they are budgeting an awful lot of money for temporary services. Her concern is, if they are budgeting for that rather than employees, should they be transferring that funding to contractual services? She just thinks they should be doing something maybe a little different.

City Manager Beach said Commissioner Coke may be right. He can tell her in the City Manager's office the \$5,000 that is proposed for temporary employee services - when they go through employee changes in the Department, they will hire a temporary employee service to fill that position and they will typically fill that position from that temporary service. That is how they use it. Now he can't tell them how the other departments use it. He thinks who they might want to hear from is the person who has \$125,000 in temporary services. That is a consequential amount of money.

Commissioner Coke said she doesn't want to go through the budget line by line again. She is wondering if there are three of them here who share a concern and perhaps would like to evaluate further the use of temporary services. Because her concern is, she has known several departments over the last few years that have a temporary service in for 3, 4, 5, or 6 months. She wants to say this nicely. What she doesn't want to see happen is that they as a Commission have decided that they need to trim the budget and everybody has put \$5,000, \$10,000, \$15,000 or \$120,000 worth of temporary services in that are going to be used to supplement the areas they wanted to spend to begin with but they knew the Commission wouldn't approve.

Commissioner Alexander said she has his consensus on that. He thought they were on a hiring freeze anyway.

Commissioner Coke said that is what her concern is. If they are in a hiring freeze and they have temporary services for \$250,000, that kind of circumvents the fact that they placed a hiring freeze on.

City Manager Beach said let him ask one of the Department Directors to address that subject, because clearly it is part of how they function, how they do day to day business. They will start with Mr. Hood.

Mr. Bob Hood, Director of Public Works, said the way this is used in the various divisions of Public Works, for instance in their Parks Division, about \$25,000 of that is used to supplement the trash crew. Those funds come from the Solid Waste Department. They administer that program for them.

City Manager Beach asked is that the crew that services the containers in the downtown area and throughout Avenue D?

Mr. Hood said that is correct. It is the trash containers. They have experienced about a 60% increase in the last three years in the number they have.

City Manager Beach said those are handled by hand. They have a small unit that they drive around and actually take the trash out and remove it.

Mr. Hood said that is true. That is a seven day a week operation. They supplement two regular employees with a temp service employee.

Commissioner Coke said she doesn't really mean to be dense here, but it would seem to her that if they already know that they are utilizing this as a temp service... First of all, she is not clear exactly Mr. Hood's explanation about how Public Works is paying for this and it is supplementing Solid Waste, she is not quite sure she understands the ebb and flow there. Because it would seem to her if they have employees who do the job or they have a contractual service with a group to supplement what the employees do, and if they don't have enough employees, then that is something they need to look at that way. Overall, \$25,000 there is a plausible explanation. Her concern was not so much in a department like Mr. Hood's where she knows if they have a major catastrophe that they need to bring people in to help clean up. But as she went through the budget, she thinks every

department except for two had some place between \$5,000 and \$150,000 for temporary services. It just seems to her that in some ways it is just circumventing the hiring freeze that they were looking to place on to prevent future growth; so that next year when their budget gets cut even further with the property tax deal, they will be better prepared for it and they won't be scrambling around asking, what do they do now? They will have this year learned to live a little bit within their means.

Mr. Hood said he certainly understands Commissioner Coke's question. Just a couple of points. They have not added to that, that was not some new request for additional funds or anything, they have not added to it at all. The nature of the business they are in requires them from time to time to add employees on a temporary basis to their crews to do certain items like, for instance, concrete work or asphalt patching or something like that. If they have a larger demand in front of them, maybe it is a short term demand, they have to go out and find some people just to be labor for them. These are not typically highly skilled employees.

Commissioner Coke asked that would not fall under the contractual services?

Mr. Hood said no, not the Line Item 3490 Contractual Fees. This is Line Item 3495 Temporary Employee Services. It is a line account. It is an accounting process more than anything.

Commissioner Coke said she certainly didn't mean to pick on Mr. Hood this evening. She is not even sure if this is the proper department. She was kind of talking overall. So long as they are looking at his department (Public Works - Parks & Grounds), they are looking at Temporary Services for \$123,296. Contractual Fees for 2007 were \$380,000 and in 2008 it is going to be \$600,000, so they have a \$223,000 increase there. Although the temporary services line item is the same, they have gone up \$220,000 in the contractual services.

Mr. Hood said they are trying to initiate a new program, it is called the beach raking program. They are going to be cleaning the beaches on the island, about 2.3 miles twice a week this coming year. So that is about \$100,000 of that right there. Then they have some contracts such as tree trimming and some canal slope mowing and things like that which have been contractual in nature and they have increased those amounts slightly.

Commissioner Coke said she would have thought personally that cleaning the beach in the FPRA area would have been the exact right type of expense to go in the FPRA. That is just her own opinion. It wasn't just his Mr. Hood's department, it is throughout the City. She just has a genuine concern that it is being used as a cushion.

City Manager Beach said what may be helpful for the Commission is a very thorough assessment of what that consists of. If they look at the Public Works Department alone, they have \$250,000 to \$275,000 budgeted for temporary services. He thinks what would help them is to see exactly what that consists of - where do they go, what do they do, and why do they use them. They would be happy to provide that. He has no doubt they could get it to them in a timely manner and they could deal with it.

Commissioner Nelson said he notes Mr. Beach's memo of September 14th with the amended budget attached. He would go back to some of the statements he made earlier about where they could possibly go to further cut back on some of their expenses. But more than that, he is concerned about the fund balance. They are way below what he thinks it ought to be and what they said they want it to be. He didn't see where they were planning to replenish the fund balance to get it at the mandated level. Where do they show that in the budget, if they do?

City Manager Beach said there is not a line item that reflects replenishing the budget. What they have in front of them is a balanced budget, which means they anticipate their revenues and expenditures to be the same. If they are accurate with that, then at the end of the year their fund balance will be what it is today. But there is not a line item and they have not proposed a method for causing that to occur.

Commissioner Nelson said let him go a little further then with respect to some of their union contracts or pay that they owe people from yesteryear they haven't paid and they are going to be paying them for this year hopefully and hopefully on time. How do they reflect on those two entities?

City Manager Beach said the obligations that the Commission has agreed to previously are in this budget. The yesteryear figure Commissioner Nelson is referring to is part of this document. Whatever they agree to in the future is something they will have to deal with at the time. They do not have anything plugged into this document to deal with salary adjustments and employee increases.

Commissioner Nelson asked just how is this yesterday's figure incorporated in this document?

City Manager Beach said the Finance Director is able to put a number on what the Commission has previously agreed to with the Teamsters Union and that number is part of this document. It is within the figures they see in their personnel costs. Commissioner Nelson asked is that sort of quasi-secret or something due to they are in negotiations with them at this time?

City Manager Beach said no, this is something the Commission has already approved. As they recall, the Commission authorized a Teamsters contract that was something in the vicinity of 5% on April 1, 2007 and then 3.2% back to October 1st. They are still in the process of implementing that because they had an unfair labor practice filed against them for how they were applying it. They hope that will be worked out soon. But they do have the resources in here to pay that once it is worked out.

Commissioner Nelson asked what is the ballpark figure, how much is that?

City Manager Beach asked can Mr. Bergalis put a number on that?

Mr. George Bergalis, Finance Director, said offhand he doesn't know the exact amount.

City Manager Beach said he knows it is several hundred thousand dollars.

Commissioner Nelson said that is what he figured, \$300,000 to \$400,000.

City Manager Beach said he believes it to be somewhere in that vicinity.

Commissioner Nelson asked it just might be that same amount next year? They never know. He asked that they take a look and he talked to Mr. Beach and Mr. Recor relative to possible running some scenarios on the computers looking at some pay cuts where they got the 11% pay in some cases and see just what it would net them in terms of revenues if they were to cut say 2% or 3% back where people got an 11% pay raise. Did they play that on the computer at all?

City Manager Beach said he hasn't done anything of that nature.

Mr. David Recor, Deputy City Manager, said he has evaluated a number of scenarios that various Commissioners have suggested, ranging from Commissioner Nelson's suggestion for people making \$70,000 and greater taking a 5% pay cut, to reducing the work week

from 40 hours to 37-1/2 hours for all employees in the organization, and they all represent cost cutting measures. However, that was not part of the budget proposal to balance the expenditures and revenues they brought forward. To answer Commissioner Nelson's question, yes they have evaluated the suggestions that have been offered.

Commissioner Nelson said he knows they all have been rather busy. It is not the Commission's fault they are more busy than normal because they started this thing late and probably didn't explore all of the possibilities that were available to them. He does contend that they could have explored these potential avenues and find what they can do. He knows he asked also about what it costs for take-home vehicles in terms of gasoline and things of this nature. He sees in the budget they have over \$400,000 for gasoline.

Mr. Recor said he believes both the Police Chief as well as their Code Enforcement Manager and Building Official are prepared to respond with information and various alternatives to the take-home vehicle programs they have in place today.

Commissioner Nelson said also he talked in terms of not buying new vehicles. To what extent are they available to address whether or not they can do without buying new vehicles for next year and how much would it save?

City Manager Beach said as part of this budget document there is \$1.4 million in equipment acquisition. That is being financed through a three-year note that typically they do on an annual basis. If they were to decide not to purchase any vehicles, then they would be able to eliminate that expense from the budget, but they would also be eliminating that resource to finance that acquisition, the difference being about one-third or something of that nature.

Commissioner Nelson said he is losing him there. If he saw in the budget, and he has seen in some cases, two and three vehicles totaling \$60,000 or \$150,000. He thinks a little pickup truck costs right about \$13,000 or \$14,000.

City Manager Beach said if they identified \$130,000 worth of vehicles to eliminate from the budget, then they would eliminate about \$70,000 in expenditures, which is not insignificant. That is doable. But what the department managers believe and what they have tried to convince the Commission of on an annual basis is that they can put off equipment acquisition if they want to, but that is all they are doing is putting it off. They don't get away with it, they don't get a slide for a year. Next year they just have to do more and the year after that they have to do more. So it really and truly is an annual expense and they just have to figure out how they are going to accommodate it. Do they want to do it now or do they want to do it two years from now?

Commissioner Nelson said some of this high-cost equipment like in Solid Waste for example, the enterprise fund and all that, those vehicles cost - and he thinks Public Works has some - in excess of \$100,000 apiece. With proper maintenance, those things last 150,000 or 250,000 miles on them in several years. He comes from an environment where they take the President's plane, for example, that big 747 he is flying around with now, Air Force One. Some of those vehicles, the ones they use in Iraq right now, are 20, 30, 40, or 50 years old.

City Manager Beach said their strategy and what they have provided to this Commission in the past is that they continually evaluate maintenance cost on vehicles. There are very precise records kept on the cost of a police vehicle as an example. When the cost of maintaining that vehicle exceeds a certain amount, that is when a decision is made to replace that vehicle, simply because the cost of maintenance exceeds the cost of acquisition for new vehicles.

Commissioner Nelson said Mr. Beach has told him that for the last 10 or 15 years and he hasn't bought into it.

City Manager Beach said Commissioner Nelson still doesn't believe it.

Commissioner Nelson said he can tell them from personal experience because that was what he was paid for. He fought Generals and Colonels and a few other people about maintaining vehicles. He sees his friend Harold Hopkins over there is painting his vehicles and fixing and maintaining them now, and they are getting good service out of those vehicles. But anyway, he just thought they had the opportunity to do it and run some scenarios to see whether they can do it or not and he doesn't see where it is reflected in the budget. He was going to talk in terms of legal requirements, future legal things they have. They have gotten some feedback relative to some court actions they might have. Are those contingencies cranked in any way?

City Manager Beach said those are more related to their Fort Pierce Redevelopment Agency and that is going to be the subject of a discussion on the 24th of this month on exactly what their options are on how to deal with that, but it isn't really tied to the General Fund. They have successfully untied the relationship between the Redevelopment Agency and the General Fund, so they are pretty safe in going forward with this, this evening. On the 24th they will start struggling with those FPRA issues.

Commissioner Nelson said this one he has reference to legal-wise is not with the FPRA. It is some of their legal challenges with some things he doesn't want to talk about at this juncture because he hasn't talked in greater detail with the attorney about this, but he thinks the attorney knows the ones he is talking about. As soon as that becomes available in public he thinks they will do something to put a handle on that, because it might end up an expense for them. That is all he has for right now except one other thing. This thing about eliminating one of three Executive Assistants (in Planning Department) and the Code Enforcement Officers, how are they handling that? To what extent are they handling that? What are they talking about?

City Manager Beach asked is it the Code Enforcement Officers or the Executive Assistant in the Planning Department? Actually there are three positions that are impacted by this. The decisions about who will be impacted by it will be made by the Department Directors and then either approved or disapproved by the City Manager's office, if he is anticipating his question.

Commissioner Nelson said yes. From a policy standpoint, he alluded to something in a prior meeting relative to organizational development and commitment on the part of people in this organization. Is there any way they can address retention of those people by cutting some funds in certain areas and not laying them off? That has his deep concern.

City Manager Beach said yes, there are clearly so many different ways they could do this that it is just mind-boggling. The direction that is in front of them today, what has been proposed to them right now, is something staff believes they can get the support of three elected officials to move it forward. That is why this is in front of the Commission and that is why it is in the condition that it is.

Commissioner Nelson said he is not included in that he doesn't suppose.

City Manager Beach said he may not be, he doesn't know.

Commissioner Alexander said Commissioner Nelson made the motion.

Commissioner Becht said Commissioner Nelson was part of that.

Commissioner Nelson said he talked about it, because he said if need be let's lay people off.

Mayor Benton said that is what Commissioner Nelson said.

Commissioner Nelson said that is what he said. But he is also saying that from a standpoint of... He is not trying to be a manager, but he is trying to be humane, he is trying to be realistic, he is trying to be understanding of the current environment, of the effect it would have on people. When they lay off a person, they are not only laying off that person, they are affecting that family of four or five or six people. He thinks they owe it to people who have been around for 10, 15, 25 years or whatever the case may be to try to find a way to keep those people. Let him tell them an experience he had and he is going to shut up after he says this. He had a situation wherein he had a person who worked for the government 27 years and he did a lousy job for him in the two and a half or three years he had him. He told him to go find himself a home or be demoted or retire. He ended up retiring because he couldn't do the first two. Somebody should have told him that he should have recognized the service that person had rendered for the government for 27 years and found a place to hide him somewhere, maybe even less productive than what he was for him, in the organization. He wasn't given that counsel by his superiors. He was a commander, his word was law - what he said was it - and no squabble back and forth. So he is trying to prevail on the Commission today to look at the situation and take his counsel that he didn't get 25 or 30 years ago and give it to them now. Because when they lay off people it affects more than that individual, not only from that standpoint but their family as a City of Fort Pierce is affected too in terms of loyalty, in terms of doing that extra effort. He is really concerned about that. With that he is going to rest his case because he doesn't want to get too emotional about this. It is very important to him. People are very important to him.

Mayor Benton said that is why Commissioner Alexander and he had a Plan B that they couldn't get a buy-in from a third Commissioner.

Commissioner Alexander said he just wants to piggyback on what Commissioner Nelson said. He is concerned about the loss of jobs because his concern in the beginning was no jobs. Maybe he was out of the loop that night, but Commissioner Nelson was the one who insisted that he supported the loss of jobs. He was confused, because he and the Mayor had a Plan B which they wouldn't take.

Commissioner Nelson said let him respond to that in a sense. What he attempted to do was portray some leadership, some persuasion for Staff to go back and do greater work in trying to come up with a better product than they gave them. They started late and they had not explored all of the options that were available and they gave them this in the 11th hour. As he recalls, he thinks the City Manager bugged out on them shortly after that and the Deputy City Manager gave them the final plan. His point is, they didn't explore all of the avenues that were available to them to make this happen without that.

Commissioner Alexander said his question still is, what can they do right now?

Commissioner Nelson said don't ask him. Let's charge Staff to do it. Let's make it a matter of policy - they don't want to lay off their people because it affects all of them. He thinks it affects every employee they have when they do that.

Commissioner Alexander said he still refuses to lay off anyone at the City of Fort Pierce at this time, but he is just only one person.

Commissioner Becht said he wanted to follow up with something Commissioner Nelson touched on but kind of slid right through. He is not aware that they have a written policy that every employee that comes to work for the City has a job for their life. He is aware that they have a policy that they will maintain a 10% reserve. And this budget does not have roughly \$2 million in a line item entry to re-fund the Fund Balance. If they are going to start going into the particular things, he would rather not start with saving \$60,000 worth of payroll, he would rather start with creating what they are obligated to create which is \$2 million worth of the Fund Reserve that they are short on. Mr. Bergalis can correct him if he is wrong, but the last time they talked they were floating around a \$2 million fund balance. Can he tell him what that number is tonight?

Mr. Bergalis said again, his best guesstimate right now, by the end of the fiscal year which is the end of this month, they are going to end up with probably approximately \$2 million in the Fund Balance.

Commissioner Becht said next year's budget is \$41 million, which means they are \$2.1 million short of meeting what they currently have as a policy of this Commission. So if they are going to fool with the budget and they want to tinker with it... He doesn't mean to be insensitive to the people who are going to be impacted by this or their wives or their husbands or their children. The Commission has to do some balancing here. He thought at the last meeting they had directed Staff on this issue. But he is going to finish up with the Fund Balance. He would like something back from Staff on how they are going to meet this shortfall when they adopt the final budget, because he thinks this budget is deficient until they acknowledge to the public that they are missing their policy, their policy of maintaining a \$4.1 million fund balance is not met by this budget. That is an important policy to him. It is an important policy to running prudent government and prudent business with prudent finances, and they are not doing it. Commissioner Nelson touched on it and then he shifted into other things that may be more important to him. But that \$2.1 million shortfall is important to him and he would like it addressed before the next meeting.

Mayor Benton said just to add to that, as the person who brought that policy about 10% to be in the reserves to this Commission and to the Fire Board, and knowing that past Commissions didn't have that, it was mainly set up for that rainy day. When Homestead went through Hurricane Andrew, they went bankrupt, there was not even a tax base. When Hurricane Andrew went through, they had no tax base over night. It is one of the reasons he felt and he thinks it was the atmosphere of the Commission at the time. And he believes it was this Commission who put that resolution in effect. It was to make sure they had money in the bank for the rainy day to rebuild if they had to if something happened. And something happened. They had three hurricanes. They felt it was a priority to lower the millage rate, before Tallahassee told them to do it. In fact he believes they lowered the millage rate a full mill last year before they even looked at a budget. So he thinks what this Commission felt is it was more important to lower taxing rate than it was to worry about exactly how much money was sitting in those reserves. If they listen to Tallahassee, they tell them there shouldn't be anything in those reserves, but he disagrees. He thinks that number needs to get back up there. But that was why they set it up. He knows they are still not rebuilt from all of these hurricanes, they are still dealing with hurricane billing that has not been verified and cleared up with FEMA. So until that is, and that could be years from now, he sees that number fluctuating and not getting where they would like to see it. But that is just his opinion.

Commissioner Coke said the General Fund balance of 10% greatly concerns her. It is something they all voted on and they have an obligation to it. As she has said previously, she kind of feels some days that they are not kept as informed as they should be. The minute they fell below that with no anticipated revenue to replenish it, red lights should have been flashing, memos should have been going out, and somebody should have been jumping up and down. Her concern is, they don't have any method in place with this budget to balance and bring their General Fund back up to where it should be. More

importantly - she brought this up at the last meeting - she thinks that quite often what happens is throughout the year Department A has 15 line items and is budgeted for x-number of dollars and Department Heads can transfer money from this line to that line. And although the Commission did not approve them spending this \$10,000 on Line B, they approved it on Line D, it gets done. And the Commission is not made aware of it on a monthly basis, that changes to the budget that they approved were made. They are made aware of it at the end of the year when they get the final budget to approve at the end of the year with the changes that have already been made throughout the year. So she commends Staff for bringing to the Commission what three of them said they would accept at the last workshop. Her concern is, she would like to have some method put in place to more closely monitor transfers between line items through the budget throughout the year. She would also like the evaluations that Mr. Recor said he already has done, Commissioner Becht's and Commissioner Nelson's suggestions on some cost savings. Although this budget may be balanced, she would put to them that it is not sufficient in that it does not replenish their General Fund. So until they can address that issue, she has a great level of concern with it. That will be all she will say at this point.

City Manager Beach said the lack of reaching that 10% fund balance is only one of the deficiencies of this spending plan. The other deficiency is that it does not account for any type of employee adjustments, contractual obligations that they are working on as they speak with three separate unions. So the challenges are there, it is in front of them, and they do have to figure it out. The absolute need to reduce the tax burden in this community that all of them have recognized is kind of driving this bus. If they hadn't reduced taxes by 30%, they wouldn't be having this discussion, they would be having a different discussion because they would have their fund balance and they would have everything else. Everybody recognizes the tax problem that all of Florida is facing right now as it relates to property taxes. So they simply have to refocus and stay after these things until they find solutions.

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

**Ms. Marcia Baker** said she has been a taxpaying registered voter and homeowner in Fort Pierce for over 18 years and expects to be so for the rest of her life. As a homeowner on South Beach, she is keenly aware of the artificial run-up of property values caused by speculators and the resulting abrupt and ongoing decline in property values and tax revenue. She doesn't think it is too late to fix the current budget. However, she does believe that ongoing changes and adjustments that need to be made require a stepping back because they are not seeing the forest for the trees. Commissioner Coke said it right, poor planning is no excuse for the need for the 11th hour emergency responses. She reviewed several other cities in the State of Florida, their budgets. She is not an accountant, she is not a lawyer, and she certainly doesn't want to be either one. So she wants to commend everybody for trying to wade through the morass of problems that the cities and the states have. She found several other coastal communities of similar size with similar budgets and similar problems and she analyzed their budgets to see what they were doing and what Fort Pierce was doing and what the differences were. Here is what she found. Sarasota's budget is an example of similar planning for current and future expenses. They have had in their current budget to completely slash and freeze many employment positions. However, unlike Fort Pierce, they are operating in a much different way. They are safeguarding the viability of the various departments - their golf courses, solid waste, and other revenue-producing entities by keeping those surpluses where they belong within each department for future contingencies and capital improvements. They have a CRA and their CRA budget includes over \$1 million for streets and highway and land maintenance, \$1.5 million for their police patrols, and a share of the cost of the legal expenses - this, that, and the other thing. In other words, their CRA District is paying their fair share of the cost of operating within the CRA District. She thought about that and she

had mentioned it at previous meetings about her saying yes, take Plan B. But then she looked at this a little bit closely and she woke up in the middle of the night and she realized something. The gentleman who was here earlier for Constitution Week reminded her and she has it here in her notes, there should be no taxation without representation. What they have here in this City of Fort Pierce is taxation without representation. Let her explain what she means. The taxpayers within the CRA districts are not paying their proportionate share of the cost of Police and Public Works and many other City services because the funds are not going to those services. So that means the rest of the City outside the CRA district is completely or just about completely bearing the complete tax burden of police protection, public works, and all sorts of other things which should be funded within the CRA district for taking care of the responsibility within the CRA district. This is to her a complete travesty of the way proportional taxation and representation should be done. So she suggests that they reorganize the FPRA, set up a fair and equitable system of allocation of the costs of the services to the FPRA as is done in all the other cities that have CRA Districts whose budgets that she has examined within the State of Florida. Of course she hasn't read them all, she concentrated on the coastal cities - Boca Raton, Sarasota, Melbourne, places like that. They have to shift the bulk of the burden of these costs from within the CRA district to the taxpayers within the CRA district. This would also ensure that they can replenish their General Fund and bring it back up to the 10% as all the other cities are doing and budgeting for it. And it would also help on any possible future referendums that are required for bond issues because it would then legally establish a precedent that the people within the CRA district who are being taxed for the CRA fully and fairly and equitably would be the ones to vote on any bond issues that are required. Finally, she would like to talk about something else; and that is, she suggests a program of incentive rewards within each department of the City whereupon any employee who comes up with a viable cost saving idea would at the end of the year earn a bonus of 10% of the savings. And she suggests that all future charrettes include a revenue enhancement section to provide ideas to increase dollars coming into the area as well as planning for spending their dollars.

**Ms. Arlease Hall** said Flip Gates father, Philip C. Gates, Sr., passed away this afternoon in Fort Pierce where he lived his entire life. Flip Gates would have been with them this evening to address the Commission on the important issue of their budget. He has been working hard on viable solutions to this difficult task as well as canvassing many residents of Fort Pierce in getting their input. Mr. Gates is with his family this evening and will be with them at the next budget meeting for the second reading. Their thoughts are with him and they thank the Commission so very much for their time.

**Ms. Linda Hudson**, St. Lucie Association, said she is a South Beach resident. She is a native born here in Fort Pierce and graduated from Indian River Junior College, now called Indian River Community College. She moved back here over a decade ago. In April 2006, Mr. Recor, the Deputy City Manager who had been on the job and in Fort Pierce less than a year, presented a consultant's report to the Commission that recommended a 7% salary increase for mid and upper level management. Mr. Recor said he was recommending 9%. One Commissioner said, what about 11%. And before the night was over, they had unanimously voted for an 11% increase for mid and upper level management. To be fair, one Commissioner pointed out that salary increases mean increases beyond just the dollar figure, it includes perks and benefits, and that is 20% or 25% over and above the salary level. And the Staff was also told not to hire replacement employees at the departing employee's salary level. The bottom line is that Mr. Beach got a \$13,000 increase, and Mr. Recor, Ms. Steele, and Mr. Ward got a \$10,000 increase, and there were other employee increases. These are just examples, she is not picking on these particular individuals. On top of these increases, the City has to pay for the perks and the benefits. Commissioners were told that good employees would go elsewhere because they could get more money elsewhere. She knows they have been wrestling with this budget and trying to reduce it. Since the study recommended 7% and since Mr. Recor asked for 9% and since somehow it got to be 11%, she was going to suggest that perhaps they didn't consider what all the additional increases would be with perks and benefits over a long period of time

and perhaps they could roll it back, the salary increases, to pre-11% and then they could go back to increases for performance, and then they could help the City live within its means. She remembers reading the study at the time and it seems to her like the recommendations were based on comparing salaries for their employees to other cities. She can remember wondering why the consultant didn't compare salaries to what people earn in Fort Pierce because she doesn't believe anybody in Fort Pierce has received a 7% increase, much less an 11% increase, in a long time. So in the current budget they are working on there does not appear to be funds for those employees covered by union contracts, although she heard tonight there may be an explanation, so she may be wrong. She was concerned also about the \$2 million level in reserves. She knows it is down from \$7 million or at least that is what she reads in the paper. She does also know that the City of Fort Pierce General Fund budget was \$27 million in 2002-2003 and it was \$42 million in 2006-2007, while the City of Fort Pierce population has remained somewhere at 40,000 all of that time. So if they made it on \$27 million then, it is mystifying to her that they find it hard to make it on \$40 million. She realizes this suggestion is not well received and she doesn't have to look at their faces to know that. She is offering this as a suggestion for Commissioners as well as staff, to roll back. And she would also ask them to give it consideration as a means of fairness to the taxpayer. She knows she has heard from Commissioners and other people about what the Legislature has done to them. But she believes that what the Legislature did was to react to what the taxpayer wanted and the taxpayer wanted to curb spending at local government level - at the county level and at the city level - they wanted the spending to be under control. The jury is still out on what the Legislature did and if that will help the taxpayer. But the Legislature hasn't done anything to them and the taxpayer hasn't done anything to them. Perhaps what they have done is they have done something to themselves. She would be happy to help them get out of it. She just wants to leave the Commission with this one story. There is a family that her sisters and she have helped. It is a family who has been good to her family and took care of her mother when she was ill. They have helped that family buy a house, but they can't be homesteaded because their credit rating will not allow them to be a homeowner. So they have helped them. Their house payment has now increased \$300. They could barely make it before and now she does not know what they are going to do. She wants the Commission to understand that family multiplied over many times in this city. So they have to be very careful when they think about what they ask the taxpayer to give up.

**Mr. John Bailey**, St. Lucie Association, said he is from South Beach. A 10% reduction in mid management and upper management salary would be in order. It is way out of line with the local salaries here. Rather than laying people off, he agrees with Commissioner Nelson, why lay people off? They mentioned tax reduction, one of the reasons they are here. It might be. Millions of real estate purchased off the tax rolls. Millions of real estate purchased paying millions to keep it, bank loans and whatnot. That is what money is. Not on the lower paid people. His suggestion, don't lay off people. It is a tragedy. Cut the salaries. Those who feel like they can't stay here, wish them well. These are generous salaries, generous perks. If they don't like the City of Fort Pierce, leave.

**Ms. Jean Ellen Wilson**, St. Lucie Association, said she lives at 1611 Surfside Drive. She wants to address what she considers to be a basic problem with the local government currently - a lack of respect for the ordinary citizens, the people who pay the bills, the people who are not on the payroll of any local government nor have a special interest in any entity that benefits from local government, the people out there who are outside the circle of friends around City Hall. She will explain why she feels that way and its relevance to the budget. They seem to be, the City employees, as more privileged citizens. They try very hard to come up with a balanced budget without cutting any positions. She suspects that Martin Hospital tried that too, but they ended up cutting 71, while they are struggling with 3. She read in some Minutes that one of them said they don't want to lay people off when there are such hard times out there. There are hard times out there. There a lot of people looking for work, there are a lot of people trying to sell things to people who don't

have enough discretionary income left because their taxes and insurance are so high. And these are the people who pay the taxes that pay the people they want to protect from the hardships out there. From 2000 to 2006, Fort Pierce grew by 633 residents. In that same period the City payroll increased by 30 employees. Surely these 633 new people did not demand that much more service. In the 2005 to 2006 budget, Fort Pierce city employees received the 11% across the board raise that her sister was talking about, a rate which employees in the private sector would consider a miracle. She retired 10 years ago. She used to be, she thinks, a really good worker. She never got an 11% raise in one year. This raise was bestowed irrespective of job performance. Another thing she feels like is that they have a lack of respect for the small businesses in Fort Pierce. She identifies with their problems because she used to be one. She reads the local paper now and she could see a whole lot of contradictions in treatment. While they court five-star hotels, they worry downtown businesses over their sidewalk seating. While a huge parking lot can rise over the town in record time, some little guy who is trying to start a hot dog eatery could spend eight months trying to get satisfactory permits. It is obvious to anybody that the local government wants to get rid of the Port. She personally thinks the attitude of people who cannot endure looking at an enterprise for the time it takes to drive across the bridge is unconscionable. Is their purpose to avoid looking at operations where manual labor takes place? In all their plans that have brought them to this place where they have put the City dangerously in debt, they have not brought the people along with them. Some wise person said, it is not enough that their cause be just, it must be well pled. She believes they have created a situation wherein a majority of their constituents don't understand what they are doing. They don't understand their priorities, they certainly aren't theirs. They don't understand why they spent so much money on projects that have not improved their lives. She has only one more thing to say. She truly believes they would see no diminishment in the quality of life of the average person in this community if more government positions were cut - not the truck drivers or the clerks or the man in the police car, but the layers of management. Or must they simply accept that government employees are the new privileged class?

**Mr. Richard Wilson**, St. Lucie Association, said he lives at 1611 Surfside Drive. He attended the Legislative meetings held this Spring. Almost to a person, the people asked for relief from taxes. Very few people got up and talked about they still need more money. (State Representative) Gayle Harrell had her meeting at the County building. It was about 50/50. They had lots of folks who said they needed tax relief. They had people with the County and the City saying no, they need their money. Tallahassee said they will look into this, they will have a special meeting. Tallahassee had their special meeting and of course nothing happened. The problem is the local staff has not bought in to the fact that they need lower taxes. The responsibility of lowering the taxes is the City Commissioners. They have plenty of management. They have five or six people working in the City Manager's office. They have help from the FPRA. They have the Mayor now full time helping manage the City. So they ought to be able to work and get some lower taxes for the people. The people of Fort Pierce are working people. They don't need five-star hotels, they don't need pie in the sky. They would just like to have a little money in their pockets to spend. He doesn't want to lay off any of the policemen, he doesn't want to lay off any firemen, he doesn't want to lay off any garbage collectors. But they have a multitude of staff and middle staff that just create problems for the poor working man. He hopes in December they have an adjustment. The people he is talking to in the City may prove him wrong. But the people he talked to in the City don't want all this pie in the sky, they would like to have a little money in their pocket.

**Mr. Charles Wilson**, St. Lucie Association, said first he wants to thank all of them for all the time they spent going through this budget. The budget process especially in hard times, whether they are a business or a homeowner or a government official, is anything but pleasant. However, unlike businesses and homeowners, the City has enjoyed a gold rush of never-ending money, and still businesses and residents are making larger sacrifices

than government is. They have been presented at this time with another voodoo budget. It includes income estimates that are clearly unattainable, Enron-like accounting of assets, and continuing expenses designed to look like cuts using shell game accounting. He knows what they are going to say, they are going to say they have decreased millage rates, and pat themselves on the back. But people will not be fooled. Property values went up 200% and they lowered the property rate 30%. Spending doubled in just four years. In 2006 they over spent their budget by 20% and gave out over \$1 million in raises. They spent them into a \$70 million debt without creating one single job and increased every fee possible to keep spending. The result, Fort Pierce has the highest tax rate on the Treasure Coast, its average home owners pay \$160 more month in taxes to live in Fort Pierce than it does in Vero Beach, higher than Stuart and higher even than high-flying Port St. Lucie. Everyone is trying to stop them - the Legislature, the Florida Supreme Court, residents of the City of Fort Pierce, and associations like the St. Lucie Association which he represents. Granted they have been receiving little or no help from their senior staff. Every creative idea of cost cutting has come from Commissioners and the Staff has resisted them at every turn. Even this budget is full of flaws as they heard even this evening. The Sunrise Theatre estimates, for example, are far from attainable. No raises are budgeted for union employees, but they are contemplating those budgets. They know they are there, but they just don't have it in this budget so they can balance. They have \$600,000 in undocumented charges coming from the FPRA. They have serious erosion of their rainy-day funds. And they have waning support from the County and Fire Districts and other places. The FPRA house of cards is collapsing. The Federal Courthouse is delayed, yet they are spending money on the parking garage. IRCC education funding was pulled. The Supreme Court will probably prevent completion of the J.C. Penney project. Their plan to flip properties to developers before their balloon payments are due is failing. Buying over-priced properties and supporting poor business models have left the City's portfolio with losses up to \$20 million or more. Now for the bad news. Next year will be even worse. There is a way however. The St. Lucie Association believes that cutting \$41 million - as they say - is so easy a caveman can do it. The St. Lucie Association's plan is posted on their website at [www.stlucieassociation.com](http://www.stlucieassociation.com). Their plan outlines \$1 million in cuts to the FPRA and \$500,000 in cuts to the General Fund. Together with their cuts, they represent a proposed result in \$2 million reduction in spending for this year. Furthermore, the St. Lucie Association has a ten point plan for even larger reductions next year without harming additional services. FPRA cuts include eliminating the new Assistant Director position, cancelling the St. Anastasia roof contract, and selling the trolley. They were guaranteed that the trolley was worth \$125,000. He thinks they ought to take the \$125,000 out of their budget and replenish it when the \$125,000 trolley is sold. In the FPRA budget they originally had \$300,000 for advertising. These people's jobs they are talking about, he thinks they are more important than the \$300,000 advertising budget. So even if they cut that budget in half, they still have a total savings of over \$1 million. The General Fund cuts - eliminate dependent coverage, a wage freeze on executive salaries, eliminate automobile allowances, they have them all over the place, collection of Code Enforcement fines, and a 5% reduction of legal fees - is another \$522,000. In conclusion, they have barely scratched the surface of what needs to be done. Enough is enough. They want to be helpful, but the tax revolt starts here and starts today.

**Mr. Perry Dietrick**, 1508 Seaway Drive, said he lives on South Beach. He didn't really plan to say anything, but these people kind of got him fired up. He heard a lot of good suggestions and he hopes they all pay attention to them. He is not sure all of these things that were said will reduce this budget enough that they can cut their taxes some. Their taxes are too high. Whether they are the highest on the Treasure Coast and in the State, he doesn't know that. He doesn't know that if they cut some of the top salary, that is going to make a difference. He knows they have hired a lot of sharp people, he is looking at some of them. He has to disagree with some of the things that some of the people said. He doesn't think if they cut their salary to zero that it is going to make that much difference or that it is going to lower their taxes. Here is his suggestion. Give the trolley

away. Give the St. Anastasia building away because they don't need a \$700,000 roof. He can barely afford a roof for his house. Give away the Post Office building that they paid \$100,000 for. Sell the place - this is going to be real unpopular - down at the Jetty that they paid \$5.9 million. They paid \$5 million for some lots over here on a canal by the bridge, sell them. They spend \$5 million here and \$5 million there, it soon adds up to some serious money. If the people who are playing golf on the City Golf Course need that net that high, maybe they need to start thinking about playing baseball or something. If private enterprise can't run that golf course, they don't need a golf course. Fort Pierce needs a Marina; but if private enterprise can't run that Marina, they don't need a Marina. Sell that too.

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

Commissioner Nelson said he would like to thank the various participants who made comments. They are here to hear their comments and act accordingly. The Commission is using their best judgment based on their input and their analysis of what is going on and what they have before them. These are very trying times for them. All he can do is call on his experience and training and knowledge he has acquired to listen to them and listen to input from staff. Very frankly, he is not happy. He thinks they can do better.

Mayor Benton said when this Commission sat together some four years ago, it was their goal to lower taxes. Sitting on this Commission for eight years prior to that when the millage rate didn't move and only went up, he was not part of that going up, but he has been part of it going down considerably, almost 30% in three years. There is one reason why they had to hire additional employees over that two year period of time, is they had three hurricanes. How soon they forget this town was devastated three years ago this week. And they had to hire so many additional employees so when people came in to rebuild their homes, they had people who could do it in a period of time that was acceptable, instead of waiting weeks and months. They had the equipment to pick up the debris. They had a lot of work to do. And he thinks they did an exceptional job. Now they are in the process of letting a lot of those people go. They were people who were hired, not necessarily permanent employees, but they have let people go. They continued to lower the millage rate while they rebuilt the City. So he thinks they have done an exceptional job.

And that is their intent, to continue to lower the millage rate so they can attract business in here so they have a sales tax that they can lower even more. But they have to lower that millage to get the attention of the retail sector and he thinks they have finally done that. So he thinks they have come a long way. They have a long way to go. They used to be the highest taxed City on the Treasure Coast. Now they are getting closer to the cities on either side of them that have a per capita income ten times theirs. So they have a long way to go, but they are getting there. They can't do it overnight, so bear with them because there are a lot of services that this City and their constituents have been accustomed to that they can't just pull the carpet out from. They have got to continue keeping Fort Pierce one of the best and prettiest cities on the Treasure Coast which will bring in that investment which they are seeing today. He thinks they have done a marvelous job. They have a long way to go. They cut taxes more than Tallahassee told them the last two years.

Commissioner Coke said she doesn't want to rehash the 17 or 18 hours worth of budget workshops they have already had. But at the beginning of the budget workshop she voiced some concerns she felt that she couldn't get a consensus on, that they should consider leading by example. First of all rolling back their salaries, then it would be east to ask upper management to roll theirs back. They have moved to this point where they are tonight after many hours and she is glad to see that management did cut \$425,000. They did a wonderful job once everybody realized the Commission was serious that they wanted it cut. In an hour and a half the next morning they cut this. How much could they have cut if they had started out two weeks earlier to cut? She doesn't look to argue with Mr. Beach, but she thinks they actually need a game plan in place to replenish their General Fund balance. They talked originally in the first day of budget hearing that their population had

grown at 1% per annum for the last six years and their budget had grown tremendously and their staff level had grown tremendously. She thinks 90% of the people in City Hall do a fine job at what they are doing and she commends them for it. But they have not explored some of the options that Commissioner Becht brought up, cutting back everybody's hours.

Commissioner Nelson brought some other things up. The fact that they have cut \$425,000 is a drop in the bucket compared to where they need to be.

City Manager Beach said that is correct. He thinks the alternatives that were described to this Commission as to how they could reduce this budget by \$4 million were clear, they were not complicated, but they were completely unacceptable. The impact on services to the community, when they do the types of reductions that they would like to do, become more painful than the revenues that they have to generate to pay for them. That is a conscious decision made by this Commission. He can tell them from the Staff's perspective clearly, it is much easier to reduce this budget and cut this budget than it is to try to sustain the public permission to continue to fund it at the level that it is. They could provide them a \$30 million budget in two weeks, but it would be an unacceptable budget, it would be one that this community would not embrace and this Commission would not embrace. He doesn't know what to do beyond that. They have these conflicting needs. Clearly there has got to be some tax relief in Florida, that is just clear. How do they accomplish that and still maintain the level of service that people are accustomed to receiving? That is a hard, difficult, arduous process; and unfortunately it falls on their shoulders to make those decisions.

Commissioner Becht said whatever they do is going to involve balancing competing interests. Because even the people who spoke tonight, some are wanting this and others don't want that in terms of budget cutting. But one of the things he thinks they can do is better and accurate information to the public. There was a lot of disinformation tonight that he finds troubling, which is not accurate or is so farfetched as to become unreliable. The bold statement that Fort Pierce's taxes are \$160 a month more than surrounding communities is in a vacuum. What size house are they talking about in Fort Pierce - is it 3,000 square foot or is it 5,000 square foot - compared to Vero Beach or Stuart? That kind of information doesn't serve the City of Fort Pierce well. The Commission needs to get the accurate information out there. He doesn't mean spun information, he means accurate information. If he has his figures correct - and he asked this at the last meeting - the actual budget they approved for 2004-05 was in the neighborhood of \$39.5 million. The budget they are being asked to approve tonight is \$41 million. Maybe that is too much money. But the perception the public has is based on some hype that is not warranted for the last four years. If they want to go back to 2002, go back to 1998. He thinks they have got to do a better job of getting real information to the public. Part of the problem, part of the paranoia or hysteria that the public has is, he had people complain to him that they couldn't get this budget at 3:00 p.m. Friday afternoon. The budget he has still does not have the proposed 2007 figures in it. So they are not doing their job in getting accurate information out to the public so they can digest it so they can understand it. That is their shortcoming and they do need to shoulder that blame. Getting back to what are they going to do. They keep blaming staff and wanting to send it back to staff and telling staff they have to come up with a better plan. He has - and he knows the Commissioners have too - had numerous conversations with Mr. Beach, with Mr. Recor, and maybe with some of the Department Heads. The people who have come before them, he thinks some of them know they are mixing the FPRA budget with the City budget. The Commission has gone to great lengths to keep those separated so they can do their separate purposes. Tonight they are not talking about the FPRA budget, they are talking about the City budget. And they have to build a consensus of what is important to them. When they talked about a week or two weeks ago, yes they will tolerate job cuts, and they send a clear message to Staff and Staff comes back with that budget; and then tonight they say no, they are not going to tolerate those job cuts. They have given Staff a direction and then they yank the carpet out from underneath them. So they have to build the consensus up here. He is willing to accept

that responsibility and he knows each of them are. But he doesn't think it is fair to keep saying, let's throw it back to Staff and have them come up with something. He thinks the Commission, even if it is simple as this is the number they find acceptable, give them that number and tell them that is the budget they need to come back with. And if it is as simple as telling them they want the \$2.1 million line item for the budget reserved, that is what they need to tell them. And once they are tasked with it, they will come back with it. But he assures them that when they send them \$2.1 million on a line item budget, that there are going to be more than three jobs cut.

Commissioner Nelson said they talk of this magic word of micro-managing. They also talk in terms of policy. As a matter of policy, they want a balanced budget. They want to do those things necessary to insure that they have a balanced budget. And if they throw out instances where they talk in terms of, if it is necessary cut Staff, that is just one of the many things that one has in his bag of tricks to solve the problem. He keeps harping on the fact that there are many other areas and he has cited quite a few of them that says look at these angles, not only look at cutting staff but any others with their professional experience and knowledge that is going to do what they want to enhance their policy here. They are trying to make a policy, not micro-manage the budget, every detail of it. He hates very much to go through line items. Commissioner Coke is very good at going through this stuff.

He went through it the other day with various details himself, but he doesn't like to do that. He is dealing with principle and dealing with broad scopes of trying to do things to make this City run efficiently and satisfy their bosses, the public. He will be honest with them. What he feels that the public is more concerned about is the level of pay that some of their people are getting. He has to say it, he gets beat across the head everywhere he turns. What are they crazy, an 11% raise, people are making \$100,000. He is telling them, he has had it. They can't buy toilet paper, they can't buy a loaf of bread, they can't send their children to school. That is what he is concerned about. They need to do something about that.

Commissioner Coke said she is going to have to agree with Commissioner Becht that Staff did exactly as the majority of the Commission directed them to do at their last meeting and she is going to support their recommendations. First of all, she doesn't know if they have three people to support it, but she would like to put a few caveats on it. That prior to it coming back, that the Commission be given in a timely fashion an evaluation - which Mr. Recor says he already has - of the several other cuts that could be made suggested by Commissioner Nelson and Commissioner Becht on cutting hours, cutting a certain percentage of salaries. She would like to have some suggestions from Staff included with the budget proposal in two weeks of where they can get their General Fund balance back to where it needs to be. She would like several different options. She wants to be able to take part of Column A, part of Column B, and maybe between all of it they can find a solution that is palatable to all of them. Because it just can't be my way or the highway, the same as they couldn't just say do this or they are not going to pass the budget, as they found out at their emergency meeting last week. So she is going to support these recommendations. But she would like a proposal on how they intend to balance the General Fund within this fiscal year, she would like to know what their options are, and she would like a clear and concise evaluation, not only on the take-home car situation and the mileage and the gas and things they have talked about, but also the payroll situation that Commissioner Becht and Commissioner Nelson has brought up to them.

Mayor Benton asked how many employees left the City this year and they did not fill their positions?

City Manager Beach said there are currently 20 vacant positions and those 20 vacant positions are part of this budget document.

Mayor Benton asked so in other words, 20 people left the City within the last year? What he is getting at is, they know next year is going to be more difficult than this year was, they all acknowledge that. And probably the declining property values of this year won't affect them until next year. And who knows what the market is going to do. A lot of employees who have seen this coming have left. They know the only way things are going to work out next year is there will be a reduction in employees, it is just a no-brainer. There is no way it can be done to a point. So at least they have the ability to give employees time to look elsewhere. It is hard to just give them two weeks notice. But going into next year's budget, he hopes they start as early as March. He is sure once they find out whether the additional homestead exemption passes or fails, that is going to really give them something to work with. But he thinks they had an option, Plan B. Delray Beach, Sarasota, and other communities do it. And he really thinks that even if this Commission doesn't agree with dealing with it this year, they are going to have to deal with it next year. The number one characteristic of blight is crime. There are reasons why other communities have dealt with neighborhood policing with their CRA. That also is a \$4 million expenditure out of their General Fund. They can build the buildings; but if it is not a safe community, they are not coming. That was his and Commissioner Alexander's Plan B, to look into that. It would probably take a full year and Public Hearings to get there. But unfortunately there wasn't three votes to do that. He is not going to give up on it during the year. It is a FPRA issue. But he hopes they reconsider that. If they want to get where they are going with these numbers, they are going to have to consider that.

Commissioner Alexander said he just wanted to support the Mayor on that and he won't be giving up on that, even though he voted for the cut they presented to the Commission last week. He supports Commissioner Becht's comments about the public not being informed. People are thinking erroneously the City of Fort Pierce bought the trolley. Sell the trolley, they are going to put \$120,000 in the City of Fort Pierce budget. It is not. The properties that they bought are not coming into the City of Fort Pierce budget, it is not coming to the General Fund. And every time the statements are made, it should be stopped and noticed, make the change right then. A thousand people listen to things and they get up and might go to the restroom but they still have this burning thought in their mind that the City is wasting money and the FPRA budget is the same as the City of Fort Pierce. Even though they serve as a Commission, they don't paid a penny for the FPRA Board and they sit in there sometimes five or six hours. He does it with a pleasure. If they are telling him that this community is not growing, somebody is blind. They are growing and they have grown and they will grow a little more because everybody is trying to do these things collectively. When he hears this misinformation it kind of bothers him because nobody says anything about it. He doesn't intend to be the one popping the whip, but he heard the public say why doesn't the CRA district pay their fair share of the public works. He wouldn't dare tell Bob Hood to allow anyone to leave his position because he has how many divisions under one department, how many employees does he have who are trying to keep Fort Pierce growing? They are annexing into the City he does not know how many pieces of property just this year alone. Along with that, Mr. Hood took the headaches because they look for him taking those headaches and black eyes and all that goes along with it. Again, he is just saying when this misinformation comes out they need to stop right then, make the corrections, and go forward. They sit here and take it. He takes it with a grain of sand. Because he knows he puts his whole heart into the City of Fort Pierce, his health, and every thing else. He won't be complaining about anything. He just wants this community to be a better community as a whole, the City of Fort Pierce as a whole. They will always be part of St. Lucie County and Port St. Lucie is a Sister City; but the City of Fort Pierce has to stand on its own and they have to be accountable.

Mr. Recor asked can Commissioner Coke clarify her expectations with regard to the evaluation of the fund balance? Does she mean she would like to see a proposal for the current fiscal year or a strategy for addressing the deficiency in the fund balance in the next budget?

Commissioner Coke said no, she was talking about a strategy to be included in this budget, whether it be a freeze on transferring from one line item to another; and if there is an excess, that to be put immediately into the General Fund balance or something. But she would like to see a way that when they begin budget hearings, they are already building their General Fund budget. So long as Mr. Recor is asking for clarification, one thing she forgot was that she thought some place around now they would have some alternatives to health insurance and the figures for that.

City Manager Beach asked does Mr. Bergalis have a time frame on that?

Mr. Bergalis said inasmuch as the report from the consultants came in by email last Friday, it was extremely difficult to get anything prepared for today.

Commissioner Coke said she understands that. She didn't get her copy of the budget until last Friday.

Mr. Bergalis said they are negotiating with the re-insurers, attempting to bring the cost of re-insurance down where they believe it is an acceptable level. They got the information from the consultants based upon what they are projecting or recommending that they should look at as far as passing on more of the cost of the dependent coverage to the employees and they are also going to be looking at changes in the plan design to save money on a on-going basis. He is talking with these people tomorrow. As soon as they can formulate something, he will provide it to the City Manager and he can provide it to the Commissioners.

Commissioner Becht said the issue of the savings there is going to be prospective and they will receive it side by side with an increased cost of operation by the time they get done with the contract negotiations they are in. Does Staff have any direction on what they are looking for?

Mayor Benton said he will offer up a suggestion right now. He is told that the City of Fort Pierce, not the FPRA, owns the old Post Office. Is that true?

City Manager Beach said he believes the City owns that.

Mayor Benton asked why don't they put that on the market and whatever they receive from that... Because the County is backing out, they can't afford to run the proposed museum. They are looking at an expenditure of around \$150,000 to fix the roof. Let's put it on the market, put that money back in the reserves, and then they are at least in the right direction anyway. He would imagine that building has to be worth at least \$200,000 to an attorney looking to have an office there.

Mr. Recor said if the Commissioners will recall, at their last FPRA meeting they asked for a written report identifying the pros and cons of that very proposal. He believes Mr. Ward has completed that for their Agenda next Monday, September 24th.

Mayor Benton said because that is a City-owned property, he is just thinking now that they as a City Commission, if they are looking to putting some money back in the reserve fund, why not offer that for sale. Because he knows for years they debated on what they were going to do with that. He doesn't think there was a buy-in by most of them, but they bought it just so it wouldn't deteriorate like it has.

City Manager Beach said they can certainly throw that in the mix of ideas and suggestions about how to rebuild the Fund Balance.

Mayor Benton said that is one of the expenditures that came out of the Fund Balance.

Commissioner Coke said personally she would like to wait for the full Staff report before making a decision on that. And she would caution all of the Commissioners that the fiscally responsible thing they need to do is address cutting their expenditures. Because selling off a piece of property this year to add something back to the general budget or to balance this budget, eventually they are going to run out of pieces of property.

Mayor Benton said he is not saying balance it. He is saying that is why the reserve fund got down \$2 million is they bought things and the Post Office was one of them. Right now with the market being dead... But they have the ability to at least replenish something that was purchased out of that, not balancing a budget with it.

Commissioner Nelson said they bought the Post Office for \$100,000. They bought the St. Anastasia building for \$325,000 or \$380,000.

Mayor Benton said but the FPRA owns that (St. Anastasia building). They can sell that too. They are going to have to unless they want to go out for a bond and ask the public if they are willing to rebuild it and he will guarantee what they will tell them. But that is not an item tonight for this Commission.

Commissioner Nelson said some of them were talking about the enhanced policing thing. Because that has been done in other areas does not make it right necessarily. It might be right, but it might not be.

Mayor Benton said it doesn't make it wrong.

Commissioner Nelson said he knows. The bond issue came up. The Escambia people have proven that will probably have to go out for referendum. Because it has been done a certain way in the past doesn't mean that somebody won't challenge them.

Mayor Benton said they wouldn't need a bond to pay for policemen.

Commissioner Nelson said he is talking about the methodology with respect of taking the money from the FPRA and making this enhancing policing program.

Mayor Benton said they would have to revise their plan and they would have Public Hearings. And he would guarantee, at least in his discussions with the majority of the public, he thinks they would buy into that. Because knowing where their crime rate is and where it was, he thinks they feel a lot better and a lot safer in Fort Pierce today than they did 10 years ago, and they don't want to see that change.

Commissioner Nelson said they haven't convinced three Commissioners to that effect.

Mayor Benton said they have heard from the Commission. They are looking for some suggestions from Staff by the next meeting.

Commissioner Nelson asked what are they going to do now?

The next item on the Agenda was Consider any proposed amendments to the 2007-08 Budget.

Mayor Benton asked do they want to amend the budget in any way or do they want to go right to the reading of the ordinances?

Commissioner Nelson asked to ensure that they don't fall into the same dilemma they did before, does the City Attorney or City Manager have any guidance to give at this juncture?

City Manager Beach said please move forward with the ordinance.

City Attorney Schwerer said to the extent that they have a budget document in front of them, if that budget document includes what the City Manager's proposals are, then they wouldn't necessarily need to amend their budget. But if it doesn't include the proposals, they do need to amend it before they go to the ordinance because that would be a technical amendment. The document he assumes has been amended by this memorandum. He would ask the City Manager for guidance, because he doesn't know whether the document itself has been amended. If so, there are no amendments necessary.

City Manager Beach said that is correct.

Commissioner Nelson asked are any of these suggestions made by the Commission to be considered as amendments; or are they just going to let that be a bunch of wind?

City Manager Beach said he doesn't believe the Commission has made any specific recommendations or amendments to the budget. They have made some suggestions that they would like to have evaluated and reviewed. Staff will do that and hopefully they will get that back to them by the next Public Hearing.

Commissioner Nelson said those suggestions may well turn into amendments if they had them back. So are they able to approve this tonight subject to possible amendments?

City Attorney Schwerer said yes. They will have amendments on the same agenda item as they have tonight.

City Manager Beach said if that doesn't work, October 1st when they have their next Commission meeting, they can propose amendments to the budget at that time as well. This is an on-going process. They are not confined by what they do over the next two weeks.

Mayor Benton said he believes even during the year they have seen budget amendments come in front of them. He can see that more and more on every Board he has sat on.

Ordinance No. K-509 entitled, **AN ORDINANCE PROVIDING FOR THE LEVYING AND COLLECTING OF TAXES FOR THE CITY OF FORT PIERCE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, FOR THE PURPOSE OF RAISING SUCH AMOUNT AS MAY BE NECESSARY TO CARRY ON THE GOVERNMENT OF SAID CITY DURING SAID FISCAL YEAR AND TO PAY FUNDS SO COLLECTED INTO THE ACCOUNTS PROVIDED THEREFOR; ADOPTING THE CITY OF FORT PIERCE 2007-2008 FISCAL YEAR FINAL MILLAGE RATE; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.** was placed on first reading and read in full.

Mayor Benton declared a Public Hearing on Ordinance No. K-509 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 Alexander, seconded by Commissioner Coke, that Ordinance No. K-509 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-509 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-510 entitled, **AN ORDINANCE ADOPTING A FINAL BUDGET FOR THE CITY OF FORT PIERCE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.** was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-510 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.

Commissioner Coke asked for point of clarification, just once again for the record, they can make amendments to this at the next meeting?

City Attorney Schwerer said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-510 be passed on first reading.

Commissioner Nelson asked will they have available at the next Commission meeting definitive information relative to some of those suggestions the Commissioners made?

City Manager Beach said that is their intent; and barring the impossibility of doing it, it will be here.

Commissioner Alexander asked that is inclusive of all suggestions?

City Manager Beach said whatever those suggestions were that are a part of the Minutes right now and most of them came from Commissioner Coke.

Commissioner Alexander said he and the Mayor still had a concern about Option B. They can approve this \$41 million, but they can't come back and raise it, is he right?

City Manager Beach said he thinks they can. What they can't do is change the tax rate, the tax rate is fixed; but they can change their budget as long as their revenue and expense picture changes.

Commissioner Alexander said he thought the last time they made a vote on it, it was coming that they could bring in the \$41 million but they couldn't come back and raise that up.

City Manager Beach said no, they can raise it. They simply can't raise their taxes.

Mayor Benton said just so everyone knows why he is not supporting this budget is he felt this money should come out of the FPRA for neighborhood policing. And they shouldn't be touching the Marina fund and also the Solid Waste, because that money won't be there next year. It is time to address how they are going to deal with next year this year.

Commissioner Becht said he thinks he speaks for both himself and Commissioner Coke, but she has certainly demonstrated she can speak for herself; but since the Mayor has re-said his reasons for not supporting it, he will say the community policing idea is a wonderful idea, bring it before the FPRA. And when it is enhanced policing instead of merely subsidizing the current budget, then he thinks they will have a five to zero vote at the FPRA meeting to have it truly enhance policing rather than the shell game with the budget.

Commissioner Alexander asked why couldn't it be coming from Staff that enhances policing instead of...? What made him change his mind from not being brought back as enhanced policing that the City of Fort Pierce is in much need of in the FPRA District?

Commissioner Becht said he will try to explain. The analogy he made was with the lottery that the State of Florida adopted and the shell game the State pulled, which is the lottery dollars were going to enhance education. Well they have enhanced it to the point that he thinks Florida is 49th in the country. They didn't enhance education. What it did was the Legislators took less money out of their General Budget to pay for education and used the lottery dollars to pay what they were paying before. He thinks if they look at the statistics, the percentage of the General State Budget spent on education is less now than it was before Lottery came in. His concern is that this year they would create the enhanced policing with the FPRA dollars. And enhanced means better than what they have. What he is here to say, and Commissioner Coke has been with him on this all along, is let's agenda it on the FPRA Budget. If they want enhanced policing, let's do it through the FPRA budget. But let's do the regular policing budget with the monies that are in the General Fund. People are coming up here and they are mixing the FPRA Budget and the General Budget. What he is saying is, let's demand of Staff that they provide their citizens with a certain level of policing that is acceptable to the Commission through the General Budget; and then with the FPRA budget, let's focus on the areas where they have a real significant crime problem. The Chief is dealing with that quite well. But let's make it truly enhancing rather than just subsidizing the mean standard they want to establish. What he wants to see is more and better, not just the standard being paid for with the FPRA dollars.

Commissioner Alexander said that is exactly what he wants to see. But just for his own information, it was said in the public that the entire City of Fort Pierce is paying for the policing of the entire City inclusive of the CRA, but which the taxes are not being spent that way. That is not true. Maybe he is misunderstanding the aspect of what the CRA, meaning that when the taxes are being spent it has to be spent on blight and slum. Is he right?

Mayor Benton said he is right.

Commissioner Coke said although Commissioner Becht spoke so eloquently for her, she is going to clarify the fact that in her mind what was offered to the Commission regarding community policing was they were going to take the exact same number of police officers they have now and pay their salary through the FPRA. She will guarantee that there are taxes that are paid within the CRA district that do not get paid to the FPRA. The FPRA only gets the incremental tax increase from the time the area was declared an FPRA area until today. They do not get the entire tax base. So citizens who live in the FPRA who were paying taxes ten years ago are now still paying taxes that help pay for Police Department, Solid Waste, Public Works, etc. It is a misinformation to say that the FPRA people are not paying for those services, because they are. She will say again that she will support the policing going through the FPRA, but not when it is the exact same number of Police Officers that they have there today and offering the exact same services. When the Chief comes and says he needs x-number of dollars per year from the FPRA and he is going to hire five new officers and put this many more patrols on and provide these new services to the citizens, then she can support that because it is something new and because then the FPRA is fighting blight. The way it was proposed to them in her mind, the FPRA was just supplementing the City's General Fund; and she could not support that.

Commissioner Alexander asked why couldn't Staff bring that back to the Commission after it was brought to them in the beginning?

Commissioner Coke said if she could explain that to him, she would.

Commissioner Alexander said that is all he is asking, is if it was brought to the Commission erroneously in the beginning, why hasn't it come back in a different form? Why hasn't it come back as an enhancement?

Commissioner Coke said she is sure it will when they get to the FPRA budget.

Commissioner Becht said there has been so much information. The FPRA is actually a very complicated funding mechanism for fighting blight and deterioration in neighborhoods. But one thing that he can say with great factual accuracy is that approximately \$4 million, if not more than \$4 million, of taxes that would otherwise go to the County General Budget and be spent according to the County Board of Commissioners at their whim, because of the FPRA \$4 million of County dollars comes back to the FPRA and it has to be spent in the FPRA area. If they lift the FPRA area off of that, if they do away with the designation, those \$4 million will not be spent in Fort Pierce and it will be spent according to the whims of the Board of County Commissioners. It is a nice funding mechanism, it helps the City of Fort Pierce. And there is \$4 million there the City would never get but for the FPRA. He needs to get that fact across to the public because he is not sure they are grasping that with all the misinformation that is going out.

Mayor Benton said he will address that, because if Delray Beach and these other cities have done it, their counties have had to buy into it too. If this Commission doesn't buy into it, what is going to happen with next year's budget is the public is going to demand that they take those boundaries in the FPRA and withdraw them a bit so they can start putting some money back in the General Fund and just cover the debt service. He will guarantee that is coming. That is going to be their option. That is what his crystal ball shows him. To look into doing it now the way others have done it and they have seen this coming.

Those voting in favor of the passage of Ordinance No. K-510 on first reading were: Commissioners Becht, Coke, and Nelson. Those opposed: Commissioners Alexander and Benton.

City Clerk Steele announced the second readings of Ordinance No. K-509 and Ordinance No. K-510 will be at the Special City Commission meeting on Monday, September 24, 2007, which begins at 5:05 p.m. in the City Hall City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida.

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Ordinance No. K-511 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTION 13-40.1; PROVIDING FOR **DEFERRED RETIREMENT OPTION PLAN (DROP)**; PROVIDING FOR ELIGIBILITY TO PARTICIPATE IN THE DROP; PROVIDING FOR AMOUNTS PAYABLE UPON ELECTION TO PARTICIPATE IN DROP; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; 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-511 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.

Commissioner Nelson said he wasn't at this particular meeting where this took place. He would like to defer to the Secretary and/or the other Retirement Board member for any input they might have.

Mayor Benton asked was this approved by the Retirement Board?

Mr. George Bergalis, Director of Finance, said yes, it was; and that is why it was sent here to the Commission.

Commissioner Coke said they all talk about budgets and there is not money to pay for this, there is not money to pay for the other thing, and the U.A. doesn't seem to have the money to pay the full balance of what they owe the City this year. And yet the U.A. is moving forward and their Board approved moving forward with a plan that is going to cost the Utilities Authority an additional \$75,254 a year. Just so everyone is aware of that.

Commissioner Nelson said it was approved by the U.A. Board and approved by the Retirement Board.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, that Ordinance No. K-511 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-511 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-512 entitled, **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PEIRCE, FLORIDA; AMENDING SECTION 13-24 (MEMBERSHIP - REQUIREMENTS FOR; EXCLUSIONS FROM); PROVIDING FOR REINSTATEMENT IN RETIREMENT SYSTEM OF FORMER EMPLOYEES OF PARTICIPATING EMPLOYERS WHO BECOME SUBSEQUENTLY REEMPLOYED BY A PARTICIPATING EMPLOYER; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; 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-512 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance NO. K-512 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-512 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-513 entitled, **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REPEALING PRESENT TEXT OF SECTION 13-26; ADOPTING AMENDED TEXT FOR SECTION 13-26; SETTING OUT PROVISIONS RELATING TO CREDITED SERVICE RENDERED BY PARTICIPATING MEMBERS OF RETIREMENT SERVICE; SETTING OUT PROVISIONS RELATING TO FORFEITURE OF CREDITED SERVICE; SETTING OUT PROVISIONS RELATING TO REINSTATEMENT OF PREVIOUSLY FORFEITED SERVICE CREDIT AND SETTING OUT CERTAIN COST REQUIREMENTS FOR SUCH REINSTATEMENT; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; 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-513 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-513 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-513 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Mr. John Donahue, LBFH Inc. to give State Road A1A Status Update.

**Mr. John Donahue**, LBFH Inc., said he trusts the Commission received his status report. There is an update to it in Phase 2B regarding the Smithsonian drainage easement. That easement document has made it through the City Attorney's office with some minor comments and now it is back in the Smithsonian's hands to make their final review, so they will wait on their review of that one. Are there any questions as to his report? Do they need him to go into any detail?

Commissioner Coke asked could Mr. Donahue make some effort, like on Phase 3, to put an approximate date attached to some of these things? It says construction is underway. Is the construction three months underway out of eighteen months? Is it six months and it is going to take four to five years? What kind of time frame are they looking at?

Mr. Donahue said his firm is not managing the construction operations, that is being managed by the City Engineer's office. He doesn't have the time line that the contractor set.

Commissioner Coke asked could Mr. Andrews maybe include those kind of updates with the second meeting of the month update on A1A?

Mr. Jack Andrews, City Engineer, said yes, he will.

Mr. Donahue said he will be glad to coordinate with Mr. Andrews and try to include that in his report.

Commissioner Coke said that would be very helpful. The only other thing - and she knows she has said this to him before, but she is going to say it again - she went back to her updates since May and the sentence under Phase 2B that says drainage easement discussions with the Pelican are progressing, it has been the exact same sentence. So if he could please let them know that they need to move forward with this; or let the Commission know what they need to do to move this forward.

Mr. Donahue said certainly. He did speak with Mr. Speedy Fee who is the attorney for the Pelican Yacht Club. Mr. Fee is working with the Commodore, Mike Brown, Jr., as to getting that drainage easement reviewed and any comments on that.

Commissioner Coke said maybe Mr. Donahue could get an ETA from them, when they plan on getting it back. Because once they get done with it, it will go back to the City's legal department and then they are God knows where.

Mr. Donahue said absolutely.

Mayor Benton said he thinks at the last Commission meeting he asked about the roundabout in front of Harbour Isle. He thinks there was a statement about they were looking for some legal rendering either by the POA or the Developer. Did they ever get that straightened out?

Mr. Andrews said they are working on that now between the City Attorney and the Attorneys for Harbour Isle to give back the donated right-of-way and to come up with a fee simple title to FDOT. They are working on that and it is progressing.

Mayor Benton asked is it the Developer or the Property Owner's Association they are dealing with?

Mr. Andrews said they are working with the Developer at this time.

Mayor Benton said they hope that will be cleared up soon.

City Attorney Schwerer said they have the documents in their office. Those were sent in last week. It is a little more complicated than just one document. They have three easements over there - one for utilities, one for sidewalk, one for right-of-way - those were all combined. There are legal description issues and they are working to try to unwind all those three transactions just to accommodate the one right-of-way transaction. FDOT doesn't need the easements for the utilities and the sidewalk like the City needs it, so they have to unwind that. But he estimates they should be able to have that accomplished at least in draft form by this week.

Mayor Benton said let's unwind it quickly.

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The next item on the Agenda was Commissioner Becht request direction to **Regional Utility Task Force** regarding regionalization or joint venturing of facilities.

Commissioner Becht said he had sent an email to Mr. Beach a couple of weeks back which he hopes they all had a chance to read. He experienced a great deal of frustration with the hidden hurdles that have been placed in the way of trying to accomplish the regionalization of utilities between the City, the FPUA, and the County. Having asked the attorney who was hired for the Task Force the question about 18 months ago, can they get through the annexation hurdle? And him telling him to his face, yes they can get through that annexation hurdle. The attorney admitted about 60 days that no, he could not get through that hurdle. So the regionalization is not viable absent a change in County Commissioners where the County Commissioners would stipulate to allowing them to annex the entire service area, that is not going to happen any time soon. They are left with some positive options and maybe better options in the long run. But his efforts are now at an end with what he was charged with doing, which was to pursue a regionalization of utilities with the County. What is left he thinks is primarily at a Staff level. He would suggest that at staff level it has not been moving with anything but glacial speed. There is some inertia involved in trying to get County Staff and FPUA to cooperate with one another on projects. This is not something that is in their regular bag of tricks. They are use to thwarting one another rather than working with one another. He did have a conversation. He sent out a pretty nasty email. Mr. Thiess got a copy of it and he called and said there is a new attitude and they are willing to work with one another and they are willing to try to joint venture or partner projects. But the goal he was tasked with cannot be achieved. And unless they retask the Task Force, they can disband it if that is the pleasure of the Commission, or they can redirect it. But he felt he needed to bring it back to them and let them know where they are. The email he sent also talks about something he thinks is or should go along a parallel path; and that is, the gasoline tank farm they talked about with Mr. Hood at one of their last meetings. That has been bandied about by the County, it has been bandied about by the City, and it has also been talked about at the Fire District. All of those three entities consume vast amounts of fuel at the present time. He thinks there could be some cost savings recognized if they got at least those three entities. He thinks those three entities can get along. If they try to bring in Port St. Lucie, and they should try to, but he just doesn't see the cooperation level there at this time. The thought occurred to him that maybe they could expand it, maybe they could separate it. But he wanted to bring it back to the Commission and make sure they understood where they were with that. There will

not be regionalization. The best they can hope for is a joint ownership or sharing of costs or joint venturing on specific facilities that would fill the needs of the citizens of Fort Pierce and the rate payers of Fort Pierce, and also hopefully keep the rates in check and reduce the increase in rates as they go forward.

Mayor Benton said he would agree. He thinks the best they could hope for is partnering with future facilities, he knows the County is very willing to. But to try to combine the two utilities would probably be almost impossible. Those facilities, especially the cost of them, he thinks it would be a lot easier if they do it as a partner. He thinks everyone here also agrees. But hearing it from both sides, he thinks that is the feeling of the U.A. Board also.

Commissioner Nelson said let him try to console Commissioner Becht a little bit to the point that they don't want him to become depressed, despondent, or give up on this task. These things take a pretty long time to come to fruition. He recalls some time ago when they set their goal and policy of expanding their service area and identified it. They even offered to buy the County's utility facilities. The County balked at that and did nothing about it. There is a move afoot at the State level to try to regionalize a lot of things within their governmental structure. They have to go slow. It is going to be somewhat a glacial speed. It takes time. A lot of generations might die before it happens. But if they wait long enough, it just might happen. He would that he continue to charge along with this task he has and work at it and don't expect to get anything real fast. Commissioner Becht worked with County Commissioner Craft on this, is that right?

Commissioner Becht said Commissioner Craft was on it, Bill Thiess was on it, Mr. Drummond from the FPUA initially was on it.

Commissioner Nelson said he looks to Commissioners Becht and Craft as the driving forces on that as far as he is concerned, along with the U.A. guy. Just don't give up on it. It might be put a little bit on the back burner. But if there is anybody who can do it from his perspective over here, he thinks Commissioner Becht is the guy and he would certainly encourage him to continue. Because somewhere along the line it might just happen, particularly the fact that they contemplate moving that wastewater treatment plant from across the river over there. They are moving out west to establish plants out in that area too. But he doesn't think the County is ready to sell. They wrote them a formal letter and offered to buy it and they balked at that.

Commissioner Becht said in the next two to three years the City of Fort Pierce is going to realize great difficulties in balancing its budget. He thinks long term they are going to have to build bridges with the County and anybody else they can build bridges on ways of saving money. Regionalization facilities he thinks will do that. Getting into some kind of joint venture with a tank farm will reduce costs for all taxpayers of the Fire District, all taxpayers in the County, and all taxpayers of Fort Pierce, if they can start figuring out how to do things together instead of creating multiple layers of bureaucracy.

Commissioner Nelson said these utility plants are basically money makers for them. They don't want to give up the Utilities Authority, he is sure. The County doesn't want to give up theirs. If they see a potential for increase in revenue down the line, he wouldn't give it up either. He wouldn't sell the FPUA.

Commissioner Becht said he will keep working on it. But he wanted them all know that it is not a Regional Task Force any more.

Mayor Benton said all governments are going to be building bridges because of their budgets, not just Fort Pierce. St. Lucie County has just a big of a predicament with their budget and will in the future as Fort Pierce does, if not more.

Commissioner Alexander said keep up the good work.

Commissioner Becht said he doesn't have much to show them, but he is working on it.  
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The next item on the Agenda was Discussion on attendance at St. Lucie County Chamber of Commerce events - 23rd Annual Business & Industry Appreciation Awards Dinner and Annual Installation Gala.

Mayor Benton said there has been a request from the Chamber. He brought it to Mr. Beach. He thinks they are looking to get a consensus from the Commission.

City Manager Beach said it is his understanding that Mayor Benton had requested that this go on the Agenda to get some direction from the Commission as to who would attend these events.

Mayor Benton said right, he wants to get an idea. If they all need to look at their calendar.

Commissioner Nelson asked is Mayor Benton planning to go?

Mayor Benton said the Mayor has to go. That is his job.

City Manager Beach said if they would call Jennifer Robinson in his office with their decision, then they will handle the arrangements through the City Manager's Office.

Mayor Benton said it is nice to see everyone there. Port St. Lucie and the County have done very well. The Chamber looks to Fort Pierce for support.

Commissioner Nelson said that is good. While they are at this point, some time ago he talked about what the Chamber does for them. And during his discussion with them, they pointed out to him that it might be a good idea if they were to allow them to put a sign over on the Seven Gable House indicating that the Chamber operates out of there, so all of these people who are visiting the Marina area would be apprised of the fact that the Chamber is operating in their midst. So if they put a sign there saying the Chamber of Commerce is operating at this building, it might net them some good.

Mayor Benton said he made that suggestion that they do it the same as the City signs, the green.

Commissioner Nelson said whatever Staff can come up with to indicate that the Chamber of Commerce is there. They put their paraphernalia in there.

Mayor Benton said send them a bill.

Commissioner Coke asked the Port St. Lucie Chamber of Commerce?

Commissioner Nelson said not Port St. Lucie. The Fort Pierce Chamber of Commerce. Can they do that?

Mayor Benton said everyone call Jennifer Robinson in Mr. Beach's office.

Commissioner Nelson said he will call about the tickets. But is Staff is going to...

City Manager Beach said he was under the impression they had a sign there. But if Ms. Cox (Executive Director, St. Lucie County Chamber of Commerce) will contact his office, they will certainly handle it.

Mayor Benton said it says Seven Gables Visitor Center. He thinks they want to make it an official Chamber of Commerce.

Commissioner Alexander said absolutely; and then they can add it on their signage throughout the City.

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The next items on the Agenda were Submittal of Applications for Appointment or Reappointment to the Fort Pierce Utilities Authority Board, the City Planning Board, the Police Officers Retirement Fund Board of Trustees, and the Communitywide Council.

City Clerk Steele said those applications are submitted for their consideration and there will be resolutions on their next agenda.

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The next item on the Agenda was Planning Director to give Status Report on proposed public Charrette to Master Plan the Waterfront Area.

Mr. Matthew Margotta, Planning Director, said Staff is still progressing right along with a draft agreement between the City of Fort Pierce and the Treasure Coast Regional Planning Council. It is internal now trying to get into a final format. They are aiming at October 5th so they can get it in final formats for the Commission's consideration. They have run into a little bit of a snag, but he hasn't been able to get it finalized with the County regarding whether they are going to be involved in this Charrette. He doesn't think it is a surprise to anybody, but the initial push from the County was because the Wastewater Treatment Plant was involved. Since that was taken off the table, he thinks there is some question. He doesn't have a confirmation yet. He would hope he could report a confirmation, but it is not looking very good. It looks like the City of Fort Pierce, possibly the FPRA, and the Treasure Coast Regional Planning Council are the ones who are going to conduct this Charrette.

Commissioner Alexander asked who did he say was backing off?

Mr. Margotta said St. Lucie County.

Commissioner Alexander said he thought they made some commitment to this.

Mayor Benton said they did earlier when they wanted the Wastewater Treatment Plant site to be included. Basically the County wanted a smaller boundary which would have included the Wastewater Treatment Plant site and across the river for the Power Plant, in that area. When the City expanded it and excluded the Wastewater Treatment Plant site, the County lost interest.

Commissioner Alexander asked that means the interest they had in the Causeway Park is going away from the County?

Mayor Benton said he thinks the County's main intent, at least what he had heard from County Commissioner Craft, was the Wastewater Treatment Site. He is sure they could ask for something in writing.

Commissioner Alexander said he is speaking of the park. Are they backing off?

Mr. Margotta said the Causeway Park, they have an Interlocal Agreement by the FPRA and the County to continue that event. And they are also looking to change that per the Commission's direction, so that the planning and all the master planning that is going on with the Causeway Park remains in effect. In fact, this whole Charrette idea was to try to find some of that common area between all those master planned areas they have. So nothing else is coming off the table, the County is still involved in those.

Mr. David Recor, Deputy City Manager, said he had the opportunity to speak to Chairman Craft about this and he indicated he would bring this forward to the Board for a reaffirmation

of the County's participation, given the removal of the Wastewater Treatment Plant. So the funding is still available and all they need to do is ask.

Commissioner Coke said she is looking for a point of clarification, because to the best of her recollection it was County Commissioner Craft who brought this to the City Commission and asked them to joint venture with the County. She would assume then, Mr. Recorder's assumption is all they need to do is ask? Do they need a consensus of this Commission to send a letter and request the County pony up their part they committed to?

City Manager Beach said he thinks that has already been accomplished. This Commission has indicated that in the past. At one point he believes to the point of having this appropriated. Right now what he doesn't believe has happened is a consensus of the County Commission to do this. They are having discussions with individual Commissioners and getting different feedback. As he understands it, Commissioner Craft is now going to bring this back to the Board of County Commissioners to get it reaffirmed, so that may very well be available. But Staff is going to continue to move this forward, regardless.

Commissioner Becht said he doesn't know if anybody has copies of the Minutes from their Joint Meeting with the County. It is possible that was discussed at the joint meeting. If it was discussed at the joint meeting, his recollection is that there was no resistance to continue with the Charrettes. If someone could see if it was discussed, that might be used to remind some of the County Commissioners that they approved it at least at that meeting.

Again, he is not sure if it was on the agenda or not at the joint meeting.

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The next item on the Agenda was Planning Director to give Status Report on Proposed Impact Fees.

Mr. Matthew Margotta, Community Development Director, said they have had somewhat of a running conversation regarding impact fees and comparisons between the City of Fort Pierce and some of their surrounding communities. He believes Staff has addressed most of those concerns or issues to date. This first table is the proposed fees that came from the study that Tindale-Oliver & Associates did for them, just to illustrate scenarios that the City has. He believes they have seen this table before, it hasn't changed. Impact fee comparisons with some of their surrounding communities - Vero Beach, Port St. Lucie, and Stuart. These include the County fees that they charge. The more Staff dug into this, it is kind of a tangled web from one community to the next. If they go to that community and they want to build a multi-family apartment complex, that is what they are going to be charged. If they go to Port St. Lucie and they want to build a larger chain type restaurant 5,000 square feet, it will cost them \$55,354.50. One of the things they discovered is that the counties do have other fees. It is not the same from one community to the next. All he is trying to show them in these two tables is that depending upon where they go, where their actual development is, these are the types of fees and these scenarios that would be charged. He knows looking at tables it gets a little hard to make somewhat of a comparison and staff tried to put it into a graph format. Staff did draw some conclusions that in general Fort Pierce, when they have these proposed fees, is somewhat comparable. He says comparable in that they are not spiked way out there. They can see Stuart very easily on this particular graph. Fort Pierce is kind of in the mix. He hopes this comparison helps and meets the needs they are trying to establish as far as this information is concerned.

Commissioner Coke said she is looking at Table 2 down under larger chain type restaurants. What she is reading here is Port St. Lucie's impact fee would be \$55,354 and the Fort Pierce proposed impact fee would be \$100,454?

Mr. Margotta said here is the fun part. Go to the County and the County also adds another \$22,000 to theirs.

Commissioner Coke said no, she wants to compare apples to apples. This \$100,000 under the Fort Pierce mainland, that does not include the County's impact fees? Those would be in addition to?

Mr. Margotta said no, that is incorrect. The fees Commissioner Coke is seeing before her right now, the City comparison of impact fees under Table 2, includes the County's, the applicable County fees that each one of these municipalities charge or in their case would charge.

Commissioner Coke said let her tell them two levels of concern she has. Number one, although all the other figures appear to be relatively similar - and Fort Pierce is higher, which she doesn't understand that - they are looking at they are almost double in one area from Port St. Lucie. If everything else were almost double she would say they had a valid report. But the one above it, Fort Pierce is lower. The one above that, Fort Pierce is within a 5% or 10% range. And here they are almost double. She doesn't think she understands the logic there. Number two, she is sure they paid these people some money for this study.

Can somebody explain to her why they would get some of these impact fees made for South Beach for the things they couldn't build there? She doesn't think there is a place in South Beach commercial to build 100,000 square foot chain retail store. Why did they pay somebody to give them information on something that can't be built?

Mr. Margotta said the fees they see before them are a function of math. Based upon those fees, from one community to the next it can range quite a bit. Each community has its own certain needs. They did a study with their consultants, Tindale-Oliver, who came back with these particular formulas. He would tend to agree with Commissioner Coke that 100,000 square feet on South Beach would be fairly difficult. Maybe it is incorrect for Staff to throw that on there. But it is just a matter of math. If they happen to be on South Beach and they did somehow get 100,000 square feet, that is what they would be charged. Don't read into these figures as to whether these are most appropriate for those locations or not. He is just trying to show them, if they are going from Vero Beach to Port St. Lucie to Stuart to Fort Pierce and they did the same type of development from one to the next, this is what it would cost them.

Commissioner Coke asked then can Mr. Margotta possibly explain to her why everything else is relatively proportionate? Whether she is happy with the fact that Fort Pierce is higher or not, but when they are looking at restaurant chain they are double Port St. Lucie?

Mr. Margotta said he honestly does not know. Port St. Lucie may have decided that they wanted to attract restaurants and gone out of their way to put the burden of the impact fees on other types of commercial development, and they decided they wanted large chain restaurants so they might have lowered their fees. He doesn't know. He wasn't part of that discussion. When they use Port St. Lucie's fee schedule and just apply the math of the number of square feet, that is the number they end up with.

City Manager Beach said this is a document that was prepared independent of Staff's input regarding what those fees should be. This wasn't something that the consultant asked staff or staff asked somebody else what these should be. This was their assessment of what a fair charge would be for the impact that these different types of companies have on a community and on the infrastructure of a community and what they should pay. This is supposed to be a very scientific methodology that produces results that can be substantiated in court. If they were challenged on the impact fee they charge, these individuals who prepare these types of studies would come in and defend them, and they would defend it based on their methodology and their math and so on, much the same way they created Equivalent Residential Units to bill stormwater, a very methodical process. He thinks the decision that the City of Fort Pierce is faced with right now is whether or not this is something they want to proceed with, or whether or not this is something they should put

on the shelf and watch how their economy unfolds over the next year or so. Staff is willing to go whatever direction the Commission directs. This was a Commission initiative. It was generated by the Commission in an attempt to look for resources to deal with their growing City in rebuilding whatever public infrastructure was necessary to sustain that.

Commissioner Becht said he is going to stick with the restaurant, the larger chain type 5,000 square feet, depicted on Table 2. Under Mainland Fort Pierce the impact fees would be \$100,454. Right?

Mr. Margotta said that is correct.

Commissioner Becht asked of that figure, does that include roughly \$22,000 in County impact fees?

Mr. Margotta said the fees that are before them include County fees.

Commissioner Becht said okay. He wants to get that real clear because he is going to show Mr. Margotta where he doesn't think the graph does that. So the \$100,000 figure does include \$22,000 in County fees. Let's go over then to the same column, but Vero Beach; and the chart tells him that in Vero Beach if he wants to build the same facility, it is going to cost him \$169,000 in city impact fees. Right?

Mr. Margotta said actually he believes Vero Beach only charges Indian River County fees.

Commissioner Becht said if he goes over to restaurant, larger chain type on Table 3 for the County, the County charges \$174,000.

Mr. Margotta said literally he doesn't even know how many tables here that they have gone through to check this out. But if they are in Vero Beach, there are some fees that they pay and there are some that they don't for Indian River County.

Mayor Benton asked utility hookups maybe?

Mr. Margotta said no, this has nothing to do with utility hookups.

Mayor Benton said they have impact fees for that too.

Commissioner Becht said he is just trying to make sure they got what he thought they were going to get. So Mr. Margotta is telling him the impact fee for the 5,000 square foot larger chain type restaurant in Vero Beach is \$169,000. The question he has to ask is, are there any County impact fees for that same structure?

Mr. Margotta said Vero Beach collects Indian River County fees for development within Vero Beach city limits. Meanwhile, the unincorporated Indian River County charges more fees, there are a few others that are added on. If they are within Vero Beach, they are paying for transportation, correctional facilities, and so on.

Commissioner Becht said so it is cheaper. Okay, that was what he was not understanding.

Mr. Margotta said it is not the same. They are paying for more things out in the unincorporated Indian River County.

Commissioner Alexander asked is this a type of incentive the County has that they allow Port St. Lucie to use to invite restaurants and so forth into the community? Are they able to waiver these impact fees or a portion of them?

Mr. Margotta said the short answer to that is, yes. He has no idea how they figured out the math on that. The word that is really missing from this whole conversation is rational nexus. It is a pretty common term for legal reasons that generally means they have to have a reason and a good solid methodology for why they do something. Impact fees are very much revolving around that concept. There is a reason for it. Port St. Lucie in its Comp Plan might have said - and he doesn't know if this is the case - let's invite as many restaurants as we can and therefore will not charge the restaurants for these other land uses.

Commissioner Alexander asked wouldn't it be public record if they waiver impact fees?

Mr. Margotta said the dismay he was displaying was in trying to find this out.

Commissioner Alexander said he understands what Mr. Margotta was explaining. But his concern is, this survey did not go out and ask the question, were they charged impact fees as such?

Mr. Margotta said it is not typical to compare their impact fees to other communities. It is not one of the reasons they should be using as to whether they decide to engage in impact fees or not. The fees are either correct for the community and it is one of the revenue sources, or it is not. He wanted to do this and get this information together because the Commissioners asked for it. But he is really concerned that they didn't go so far across the line that it is absolutely what they are relying on for their decision.

Commissioner Alexander said he was just trying to find a mechanism that they as the City of Fort Pierce can invite restaurants into this community. He heard they only have grown with 600 people. All the property they annexed, they have only grown 600?

Mayor Benton said they looked into this impact fee when the market was just beating the doors down. That has come to a direct halt. They found out today through the Director of the St. Lucie County EDC (Economic Development Council) Larry Pelton, that somebody looking to put an office in Port St. Lucie, the impact fees were higher than the price of the property. His suggestion, as a community that is trying to bring business here, he was thinking that they could go after the single family which puts the pressure on the parks and the libraries and the roads, versus the business. He is told legally they can't, they have to address everybody the same. His suggestion would be to put this on the shelf for a while and come back when the market deems it is needed. Right now when they look at these numbers, for somebody to come in and spend \$200,000 before they open up a restaurant in this market, they might have done it in Vero Beach, but Fort Pierce? They want them here, so they are a little bit different than Vero Beach or Stuart.

Mr. Margotta said for the record, the State does look at the City to consider impact fees. Later down the road when they want to look for other funding sources, impact fees are typically one of the things that the DCA expects the City to consider. As a matter of course and filing, they will make sure that is known that they have considered impact fees, regardless of which direction they want to go.

Mayor Benton said he was told today, and he is looking for a response from this attorney, that they can define single family and charge so much versus exempting certain businesses, so if that can be done. But he just doesn't know how they are going to get businesses in Fort Pierce with these numbers. They are paying St. Lucie County, but also they are paying to hook up to Fort Pierce utilities. Tack that on and it is getting high.

Commissioner Becht said he would like to proceed to the next step, which is not the adoption of it, but a meeting is currently scheduled. Apparently it took some energy to get a meeting between the Chamber of Commerce, the Treasure Coast Business Association,

the Downtown Business Association, the Economic Development Council, and the Board of Realtors. They are all meeting here at City Hall on October 17th?

Mr. Margotta said actually he set the date aside. He had to find a date in the future that he thought he could work towards and have a public meeting here and invite all these. He did everything he could to try to get them all. It is near impossible to try to get all of them.

Commissioner Becht asked so this is set?

Mr. Margotta said the date is set in his calendar. He hasn't actually made it public yet to go out and finalize this meeting. But if he wants him to do this, that is when he is going to do it.

Commissioner Becht asked so none of these other groups have committed to this meeting yet?

Mr. Margotta said no.

Commissioner Becht said he would like Mr. Margotta to proceed with the meeting. The reason he wants to do this is, he had the same response the Mayor did from some folks that this is a horrible time for them to be considering raising impact fees, they are going to discourage growth and investment in Fort Pierce. And he had a taxpayer tell him this is ridiculous, why would they not consider adopting impact fees at this time when their revenue stream from taxes is going to shrivel up and they need to be exploring this. He is going to ask tonight that Mr. Margotta expand the list of invitees to include the St. Lucie Association and let them come in and express their views on whether the City should or should not proceed with impact fees to broaden the revenue stream for the City to deal with its issues. Instead of the City fighting with these business groups and telling them that everybody needs to be represented at the table, not just the business people, and see if they can strike a balance between proceeding with the impact fees or not proceeding with impact fees. So he would like to go the next step.

Commissioner Coke said she too would like to go the next step. She doesn't want to see them impact fee themselves out of business. Her main concern is, if they do not charge an impact fee, who do they all think is going to end up paying for all the needs of the new businesses as far as roads and everything else and people living here? It is going to be the existing taxpayers. So if somebody new is coming in, they ought to be paying for the added burden they are putting on things. She thinks the way the impact fees are structured, it is the people who are utilizing the services. Because it is a fine art and a mathematical procedure. The people who are utilizing the services are being charged for it. Businesses are not being charged as high a dollar percentage as residential for things such as parks because they don't utilize those. But she would put it to them all that when businesses come in they impact the area and they require services. A business can better afford to pay for that type of thing than a single-family home. If any of them question whether or not they can pull off charging impact fees, she thinks it is not so much can they pull off charging it, but do they want to burden their existing tax base with the improvements that will have to be made? And if they think it is going to stop growth, somebody look down the road to Port St. Lucie, because she doesn't think it slowed anything down, down there. And the people who are getting the new services are paying for it.

Mayor Benton said he has heard from the Chamber of Commerce, sitting on their Boards. He does support impact fees. But he just felt either the numbers when it comes to the commercial and the business side would have to come down to make Fort Pierce more inviting than Port St. Lucie or Indian River County or Martin County because they have plenty of business, Fort Pierce doesn't. Somehow they have to recognize the fact that if they want to draw them, that is fine. But as far as the residential, another townhouse? He

doesn't mind keeping it up there. But he just has heard loud and clear from the Chamber that it is a big concern, because he thinks everybody is trying to get this market going whenever the time comes. Maybe when they have this meeting they could ask also if they can change some of those numbers to something they can live with.

City Manager Beach asked do they have a consensus of the Commission to go ahead with that meeting?

Commissioner Alexander said yes.

Mayor Benton said he would agree, as long as there is room to play with the numbers. He doesn't think anybody here feels those numbers are in stone, right?

Commissioner Becht said he is not married to the numbers. He would like a real accurate... He has seen the mapping where the County assesses different impact fees; but he has not had an understandable explanation of how that map works with a real building coming in. He is not looking for it tonight. But he has talked to several folks and they have said nobody really knows how the map works.

Mr. Margotta said actually it was a fairly simple question. Those are areas that are divided by the County, it is their fee structure.

Commissioner Becht said he understood that much and that is a simple answer. What he is looking for is the 5,000 square foot house, if he builds it in Zone A, what does it mean? If he builds it in Zone B, what does it mean? In Zone C and Zone D also, because there are different impact fees per the maps.

City Manager Beach said that information is obtainable.

Commissioner Becht said that is what he thinks is how to do it. What Mr. Margotta did here with Table 1 with the different structures, if he could walk them through the five or six different zones and tell them what the impact fee to the County would be, because he thinks it is going to be different in each of the zones, right? If Mr. Margotta could just do that, then he would know somebody understands how the maps work.

Mr. David Recor, Deputy City Manager, said there appears to be a consensus. That is one of the points he had hoped to have clarified this evening. He is going to throw their Director of Planning a life preserver here and offer the assistance of Tischler-Bies, who completed the impact fee report, at the time they host that public meeting. He thinks it will be helpful to have the consultants here to explain the methodology and to review the process, so they don't have just their Planning Staff on the hook there that evening. He thinks that together they will be able to put together a more effective presentation so the public understands better.

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City Manager Beach said he has an item that he wanted to bring up that is not on the Agenda. He wanted to bring it up under the City Manager's portion and it will be up to the Commission as to where they go with it. He has had several inquiries from Commissioners last weekend and earlier today relating to the status of the **Chuck's Seafood Restaurant** code enforcement activity. He just passed out a memorandum to all of them that was prepared today by their Code Compliance Manager that indicates that on August 15th there was a Special Magistrate Hearing and that the owner signed a stipulation that he would be in compliance by September 19th and a building permit be obtained, or fines of \$250 per day will start running. Of course, they will know within the next few days as to what is going to occur as it relates to that. The inquiries he got today had to do with an upcoming County Commission meeting that relates to a proposed amendment in the Development Plan for Causeway Park. There is an amendment proposed that would allow for parking around that proposed restaurant. And that is something he thinks is going to be presented back to

Staff whenever the County Commission takes action on it. That is where they are on that subject.

Commissioner Becht said he thinks the County Commission has taken action on that. He spoke with County Commissioners Grande, Craft, and Coward. He doesn't think he got ahold of the other two Commissioners. But County Commissioner Coward confirmed that they had - he didn't use the word booted - but had passed it back to the City to figure out how whatever it is that Mr. Angelos is doing interacts with the Causeway Park, with the future plans for the Fire Station, and with the Harbour Isle roundabout.

City Manager Beach said what Commissioner Becht is saying is that instead of taking action on that request, they sent it to the City.

Commissioner Becht said they either postponed it or stalled it, but they are looking for direction from the City Commission. His interaction with those three County Commissioners was, he didn't think they had enough information to make a decision on it without seeing how what Mr. Angelos is proposing interacts with the Causeway Park, with the future plans for the Fire Station if it is decommissioned and turned back over to the City, and the roundabout. All three of them agreed that they didn't have enough information to make an intelligent decision without that information. The City Commissioners won't either, is his point.

City Manager Beach said if the Commission has any direction for Staff, this would be a good time to give it.

Commissioner Coke said she was one of the ones who called Mr. Beach today because she has gotten a lot of phone calls over the last several months. She sees here that it was supposed to be in compliance by September 19, 2007, which is the last time that they heard something. Her concern now is this is going to be used as another chance to just postpone and delay. Because if they look up earlier here on January 10, 2006, they had a permit for the tent until June 1, 2006. They were granted an extension until January 9, 2007, stipulated too that no further extensions would be granted. January 9, 2007 has passed and absolutely nothing has gotten done. Her concern is, September 19th is two days from now and the story is going to be that Mr. Angelos doesn't know if the County or the City are going to agree to give the 28 additional parking spaces that he wants to utilize from public parking at Causeway Park for his private enterprise, so he needs another 30 days. She doesn't know how everyone else here feels, but she really doesn't care what the design of the building is. There was an original footprint, there were additions put on it. If he requires more parking for the additions, whether those were permitted or not permitted, then he needs to provide that. She for one is not willing to give up any more public space for private enterprise. She would like to see them send that kind of message to the Code Enforcement people, enough is enough. They had two years of delays here, do something.

Commissioner Alexander said he thought maybe he was reading it wrong when it said the County sent it back to the City to allow Mr. Angelos to utilize additional parking. He knows the Fire District is not going to relinquish that building because they are using that as a training facility, that was the last thing he heard. He inquired about that because the Mayor had spoken about having the Youth Council and he was inquiring about that building. They said they are not going to relinquish it. Commissioner Coke had said maybe they could trade off a different place or space for that.

Commissioner Coke asked it is a pretty expensive training building, isn't it?

Commissioner Becht said the update he can give them is his conversations with Chief Ron Parrish - and he had those because he is the (Fire Board) Chair, not because of any favoritism or anything like that. It is extra work, not favoritism.

Commissioner Alexander said he understands, he serves there with him.

Commissioner Becht said he knows, which is why he is trying to explain why he would have the information. The information he has from him is that he is trying to work a deal with the County where the County would assist with IRCC in designing and building the training center that fire station has on Causeway Park, duplicating that or actually making it better over at the special Law Enforcement Center that is being built at the college. If he can get a little bit of financial assistance from the County. The Chief told him he wanted to ask the FPRA. He told him don't even bother to ask, that he expected the FPRA was going to have to bail out the Human Development & Resources Centre facility because of the State is going to short IRCC with its money. He hopes that doesn't happen. But he told Chief Parrish was prepared to see the FPRA help fund what the State probably won't do with the HDRC, so he told him not even to bother to ask the FPRA. But the idea is to duplicate the training facility the Fire District has at the college. If that happens, the Fire Station will be abandoned by the Fire District to the County and then it will be available for whatever use the public wants of it. So there are three pieces to the puzzle as he sees it: Causeway Park, Chuck's Seafood Restaurant, and the Fire Station. If they want to fold in the Harbour Isle roundabout, there are four. So whatever plan Mr. Angelos wants to bring forward for whatever it is he wants to do there has to be viewed in the context of all of those elements and cannot be viewed in the abstract. That is what he asked the County Commission to do; and apparently they don't like abstract thinking, so they dumped it back on the City. But he is prepared to deal with it whenever they can bring it to them. But he doesn't want to deal with it in the abstract, he wants to know how this interplays with all of those things.

Commissioner Nelson said he has some concerns about the use of that property by both Chuck's and the Fire Station, and of course the roundabout going in there too. There is property immediately to the south of Chuck's within the Harbour Isle complex that is commercially oriented. There is property further east down by the new Fire Station in that area that is commercially oriented, just waiting. To take this property - either the Fire Station property or the present Chuck's property - and have it serve as a thorn in their side is somewhat irresponsible, in his opinion. And to have the Fire Station as a training center on that valuable piece of property is also in that category. So he is basically in align with Commissioner Coke. They have had ample time to do something here, they have given deadlines and they haven't followed through on them. They gain respect and acceptance and all that business if they say something and mean it and do it. He doesn't wish any business any ill. But a contract is a contract, a deal is a deal. And they just simply need to move on and get that facility out of there.

Mayor Benton said this wasn't an agenda item; but he just wants to make it clear even when it is, his firm does business with Mr. Angelos and Chuck's and he will excuse himself from any discussion or any votes. So everyone knows, he has been doing business with Mr. Angelos for some years. He has no influence with this guy. As far as anything that takes place at Chuck's, he has kept himself away from.

Commissioner Becht asked what direction, if any, is Mr. Recor looking for tonight?

Mr. Recor said he doesn't think they are. It doesn't appear that Mr. Angelos has been able to secure approval from the County to provide his additional parking and that is what he has contended with the City. The City is not in a position to approve the Site Plan or recommend approval of the Site Plan until such time he meets the parking requirements for

the City Code. He thinks the Commissioners have identified three issues and the relationship for Chuck's improvements to those three issues. They will get an answer to those three issues before they move it forward.

Commissioner Nelson said they mentioned about using public property for parking. They did in fact some time ago, over his objections, allow one restaurant there on the beach area to do public parking on the jetty property over in the jetty area they bought over there. So it is not unprecedented that they do this. He voted against that and he will vote against this one. Commissioner Coke came back with an idea that she wanted to take the lead with respect to the City taking over development of that Causeway Park. He can assure them if they go over there on a Sunday or any holiday, they will see that property being used extensively. To take away any of that usage by having parking for a private entity is a disservice to their people.

Commissioner Coke said that was basically her concern. She doesn't want to do anything to harm anyone's private business, she loves to encourage business. But she has a high level of concern that first of all they need to paint everyone with the same brush. The previous manager/owner of this restaurant, they held his feet to the fire. And now it is pushing two years and they are allowing this to get continued again and again. She loves to see Chuck's there, she loves to see it operating, but she doesn't want to see yet another postponement on September 19th.

City Attorney Schwerer said both staff and his office prosecute cases before the Special Master. If they will simply give them some direction, both staff and his office, they will present the Commission's views at that hearing that there will be no further continuances and that they expect strict compliance with the stipulation. If that is what their consensus is, they will take that message to the Special Master. But understand that is in a Special Master process that this enforcement action is taking place.

Mayor Benton asked should he pass the gavel in case there is any motions made here?

City Attorney Schwerer said he doesn't think they need a motion. He thinks they just need a consensus on this. If there is an issue brought up that additional parking is needed from the City and Mr. Angelos requests a postponement of that hearing of the Special Master to file that request, do they wish staff or his office to object to that or not?

Commissioner Nelson said his thought is that they do not allow any usage of the Causeway Park for private parking.

Ms. Peggy Arraiz, Code Compliance Manager, said there are no more hearings. On September 19th the fines start. When Mr. Angelos signed the stipulation last month (August 15, 2007) that was his hearing. There are no more hearings. He will have an opportunity for a Massey Hearing prior to any liens being filed. But if he is not in compliance in two days, the fines automatically start. There are no more hearings.

City Attorney Schwerer said so there are no motions to re-hear or to re-consider within the case. The case is final then.

Ms. Arraiz said none have been received by the office. She checked today.

Commissioner Coke said she sees here that on May 22, 2006 an extension was granted until January 9, 2007, and it was stipulated that no further extensions would be granted. Is that stipulation different from this stipulation?

Ms. Arraiz said yes.

Mr. Recor said that was a determination from the Building Official to extend the temporary permit for the tent, he believes. This is a ruling from the Special Magistrate that Ms. Arraiz is speaking to now, it is not an administrative decision. There is a difference.

Commissioner Coke asked so this extension to January 9, 2007, when the tent was going to come down...?

Mr. Recor said that was an administrative decision from the Building Official.

Commissioner Alexander said when they speak about being fair, he is just looking at the Planning Board meeting the night before last, they are talking about the Jetty Park. They are going to come right before the Commission again about the restaurants having the usage of their \$5.9 million parking space. Is he right?

Mr. Margotta said both of these restaurants are in different categories as far as the ordinance is concerned. It is a technicality, but those restaurants that are out near the Jetty are continuing non-conformities. What Mr. Angelos and the Chuck's Seafood Restaurant is doing is expanding an existing non-conformity.

Commissioner Alexander asked didn't they know he was going to expand from the damage of the hurricane? Did they not know they were going to expand? What were they going to do, just utilize the little area? He eats there regularly. So if they are not in the tent area, they have no space for a dining area. Again, he just wants to make it an even playing field. It is just that he sees they are coming up with a planning device over there, that they are going to be able to utilize all that parking. And the Causeway Park parking is going away because of this? They have to have a consensus, so he is not going to be agreeable with that. They just said they were not going to allow them the extra... How many parking spaces?

Commissioner Coke said 28.

Commissioner Alexander asked they say that because of the expanding of the restaurant, right? The people over on the Jetty Park, they have parking spaces.

Commissioner Coke said it is kind of the same thing, like downtown restaurants aren't required to provide any parking.

Commissioner Nelson said but the City is not required to provide parking for the restaurants either.

Commissioner Alexander said but they do. There is J.C. Penney's parking lot, it is City-owned property. They supply parking for everybody. Again, he is not just speaking against Chuck's. He is just speaking of an even playing field, he doesn't care where it is.

Commissioner Nelson said they have big plans to take that J.C. Penney's parking lot and build a big hotel there. If they were to come up and have big plans and put a five-star hotel in the Causeway Park parking lot, they might have a big problem.

Commissioner Alexander said that is just his opinion. Do they all have a consensus of what they need to do?

Commissioner Coke said she guesses they didn't really need a consensus, because from what they were just told it is already a finalized issue. There will be no changes?

Ms. Arraiz said yes. She believes this was just an update.

Mr. Margotta said he will mention there are a lot of technical issues involved in this. But he needs the Commission to be clear. The FPRA has an Interlocal Agreement with the County on the development of the Causeway Park and that is why the Commission is involved as that Board and the decision of what happens in the Causeway Park. That is where the authority is. It is not with Staff for any changes that would occur in the Causeway Park Master Plan. So what is being proposed is actually about 18 parking spaces being located in the Causeway Park.

Commissioner Coke said but they have already been told that the questions the Commissioners all had this evening really are not valid questions at this point in time because the Special Master has already ruled and the fines go into effect on September 19th. She thinks that was everyone's large concern, that there was going to be yet another postponement. They have just been told that there would not be. She would assume that at some juncture in time there will be a Site Plan that will be brought in front of this Commission.

Mr. Margotta said whatever the proper method is going to be. It might be both the FPRA and the City Commission.

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

Commissioner Alexander said he would like Item 24p (Waiver for 2603-2605 Avenue H) removed for discussion.

Commissioner Coke said she would like Item 24f (Waiver for 1227 Avenue D), 24j (Waiver for 1023 North 12th Street), 24k (Waiver for 1605 North 15th Street), 24l (Waiver for 706 Dundas Court), and 24n (Waiver for 1012 North 13th Street) removed for discussion.

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

- a. Accept 2007-2008 **Victims of Crime Act (VOCA) Grant Agreement** between the State of Florida Office of the Attorney General and the Fort Pierce Police Department for funding the Victim Assistant position.
- b. Approve ranking of proposers for **Construction Materials Testing & Geotechnical Services** and authorize Staff to begin negotiations with top ranked firm Ardaman & Associates. SMU Bond #2 - RFQ #5729
- c. Approve list of Blanket Purchase Orders for FY 2007-2008 to Vendors for Services and Products for **Department of Solid Waste** to purchase parts and accessories.
- d. Approve Application for Public Funds in the amount of \$1,000 submitted by Robert Swisher, **Downtown Business Association** of Fort Pierce, for advertising Classic Car Cruise In.
- e. Rescind Code Enforcement lien in the amount of \$95,559.39 against **1010 North 17th Street**, owned by Marcellus Francois (previous owner Catalina Ponce), upon payment of remaining \$8,000 within 60 days.
- g. Approve waiver of fines, interest, and penalties in the amount of \$90.95 against **1340 Bayshore Drive**, owned by James A. Crist, upon payment of lot clearing lien in the amount of \$284.06 within 30 days.
- h. Approve waiver of fines, interest, and penalties in the amount of \$51.43 against **314 North 13th Street**, owned by Edith Fernandez, upon payment of lot clearing lien and administrative costs of \$231.37 within 60 days.

i. Approve waiver of fines, interest, and penalties in the amount of \$762.16 against 517 North 14th Street, owned by Ghada Elshami, upon payment of demolition lien and administrative fees of \$1,898.00 within 60 days.

m. Approve waiver of fines, interest, and penalties in the amount of \$236.01 against 425 North 20th Street, owned by Willieetta Broadneax, upon payment of lot clearing lien and administrative fees in the amount of \$283.80 within 60 days.

o. Approve waiver of fines, interest, and penalties in the amount of \$53.17 against 708 Ixoria Avenue, owned by James A. Crist, upon payment of lot clearing lien and administrative costs in the amount of \$158.31 within 30 days.

q. Approve waiver of fines, interest, and penalties in the amount of \$1,922.08 against 530 Means Court, owned by Marie Julien, upon payment of lot clearing and demolition liens and administrative costs in the amount of \$4,431.56 within 60 days.

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The next items considered were Items 24f, 24k, 24l, and 24n, which had previously been removed from the Consent Agenda: 1227 Avenue D, owned by Delores Williams; 1605 North 15th Street, owned by John E. Washington; 706 Dundas Court, owned by G.K. Baker Dixon; and 1012 North 13th Street, owned by Joseph & Valerie Mercer.

Commissioner Coke said basically her one statement here can cover almost everything. It boils down to painting everybody with the same brush yet again. They have 13 requests to rescind some kind of lien or waiver of fines and interest. All but 5 of those 13 had a requirement that a partial on the administrative fee be paid and 5 were being charged nothing for administration fees. As a matter of fact, Item 24j has a zero administration fee attached to it. It is beyond her that they can send somebody out and have a waiver of fines and liens and penalties, and have no administration fee attached to it. She for one would feel more comfortable, if they are going to rescind the vast majority of it, then at least most of these other people have \$100 or \$200 for the administration fee. She thinks they need to do it equally across the board for everyone.

Commissioner Alexander said he thinks each one of these addresses should come back before them individually for its own merits. They used to give them an explanation for some of these properties or some minutes, and he doesn't see that happening. For him to pull just one item and not the rest of them as she stipulated, he has a concern about that. He has such a concern that he will be requesting that these go back and come back to the Commission with the explanation on why it may have been done that way.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that these go back to Staff and come back to the Commission with an explanation as to why it has been done that way.

Mayor Benton asked which items? They are talking about Item 24f right now, unless they want to take the whole group.

Commissioner Alexander said he is speaking about the whole group and how it is being brought to them. He requests that these come back before the Commission because they have no explanation, no written nothing from individuals saying whether they are right or wrong or indifferent. That is his concern.

Commissioner Coke said they did have letters attached to most of these.

Commissioner Alexander said they used to get Minutes with these.

Commissioner Nelson said not really.

Commissioner Alexander asked they used to get Minutes on why the request was on these and why these fines, right?

Ms. Peggy Arraiz, Code Compliance Manager, said Minutes are included for Code Enforcement Board liens, not lot clearing or demolitions liens. Lot clearing and demolition fees and liens don't go before a Code Enforcement Board or a Special Magistrate, those come straight to the Commission here.

Commissioner Alexander asked so where did it come from, Ms. Arraiz's office?

Ms. Arraiz said yes.

Commissioner Alexander said he will just leave it until he gets to his.

COMMISSIONER ALEXANDER WITHDREW HIS MOTION. COMMISSIONER BECHT WITHDREW HIS SECOND.

Commissioner Coke said again, her concern is they need to paint everybody with the same brush. On 8 out of these 13 requests, they charged part of the administration fee and on 5 they didn't. They can't do anything about Item 24j because there is no administration fee charged on that and it is beyond her comprehension. But she would like to see them charge a minimal \$100 administration fee on the remaining items that she pulled based on the fact that she doesn't think it is fair to ask every citizen in the City to pay for the sins of a few.

Commissioner Nelson said he thinks a lot of these are on here because he has asked for them in trying to clear up some of their statements of accounts and liens that they have dating way back to the 1974 time frame. They have universally waived the administrative cost and interest and penalties. The objective is that of getting these monies paid so as to let the public who owns these properties clear up their properties and for the City to clear up their books. One in particular they had was this Wilson case dating back in the 1974 time frame when they were doing records manually with punch cards and that kind of business. He saw some of those and it was a monstrosity. So they are helping themselves administratively. He doesn't think the \$100 the Commissioner Coke is proposing was universally applied to others where they have waived fees. And it certainly is not going to be that much of a detriment to the people now, neither the people who are applying for them or the City, because they in most cases are getting thousands of dollars.

Commissioner Coke said she would put it to him that if he reads all of these - 24e, 24g, 24h, 24i, 24m, 24o, and 24q - Staff's recommendation is that the administrative fee, at least part of it, be paid. These are the only ones there is not an administrative fee. And her concern is, they had a gentleman stand right here a few weeks ago say they have to treat everybody equally. They are waiving all of the interest, they are waiving all of the penalties. But if they are going to charge some people part of the administration fee, they need to do it equally across the board.

Commissioner Nelson asked then why don't they just make it a total waiver of administrative fees, interest, and penalties for everybody?

Commissioner Coke said she for one would not be willing to do that. Why should she pay for Ms. Arraiz to go out and write up Code Enforcement liens on somebody's house, who then just lets this build and build? Why should she be paying for that?

Commissioner Nelson said that is her job, she is working every day.

Mayor Benton said maybe Ms. Arraiz can explain why there are different charges.

Ms. Arraiz said she thinks it has to do more with timing. Some items missed the agenda for last month that were already submitted and some were not. They took direction from the Commission at the last Commission meeting where these were addressed and so they started re-writing them to say this plus administration fee. So they kind of caught it halfway through changing their procedures to match what the Commission chose to do at the last Commission meeting. It was more of an issue of timing than of any intention.

Commissioner Coke said she would approve Item 24f with the addition of \$100 worth of administration fees.

City Clerk Steele asked is that all of them, or just that one?

Commissioner Coke said she can't do 24j because there were no administrative fees on there. But she would move approval of 24f, 24k, 24l, and 24n with an addition of \$100 worth of the administration fees be added back to them.

Motion was made by Commissioner Coke, seconded by Commissioner Becht:

To approve waiver of fines, interest, and penalties in the amount of \$2,901.36 against 1227 Avenue D, owned by Delores Williams, upon payment of code enforcement lien in the amount of \$5,789.16 plus \$100.00 administrative fee within 30 days.

To approve waiver of fines, interest, and penalties in the amount of \$1,591.00 against 1605 North 15th Street, owned by John E. Washington, upon payment of demolition lien in the amount of \$3,400.00 plus \$100.00 administrative fee within 60 days.

To approve waiver of fines, interest, and penalties in the amount of \$359.08 against 706 Dundas Court, owned by G. K. Baker Dixon, upon payment of lot clearing lien in the amount of \$88.12 plus \$100.00 administrative fee within 30 days.

To approve waiver of fines, interest, and penalties in the amount of \$1,779.40 against 1012 North 13th Street, owned by Joseph & Valerie Mercer, upon payment of lot clearing lien in the amount of \$1,287.29 plus \$100.00 administrative fee within 90 days.

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

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The next item considered was Item 24j, which had previously been removed from the Consent Agenda: Approve waiver of fines, interest, and penalties in the amount of \$275.68 against **1023 North 12th Street**, owned by Leo & Betty Robinson, upon payment of lot clearing liens in the amount of \$961.75 within 60 days.

Commissioner Coke said she pulled this basically to question why there was no administrative fee.

Ms. Peggy Arraiz, Code Compliance Manager, said that is what the Finance Department gave them.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve waiver of fines, interest, and penalties in the amount of \$275.68 against 1023 North 12th Street, owned by Leo & Betty Robinson, upon payment of lot clearing liens in the amount of \$961.75 within 60 days.

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

Mr. George Bergalis, Director of Finance, asked what was that comment? Finance does not get involved with Code Enforcement.

Ms. Arraiz said these aren't code enforcement liens. These are lot clearing liens.

Mr. Bergalis said the Finance Department doesn't assign administrative fees. They only take what is provided to them and that is what they use.

Ms. Arraiz said that is correct. But when the requests go in, they send a request to Kathy D'Arton for a breakdown and they use her breakdown as the basis for the...

Mr. Bergalis said he wants to make it clear that the Finance Department does not assign administrative fees to those. They take information provided to them and that is what they use.

Commissioner Alexander said that is what he is looking for, is a breakdown.

Commissioner Coke asked can Mr. Beach insure that whoever provides the information adds the administrative fee on to that?

City Manager Beach said he would like to say he can do that.

Commissioner Nelson said Mr. Beach has a memo out, he saw it the other day, addressing this same issue. As he recalls looking at it, it did not have Finance Department as an addressee on there at all.

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The next item considered was Item 24p, which had previously been removed from the Consent Agenda: Approve waiver of fines, interest, and penalties in the amount of \$197.16 against 2603-2605 Avenue H, owned by Pastor Leonard Wilson, Morning Star Missionary Baptist Church of Fort Pierce, Inc., upon payment of lot clearing lien and administrative costs of \$311.44 in 60 days.

Commissioner Alexander said he pulled this because he read this and his concern was the letter stating... And he is not questioning just because it is a minister and this is a church, but not only did he speak with the pastor of this church, he spoke with individuals that did the job. They said in this letter that the work was not done by the City. He spoke to two other individuals from this date which he thinks was 1998, the individuals that did the actual work and continue to do that same work. He spoke to two different individuals and had the assurance of two individuals that they had done the work. This church not only has rebuilt on that same site. His question is, if they got a C.O. (Certificate of Occupancy) for this new addition of the building or whatever it was, why wasn't this brought up then? This church has been rebuilt for the last two or three years. The minister is here tonight. Again, it is not about the dollar, it is about the principle of the thing. He is not going to allow anyone to sit here and speak of this minister as not telling the truth or there be an untruth told. He just wants this to go away. Because if they say the City didn't do the work in 1998, do they have the proof that the City did do the work? The total cost then was \$111.44. That is not what they requested. So his request is that this total amount be rescinded from this church.

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, to rescind the total amount.

Commissioner Nelson said the Reverend is here. Can he tell his side of the story?

**Pastor Leonard A. Wilson**, Morning Star Missionary Baptist Church, said he received a copy of this invoice in the month of July. It stated to him at that time that it was nine years

old and that lot clearing had been done. He witnessed the fact that there was a gentleman who they purchased the lot from, Mr. Fox and Dr. Carter, who sat back there and watched it. Then they got a call from the office here that the lot needed to be cleared, trees cut down to six feet. And there were no trees on it except for an oak tree and a palm tree and the bushes that were there were scattered. And they said to clean it up. They had blocks there that they got from the old block place down here that had closed.

Commissioner Nelson said he doesn't want to cut him off, but they are running short of time here. Does he have any receipts or anything where they paid anybody to do this work?

Pastor Wilson said Reverend Bradley and Reverend Smith did the work for them and did not charge them. They were helping him. He is saying that the City did not do the work.

Commissioner Nelson asked the City didn't hire anybody to do the work?

Pastor Wilson said no, they did not. Reverend Bradley and Reverend Smith pushed the grass for them with their mowers. Nobody from the City did that.

Commissioner Nelson asked there wasn't a private contractor?

Pastor Wilson said no. They never received anything from the City or anybody to pay.

Commissioner Nelson said in his opinion they ought to table this and try to do some research to find out exactly how this was handled.

Commissioner Alexander said his motion stands as it is. He doesn't have to table it or question a minister when he says it wasn't done.

Commissioner Nelson said they have situations like this. They had that sewage thing on Avenue Q and 27th Street with the U. A. That church had paid their monies to have water run out there and they had to prove to the Utilities Authority Director that they had paid it. They went back to the archives in the church and found some checks they had and it was resolved.

Mayor Benton asked Commissioner Nelson seconded the motion? He can withdraw his second.

Commissioner Nelson asked does the Reverend understand what he is saying?

Pastor Wilson said he understands, but he doesn't accept it.

Commissioner Nelson said he can go back, find some old receipts.

Pastor Wilson said he can't go back and find receipts.

Commissioner Nelson said maybe he can get some sworn statements or something. They don't question his word, but they do question his word because it is a legal matter. Maybe they can work it out.

COMMISSIONER NELSON WITHDREW HIS SECOND. MOTION DIED FOR LACK OF A SECOND.

Commissioner Coke said she understands Commissioner Nelson withdrew his second. She would agree with Commissioner Alexander wholeheartedly, she certainly doesn't want to be one questioning this gentleman's integrity here. However she thinks by statute the

amount they could legally waive would be the \$397.16. So maybe this evening they could waive that \$397.16 and ask that Staff bring the Commission a report and show where the City paid to get the job done.

Mayor Benton asked does Commissioner Coke mean the \$197.16?

Commissioner Coke said they can waive the \$200.00 administration fee and they can waive the \$197.16 (interest and penalties) this evening; and ask Staff to bring it back at the next meeting and show the Commission where the City has a paid receipt for that. Would that help?

Commissioner Alexander said the only thing he questions is that application says the City did not do the work. He spoke to this minister, he knows they have just redone their church. He doesn't know how many thousands of dollars they put into that church. And if there was an outstanding lien, why wasn't that lien brought up before a C.O. or anything was given as permission from the City to do business?

Commissioner Coke said she would be happy to waive it all this evening if they could get Mr. Schwerer to tell them they are allowed to.

Commissioner Alexander asked are they allowed to? He thought the Commission was the ruling...

City Attorney Schwerer said there appears to be some unsettled issue about whether or not the City paid for certain contractors to do work on this lot. The Reverend is saying that they paid someone else to do work. The City would need to show it has a valid lien which has been on the property for six years or eight years, he is not sure, he would have to look at the records. This is being brought up before the Commission. Normally they would not have a fact-finding process tonight. That was supposed to have been done earlier, but there was no earlier fact-finding process. If they want to waive interest and penalties, they certainly can do that. His recommendation is, postpone the waiver of the original amount, because that can't be done unless they can show that a clear mistake of fact was done in the lien process, i.e. meaning that the City did not do any work for which they are entitled to be paid. If that is established, then they can legally rescind the lien because the lien was placed in error. But only until they establish that. So they really need some report from Staff on whether or not this was a valid paid invoice or not. If it wasn't, then at the next meeting they certainly have the power to rescind the lien because it was placed in error. That would be his recommendation on the way they should handle it. Then they will have all the information before them that they need.

Commissioner Nelson said that makes sense.

Mayor Benton said they have heard the City Attorney's recommendation.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to waive \$397.16 in interest, penalties, and administrative costs against 2603-2605 Avenue H; and Staff come back with information on the lot clearing lien against the Morning Star Missionary Baptist Church of Fort Pierce, Inc.

Commissioner Nelson asked if they have to come back, why don't they come back with a clean slate, if that is what they want to do?

Commissioner Alexander said that is what he asked for in the beginning, but they questioned it. Whatever comes back, he would pay that out of his own pocket for Pastor Wilson, to the church.

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

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The next item on the Agenda was Mr. Charles Wilson, St. Lucie Association, to address: (1) The current budget; (2) The Florida Supreme Court decision regarding Redevelopment Agencies; and (3) A letter written by the St. Lucie Association to the City Attorney regarding agenda items.

**Mr. Charles Wilson**, St. Lucie Association, said first of all it is good that they can talk about something other than the budget for just a few minutes. That is all they have talked about for weeks and months it seems like. Commissioner Becht and he have been friends for a long time, he has known him since he was on the Planning Board. If he remembers rightly, Mr. Becht was a young lawyer and he was his only vote. So he hopes they can get by all of this when everything is passed.

Commissioner Becht said just don't insult his City without having his facts in order.

Mr. Wilson said he appreciates that. It concerns him that he would think he would give information that wasn't solid.

Commissioner Becht said the one that bothered him the most is the \$160.00 a month comment without defining what structure he is talking about. He was frustrated with the budget as it is because of things that happened with Staff. They are doing their best to promote the City of Fort Pierce. He doesn't want to harp on the fact that Mr. Wilson is not with them any more, he has moved to the County north of here. And for Mr. Wilson to come in here and he made the comment a couple of weeks ago that it is \$2,000 a year more in taxes and cited some article. He asked Mr. Wilson to reduce it to writing and send it to him, and he doesn't have it yet. And then tonight Mr. Wilson comes forward and says it is \$160.00 more than the adjoining counties. He is doing his best to promote Fort Pierce, to lower the millage rate, to try to keep the taxes under control. He thinks it was an irresponsible statement for Mr. Wilson to make without documenting what he is talking about. If he takes a 2,500 square foot home in Fort Pierce and he moves that home to Vero Beach or to Stuart, the assessed value on that house in either community - he thinks common sense is going to tell them - is going to be more than what it is in Fort Pierce. So even if they do have a lower millage rate, their end tax bill is probably going to be more than what they pay in Fort Pierce.

Mr. Wilson said that is the reason he got up is because he can document this. What he can refer them to, he did drop off copies. Unfortunately, apparently when they give something to the Commissioners, they have to give a number of copies to it and he didn't have 16 copies or 11 copies or whatever was required. But that will go into something else that he wants to talk about in a minute. He can refer them to Thursday, August 16, 2007, there is a newspaper article written by Henry Stephens with the Fort Pierce News Tribune, and on that same date he wrote an exact same article for the City of Vero Beach and the City of Stuart. He took all three articles - which here is a copy of it and he can't hand it to them over the dias - and he compared what the cost of each city was. It is simply a fact, at least at this time when this was written, it is reported as a fact by Henry Stephens who is a noted journalist, that comparing all of the cities up and down the Treasure Coast, those numbers he has given them are completely accurate. Because what it did show, it is not just the City of Fort Pierce and he thinks that may be where some of the confusion is, because it has to do with the amount of money they pay the county, the amount of money they pay the fire district, the amount of money they pay the city, it is the cost. In his article he references an estimated 2007-2008 property taxes in St. Lucie County based on a non-homesteaded single-family home worth \$250,000. So these are not his numbers. Before when he quoted these numbers, he has quoted this particular writer. The best he can do is give them that date which is August 16, 2007 and the writer who is Henry Stephens and he

is a journalist. The fact is that the total taxation on a \$250,000 house in the City of Fort Pierce is \$2,002 more than the total taxation on the same house in Vero Beach.

Commissioner Becht said wait a minute. When he says the same house, he is saying a \$250,000 house. His point is, that is not the same house in Vero Beach or in Stuart as it is in Fort Pierce.

Mr. Wilson said this is the kind of thing the Commissioners get to have a five hour meeting with their Staff and they all get to go back and forth. He gets four minutes to come up here and say...

Commissioner Becht said Ms. Steele is stopping the clock.

Mr. Wilson said typically when he comes up to say something, he can't explain everything about which house it is and how much it is because he only has five minutes. He would like to have this conversation with them in more depth. He doesn't want them to think he just pulled this number or irresponsibility took the number out of the hat. They have been doing every due diligence they can.

Commissioner Coke asked Mr. Wilson took the number out of the newspaper? Because therein they need to establish a level of credibility. If he went to the St. Lucie County Tax Collector's Office and said here is a 3,000 square foot home and they said this is the taxes on it, and if he went to Indian River County Tax Collector and got this information from a reliable, honest, forthcoming source, he might have a little bit more credibility.

Mr. Wilson said they questioned where he got it as if it was something false.

Commissioner Coke said she didn't.

Mr. Wilson said he told the Commission from the beginning that it came from a newspaper article. He will tell them again that it comes from a newspaper article. If they have different numbers, he would be happy to listen to them. However, trying to get information from different departments in the City of Fort Pierce is extraordinarily difficult. One of the things he had on the agenda tonight to talk about were three things - the budget, the second was Supreme Court information which they will talk about at the FPRA, and the third was the difficulties in exchanging information with the City of Fort Pierce for the public. One of the good things is that if they would move some of the public comments at the beginning they could probably have some of these conversations with the public and get them involved and they would be able to provide them with some of the information they request. But the way the current agenda is set up, they have no conversation with the public. He will give them an example. With the FPRA that is coming up on September 24th, there is no way for them to get on that agenda and speak before everything is already decided. Every other legislative body, every other council or commission on the Treasure Coast from Sebastian to Stuart, has public comment at the beginning of the meeting and they have a comment where they can have a conversation. Unfortunately, and he doesn't think it is on purpose for them, they just think it is going to be a shorter meeting. But the fact is that they really need to start having a better conversation with the people who live here. He was only born here, he only lived here for 30 years, his mother lives here, his family lives here, and he will probably back here in another year and a half. But that doesn't mean he can't speak on behalf of the people who have asked him to speak for them. The reason he is here to speak for them is because they are scared to do it. Maybe they should start thinking about that maybe it is not the people's fault to come up here and say things. Maybe they don't want to hear them. But they are not trying to give them a hard time. This is nothing personal. He likes every single one of the Commissioners. He thinks they have worked very hard at doing this. They have differences of opinion. For instance, their conversation.

If it weren't for the fact that there was a Public Hearing they talked about and now there is

a chance for them to have a conversation, it would have gone left unsaid that they were giving false information. If the information is correct, it is the fault of this reporter. They have already said where the information came from. As far as the confusion between FPRA and the City Commission, it is not like they all are different people, they are sitting on both boards. This article from the newspaper that quotes the City Manager as cutting six positions so they can assist in cutting the General Fund of the Fort Pierce budget, came from FPRA. There is a lot of confusion about the difference between FPRA. He is starting to understand it. Lastly, in his little second here he would like to help Commissioner Becht, he may not like it. He mentioned their mission statement as the St. Lucie Association has to do with taxes and spending. When he was at the County Commission, Commissioner Coward and he had a discussion about impact fees because they had a reference to impact fees on their websites. He was deeply involved in the impact fee issues in Indian River County. He completely understands how those are figured out, he knows the chart they are talking about. He understands that may or may not be in his board's mission statement. He will ask them, but they would be happy to participate in that kind of event, talking about impact fees, because he is right, if there is going to be a bullet taken from business, they would be the ones to take it because he represents a group of homeowners and taxpayers.

Commissioner Becht said it was precisely that point that he wanted to have Mr. Wilson's organization in the room, because the impact fees are going to be fought by business, but the harm will be suffered, in his opinion, by the homeowner.

Mr. Wilson said that was County Commissioner Coward's position and they have agreed to meet with him and others to consider the pros and cons of impact fees. The one thing they want to avoid is, they don't want to just find another source of money, another pot of money, to be able to feed the monster. If it is a case of raising money that also doesn't harm business, that evens things out for the overburdened homeowner, then he thinks their organization will probably agree with their position. They are not always in opposition.

Commissioner Becht said he doesn't have a position yet. The only position he has is he wants discussion on it.

Mr. Wilson said they will be happy to make that discussion and will be happy to participate any time. But it would be helpful if it was a little easier. He would like one of the Commissioners to consider making a motion at some point to change the agenda to allow that. Because that is where they have had some of the difficulties and that is why they have quarrels, is because he gets up here at the end of a meeting and in five minutes he has to say whatever he is going to say, they are going to give him an answer and then they are going to make him sit down, then they can say anything they want to again. Besides the good news is, if they do this and change the agenda so people can actually come and speak for themselves and feel comfortable, they can get rid of him and that is probably a pretty good incentive to do that.

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**Ms. Marcia Baker** said she was very glad to see Mr. Wilson's mother here representing the St. Lucie Association because that was the first time that a City homeowner/taxpayer/voter has been here representing the Association, and she believes his sister also. She wants to apologize first to Commissioner Alexander. She believes he misunderstood or missed what she had said before about people outside the FPRA District not paying their fair share of the police protection within the FPRA. She did not imply - and she was corrected - that all the taxes that come from within the FPRA District can be attributable to going to the FPRA. Her taxes that she has been paying for 18 years haven't changed at all because the assessed value of her property hasn't gone up. She was referring mostly to the South Beach area, not to the other parts of the City. What she was referring to was the incremental increase in the values, that tax dollars are not going into the funds to pay for the public works and police protection. She doesn't like

misrepresentations either; and although she certainly doesn't want to get into any arguments, Mr. Wilson did make one comment that nobody else here seemed to pick up on. Mr. Wilson said that the City paid the Fort Pierce Redevelopment Agency \$600,000 in the proposed budget. It is the other way around. That is revenues coming in from the FPRA to the City. It is in their annual budget Detail Summary of Revenues into the General Fund. She just wanted to make that clear that it was an absolutely blatant misrepresentation and she will leave it at that. She would like to bring up two items, one is television. Somewhere along the line a contract was signed to have telecast meetings. There is a contract that presumably has some kind of a time limit, the amount of meetings or so forth, and somebody somewhere is deciding which meetings are being telecast and which aren't. She doesn't know who is in charge of that and where they stand on the time limits and so forth. But she would suggest that somebody take a look at the prioritization of what is being telecast and what isn't. She would much rather have seen the budget hearings than the Code Enforcement hearings. And if they have a limit as with the amount of minutes they have on the cell phone and over that they have to pay, then somebody has to choose what they are going to be showing to the public. Then she would like to talk about parking. Maybe it is too late now with the new parking garage, but she would like to suggest that the Planning Department or whoever starts looking into public electric charging stations for vehicles and for the little electric scooters and things like that. They have them in many other communities, mostly in California. They are doing them in other areas. They can have them coin-operated and credit card operated and produce a revenue. She thinks the amount of parking problems they have, in her opinion, are going to be disappearing one way or the other - maybe not right away - 10, 20, 30 years. She thinks they have to start looking toward the future with different types of transportation. And when they are putting up garages or putting parks or public areas, they should have facilities to charge up the vehicles that are going to be in use.

Commissioner Becht said the new parking garage here is supposed to have - he doesn't know what Mr. Ward negotiated - but they are supposed to have four or five there. That is what they talked about when they approved it. He doesn't know if it got into the plans or not, but they did talk about it.

Ms. Baker said she was talking also about not only for electric cars, but for electric chairs, personal transportation devices, scooters, electric motor bikes. There is a lot of them around. More people would be coming downtown from all over the City on their electric transportation devices if there were a place for them to recharge.

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**Mr. Bob Swisher** said he is the President of the Downtown Business Association. Mr. Margotta gave him some information the other day regarding the opening of **Orange Avenue** (which has been closed during construction of the Downtown Parking Garage). Businesses are very concerned that now it is pushed into the middle of October. They are wondering if there is any way that the City can help out with some signage possibly to direct people that the corridor of Orange Avenue is open or get some assistance, and also if in fact it is going to be until the middle of October. September is a bad time anyway for most businesses. This really is hurting those in that corridor quite significantly. So if the City can help with that, it would be very much appreciated.

Mayor Benton said he is glad Mr. Swisher called him about that. He did speak with Mr. Beach and Mr. Beach did speak with the contractor. He wasn't really happy with what the contractor had to say. They are hoping that the contractor will at least work with them. He is sure signage would be something they could do. But if they can do some of this operation, bringing in this rock... Is that what they are bringing in around the footings?

City Manager Beach said it is a number of different materials that have apparently put a cramp in their timing for moving off Orange Avenue. As they understand it today, they are looking at the middle of October. They are currently reviewing the possibility of

accumulating all of that material at one time and letting it accumulate somewhere else and open up the street for some period of time while they can, but they are evaluating that as to whether or not that can occur. What staff is trying to do is avoid increasing the cost of the garage and also avoid adding time to the construction of the garage. Mr. Margotta and his folks recognize the inconvenience and the problem this is creating for the downtown community and they are actively looking for alternatives with the contractor. If Mr. Swisher would make some suggestions separately to Mr. Margotta on the signage, he would work with the contractors to see that it takes place, if that would be helpful.

Mr. Swisher said that would be very helpful.

Mayor Benton said he would hope with the lay down area they have across the street, the future site of the Federal Courthouse, if any of this stuff can be done after hours or maybe on the weekend, he would hope there wouldn't be any additional cost. He doesn't know if there was a time frame in their contract when the roads would be closed or not; but going into the winter season, they just need to avoid those road closings. Hopefully the contractor will work with the City.

Commissioner Coke said she was going to bring up Orange Avenue. Could they please get a report on why there is a delay? Signage up and down U.S. #1 says Orange Avenue reopening September 14th. Her phone is ringing off the hook. She is sure these people have a time of the essence clause in their contract, so they need to stick to it, and that includes being considerate of the businesses.

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Commissioner Coke asked can they please tell her when they are going to have an update on the **park design** in a public forum?

City Manager Beach said they can do that.

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Mayor Benton said when they compare stuff in the paper, he just wonders when it comes to taxes if they compare the whole list of items, instead of just the County General Fund and the School Board. When they look at a lot of their additional County taxes - the jail, erosion control, mosquito control, there were bonds that the County went out on that the voters of St. Lucie County supported which probably don't exist in Indian River County or in Martin County. He doesn't know whether they have mosquito control the way St. Lucie County does. Also, South Florida Water Management District. And St. Lucie County Fire District is one of the few fire districts that are countywide. Look at Children's Services Council. To him, that is what he looks at. It is hard to believe what he reads in the newspaper all the time, they don't always give the whole story.

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There being no further business, Mayor Benton declared the meeting adjourned at 10:55 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER