

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON MONDAY, SEPTEMBER 19, 2005.

Mayor Benton called the meeting to order.

Reverend Sharon Britcher, Mustard Seed, gave the invocation.

Mayor Benton said he would like to thank Reverend Britcher for all that Mustard Seed does for the community and especially in the last year since the hurricanes. They helped a lot of people out at a time of need and she does that all the time, but especially up to those two hurricanes. This last year has been very difficult and she has been a helping hand in this community by her organization.

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.

Mayor Benton proclaimed September 26-30, 2005, as "**Racial Equality Week**". Ms. T. A. Wyner was present to receive the proclamation.

Ms. T. A. Wyner said her associates are Alex and Samantha Roland. First she wants to thank the City for allowing the group to have the Harry Potter party in the lobby of City Hall on September 30th. First of all, the last week of September happens to also be for the National Library Association, every year it is Banned Book Week. The Harry Potter books have been challenged very often. And there are characters within all the Harry Potter books who are discriminated against. So they are taking the opportunity and putting the two events together; that is, Banned Book Week and Racial Equality Week. They are going to use the Harry Potter books to make that lesson in racial equality. That will be at 5:30 p.m. in the City Hall lobby. So everyone is invited to be there and bring their children, have a wonderful time, and take some time for the lesson of racial equality which is still so important today. She thanks the City again for allowing them to use the lobby. The last time they had a Harry Potter party for the National Library Association, they had over 70 children in the library's meeting room, which was a little cramped; so with another book just recently released, they expect even more children. They have actually put it at 5:30 p.m. so that working parents will be able to pick their children up and get there as well. She hopes they will all be there.

Mayor Benton said he looks forward to this. He learned a lot about Harry Potter last week when he asked what does this have to do with Racial Equality Week, and he was educated a little bit. He has a son, but he guesses he didn't explain it all to him, so it will be interesting.

Ms. Wyner said that is great. When the kids can explain it, that is a really great lesson.

Mayor Benton proclaimed October 2-8, 2005, as "**Public Power & Natural Gas Week**". Mr. Elie Boudreaux was present to receive the proclamation.

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

Card from Sharon Pahl thanking Travis Gibbons, City Planner, for

his help and information.

Letter from Christopher Dzadoovsky, President of Hibiscus Park Crime Watch & Homeowners Association, thanking Deputy City Manager David Recor, Ramon Trias, Anna Brady, Reggan Ellis, Dianna Rose, Czarita Ghent, and the Planning Department Staff for their help with the Hibiscus Park Charrette.

Letter from Kelly L. Parrish expressing appreciation to Fort Pierce Police Officer Jeffrey LaShorne for his outstanding work on South Beach.

Letter from Captain Terry Barcelona, Fort Pierce Police Department, in appreciation of Fort Pierce Police Officer Brian McNaught for his help provided to the Fort Pierce Police Department Records Division.

Letter from Patricia A. Brown, Program Director for Project R.O.C.K. North, to Chief Eugene Savage, in appreciation for the contribution of twelve Laptop Computers by the Fort Pierce Police Department.

Letter from the Main Street Fort Pierce, Inc. Reverse Raffle Committee Members thanking Fort Pierce Police Chief Eugene Savage for his donation of Police Chief for a Day.

Memorandum from Ramon Trias thanking David Recor, Deputy City Manager, Anna Brady, Historic Preservation Officer, Czarita Ghent, Executive Secretary, Dianna Rose, Administrative Secretary, Tim Harrington, Historic Preservation Planner, Jerome Spivey, CADD Draftsman, Joseph Murray, Draftsman, Reggan Ellis, Neighborhood Coordinator, Paul Williams, Urban Forester, and the Employees of the Public Works Department for their work during the Hibiscus Park Neighborhood Charrette.

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

Commissioner Nelson said he would like Item 8b (Independent Contractor Agreements) and 8c (Professional Services Contract) removed for discussion.

Commissioner Alexander said he would like Item 8f (Remodeling of the Second Floor of City Hall) removed for discussion.

City Clerk Cassandra Steele said there is an Agenda Item 8l (Demolition of 419 Orange Avenue) that needs to be pulled and moved to Agenda Item #32.

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

a. Approve the Minutes of the Special Joint Meeting on August 29, 2005; and the Minutes of the Regular Postponed Meeting on September 6, 2005; and the Minutes of the Special Budget Meeting on September 7, 2005.

d. Approve travel and attendance for Commissioner Nelson to the Florida League of Cities 45th Annual Legislative Conference on November 16-19, 2005, in Orlando.

e. Approve travel and attendance for Commissioner Alexander to the

Florida League of Cities 45th Annual Legislative Conference on November 16-18, 2005, in Orlando.

g. Rescind Code Enforcement Board fine and lien in the amount of \$5,600.00 against 642 South 13th Street, owned by Patricia Farmer, upon payment of the administrative costs of \$938.47 within 90 days.

h. Authorize application to the Florida Department of Transportation by the Fort Pierce Police Department for the 2005/2006 Highway Safety Funds Subgrant for Aggressive Driving.

i. Approve Settlement Stipulation and Agreement between Harbour Isle Development and the City of Fort Pierce regarding Building Permit Fees.

j. Accept renewal proposal from Cecil W. Powell & Company and Cigna Group Insurance for the continuation of the Police Officers' Statutory Death Policy.

k. Accept renewal proposal from the Florida League of Cities and Brown & Brown Insurance on behalf for the Florida Municipal Insurance Trust (FMIT).

m. Authorize piggy-back City of Port St. Lucie Bid for purchase of a permanent two-unit pre-cast concrete flush restroom for the Indian Hills Golf Course, with CXT Pre-Cast Products, Inc. in the amount not to exceed \$34,593.10; Department has applied for reimbursement through FEMA. Bid No. 5549.

The next item considered was Item 8b, which had previously been removed from the Consent Agenda: Authorize City Manager to execute Independent Contractor Agreements for inspection and plan review services for the Building & Community Response Department: Daniel Gargas, Edward Bock, Ronald D'Orso, Danny J. Hawkins, and Jeffrey Handley.

Commissioner Nelson said he met with staff earlier today in a haste to try to get a handle on this idea of contractors and inspectors in the Department. He wasn't totally satisfied, but somewhat satisfied. The total cost for these five people, what is that projected to be and from what source will they get these monies?

City Manager Beach said that will come from their General fund, from resources generated by Building Permit fees. That total amount will be determined once they know how long these positions are going to be on board. The reason why they have these as contractual positions is that they do not know how long they are going to need them. They have had a tremendous demand, as they are well aware, as a result of hurricane damage and having to issue building permits, review plans, and make inspections on that basis.

The City intends to leave these contracts in place as long as it is necessary, but he can't tell them what that time frame is because it is based on demand.

Commissioner Nelson asked to give some idea of what they can do in the area of extrapolation, what has been their influx of activity to date of permits, plan reviews, etc.?

Mr. John Alcorn, Director of Building & Community Response, said from the period of August 1, 2003 to August 1, 2004 they issued 2,452 permits. In the recent year for the same period, they issued

8,867 permits. In that previous year, they did total inspections of 5,685. In the past year they did 13,450 inspections. With the current contractual inspectors, they are able to keep up.

Commissioner Nelson said his work load has increased a little bit.

Mr. Alcorn said a little bit. It could give somebody a heart problem, yes.

Commissioner Nelson asked in the area of the pay of these people, what are they talking about paying them. And where are they from? Are they providing jobs for their local people or are they going out to here and yonder? They have a fairly high unemployment rate here in town.

Mr. Alcorn said first thing is, they have to be State Certified. They have to meet certain requirements to be State Certified. One of the problems they have had in the past is finding qualified people locally; therefore, some of them have moved from other areas of the country and are now residence of this area. They are working under contract. Actually the cost of \$30 per hour the City is paying them for the hours they work is less than if they were a City employee with the benefits, such as a vehicle and many of the other benefits they would get. The alternative is...

Commissioner Nelson said \$30 or \$35 an hour is sort of high pay. They can buy one of these medium priced homes for about \$250,000 he guesses. But to compare that with what the City is paying their own people, and the fact that Fort Pierce has higher unemployment rates, did they really make a search to determine whether or not they had people who could qualify for those jobs locally?

Mr. Alcorn said yes. They have run ads in the papers. They still have an opening for a City employee, for instance, for a Building Inspector position that is unfilled, the same with Plan's Examiner.

Commissioner Nelson asked by large, where do these people come from, generally speaking?

Mr. Alcorn said one from Maine who has a second home here on the Island, who is seasonal resident. Another one from the Island here in Fort Pierce. Another one came from Massachusetts and another one came from Ohio.

Commissioner Nelson asked did he say one from Fort Pierce?

Mr. Alcorn said yes, Jeffrey Handley.

Commissioner Nelson asked training to become State Certified, is it done locally or do they go to school to get this training?

Mr. Alcorn said they have to have experience and pay for their own training and education. The City does not pay for that education under this contract.

Commissioner Nelson asked so they are trained before the City hires them; or they come from out of State and certified some kind of way?

Mr. Alcorn said yes. It is very difficult. They have to have so

many years of experience plus they have to pass some rigid national test plus the Florida Principles & Practices Exam.

Commissioner Nelson asked who administers that test locally?

Mr. Alcorn said the closest one is in West Palm Beach. It is done by the State Department of Professional Regulation, the Licensing Board for the State. They regulate that.

Commissioner Nelson said he is pleased to hear about the increase in building permits and fees and all. He is sure it is going to offset this cost, so he has no further questions on this. For the record, Mr. Alcorn has answered to his satisfaction at least some of his concerns. It is always good to try to take care of their own people.

Commissioner Alexander said he is just looking at the chart they have listed here on the memo. He is looking at one individual that is making \$35 an hour and his annual is \$80,800. And he is looking at another individual who makes \$30 an hour and his annual is \$62,400. What is the difference?

Mr. Alcorn said the difference is the qualifications they have from the State. For instance, the one at \$35 can act as Deputy or backup Building official, where the others at \$30 cannot.

Commissioner Alexander asked does the City have a Deputy Building Official?

Mr. Alcorn said they do and he just received his certification this week from the State.

Commissioner Alexander asked is the City going to be hiring this individual for another 12 months at the \$80,000 plus?

Mr. Alcorn said at \$35. That is the worst case scenario based on working 52 weeks a year, full time. In reality, it is probably less.

Commissioner Alexander asked the chart he is looking at is from 2004-2005, right?

Mr. Alcorn said yes.

Commissioner Alexander said this is not going to be what they are going to look at. What is the price range of what they are going to do for the next 12 months? What is his estimated cost?

Mr. Alcorn said the maximum would be \$80,800.

Commissioner Alexander said no, he is talking about all of them together.

Mr. Alcorn said \$223,104.

Commissioner Alexander asked Jeffrey Handley is a local person and he is only going to be here for two months?

Mr. Alcorn said yes, under this contract. Mr. Handley has been approved to be a City employee and they are waiting for the paperwork to be processed. So it may be less than two months under the contract. He would then go over to be a City employee. And he

is a Fort Pierce resident.

Mr. David Recor, Deputy City Manager, said he believes one of the questions asked had to do with the amount of money. He thinks he could clarify that. If they look at the details of the contract, the hours of each one of those employees is different. For example, Mr. Gargas is approved by contract for 44 hours at the hourly rate; and that may be why that annual salary, the contractual agreement is what it is, versus another position that is approved at 40 hours. He thinks that is what Commissioner Alexander was asking, about is the difference in the total compensation. Whereas one of the other positions that was approved is actually budgeted at an annual rate, but it will only be for part of the year.

Commissioner Alexander said but they are still doing the same job. It is the same job description.

Mr. Recor said yes, that is correct.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to authorize the City Manager to execute Independent Contractor Agreements for inspection and plan review services for the Building & Community Response Department: Daniel Gargas, Edward Bock, Ronald D'Orso, Danny J. Hawkins, and Jeffrey Handley.

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

The next item considered was Item 8c, which had previously been removed from the Consent Agenda: Approve extending existing contract with **LM Engineering, Inc.**, d/b/a GFA International, Inc., Boca Raton, Florida for professional services for FY 2006 in the amount of \$81,120.00 for Safety Inspectors.

Commissioner Nelson said he contrasts this with the \$223,000 projected for the previous action (Agenda Item 8b) and the possible \$81,000 for this action. Granted, this appears to be an extension of an existing contract, but could they elaborate on this somewhat?

Mr. John Alcorn, Director of Building & Community Response Department, said this is at the rate of \$65 an hour. Most of the companies are charging \$75 to \$90 per hour. That is why, when they were able to make separate contracts with the other individuals at \$30, it was a cost savings to the City. When they worked with the companies that supply the professionals, this kind of rate is involved. This is based on three days a week. This is for Plans Examiner services. The City currently still has a position open and they are unable to fill it because they just have been unable to find someone who is qualified per State regulations. In reality, they are using this person two days a week; but the dollar amount is for three days at the worst case scenario.

Commissioner Nelson said he is trying to be as much of a people's person as he possibly can. The City has people on staff now as employees who are making a certain amount for working a full 40 hours, five days a week. He must contrast what they make working five days a week versus what another guy makes on the outside working only two or three days a week. Is he being subjected to a probability that he might have some disparity or morale problem due to these type of differentiations?

Mr. Alcorn said no, because that is what the company gets, that is

not what the individual gets. Over time they have had different individuals, but the current one has been working with them for quite a few months and it is working very well. If they look at the number of plan reviews they did one year ago - 2,452 versus 4,434 in the last year - it really has been a big increase.

Commissioner Nelson said if he were to set this contract guy on his left and this regular employee on his right, and both of them had to go out and buy milk and put gas in their cars and then come in and talk to their wives at night, who does he think is going to be the happier person?

Mr. Alcorn said he doesn't know if the one who works for the company that charges \$65 an hour makes more than \$30 an hour. He doesn't know what his benefit package is. He doesn't know his salary.

Commissioner Nelson asked obviously the company is going to give him some kind of benefits, right?

Mr. Alcorn said in this case, yes.

Commissioner Nelson said so the company guy is going to be making considerably more than the City guy.

Mr. Alcorn said he may be, with the benefit package. That is a problem statewide with these companies where they are taking local building inspectors and hiring them, giving them signing-on bonuses of \$5,000 and so forth. So it is competitive.

Commissioner Nelson said the trend is, like in the Police Department, they go out and train people; and the next thing they know, private industry will pick them up at the City's expense and they have to go through the cycle again. He would think that the City's focus should be - he knows it is a drawback - but they should be trying to get competent staff to stay here for a sustained period of time. It is cost-effective in the long run to have their own. Because when they train a person, send them to school, and all this kind of business...

Mr. Alcorn said the only way to keep them is to use Commissioner Nelson's philosophy, keep them happy, happy, happy.

Commissioner Coke said just for her own clarification here, it is her understanding that the City employees are guaranteed a salary every week. These people the City is hiring are neither guaranteed a certain number of hours per week, nor are they guaranteed that they will be here in six months or five years, when the building boom slows down and they don't have the benefit of Civil Service Appeals Board or City health insurance or anything else. Although a City employee may be wanting to make that \$65 an hour - and she doesn't know how they are going to raise taxes to get to pay that - however, they have benefits. They have the fact that they are here, they are secure in their job, they have a Civil Service Appeals Board, they have health insurance, they have City benefits, and they are protected. Basically, they have job security. Whereas these other people, if nobody came in and applied for a building permit for the next six months, they would be gone.

Mr. Alcorn said right. Commissioner Coke is too young to remember,

but Commissioner Nelson remembers when interest rates went high and the economy went down.

Commissioner Alexander said Mr. Alcorn has an amendment to Section 5 of the Contract. How did that come about?

Mr. Alcorn said they worked with the City Attorney. And also the dollar amount changed.

Commissioner Alexander asked how did that come about? Is this for the new contract?

Mr. Alcorn said it was the time period and the dollar amount, but not the dollar per hour. The dollar per hour figure stayed the same as last year.

Commissioner Alexander asked then how did they get the difference in the figures if they are going to stay the same?

Mr. Alcorn said they came up with the \$81,120 by using three days a week at eight hours a day.

Commissioner Alexander asked what were they doing prior contract?

Mr. Alcorn said the prior contract came about during the storm and it was well over \$100,000 for last year. And at the beginning of that, they had quite a few inspectors working from that company, not just one. At this point, they only have one who is working two days a week.

Commissioner Alexander asked so if they combine the inspectors they are hiring on the last contract (previous Agenda item) at \$223,000 plus the \$81,000, they are talking right at...?

Mr. Alcorn said \$300,000. And the permit revenue is adequate to cover that.

Commissioner Alexander said he is just letting him know he will be paying attention to these raises that they do not exceed \$62,000 and they turn right around and they do not exceed \$80,000. That is the mathematics, he guesses. He is not a mathematician, just a mortician.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve extending existing contract with LM Engineering, Inc., d/b/a GFA International, Inc., for Professional Services for FY 2006 in the amount of \$81,120.00 for Safety Inspectors.

Commissioner Nelson said on a discussion note, he would like to have the City Attorney please indicate that their liability in a form of a disclaimer or something to that effect has in fact been satisfied. He would like to have the City Manager review the fact that they are not facing any minimum backlash by fellow employees who are doing the same thing as these contract employees.

City Manager Beach said as their Building Official indicated, this contractual arrangement is with the company and the pay goes to the company; and the company then works out whatever their arrangement is with that specific employee. He has received no feedback at all in regards to any problem with this. It seems to be working fine.

Commissioner Nelson asked about the City Attorney's disclaimer?

City Attorney Schwerer said he is not sure of the question. The contract is on approved form. They have given the required insurance certificate. He has signed this approved as to form and correctness. They are insuring and showing they have liability insurance for the job they are doing.

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

The next item considered was Item 8f, which had previously been removed from the Consent Agenda: Appropriate \$200,000 from the General Fund fund balance for the **Remodeling of the Second Floor of City Hall.**

Commissioner Alexander said he thinks staff tried to explain as best they could for him today as far as what is going on on that second floor. But his concern and next question - and he didn't get an opportunity to ask the staff today - they are refurbishing the whole entire second floor, what about the furniture and what about the equipment? They haven't put a figure on those?

City Manager Beach said there has not been a figure placed on furnishings and equipment.

Commissioner Alexander asked why not?

City Manager Beach said they haven't worked through to that point yet. They can probably put that together because they know the number of employees they are trying to accommodate.

Commissioner Alexander said it is not the employees. It is the rooms and the different offices. They know exactly what they are putting there.

City Manager Beach said that is what he is saying, they could come up with that figure, but they have not.

Commissioner Alexander said that is what he is asking. Why not?

City Manager Beach said they haven't reached that point where they are in the process of doing the furnishings and purchasing the equipment.

Commissioner Alexander said if he comes back to him with \$100,000 worth of new furniture, somebody is going to have their feelings hurt probably.

City Manager Beach said he doesn't know what the figure would be, but certainly that is going to be necessary if they are going to expand that floor to accommodate these additional employees.

Commissioner Coke said she doesn't think it would be any place close to that amount of money. However, she thinks they could do the whole building for that kind of money.

Commissioner Alexander said \$200,000 would build two or three affordable homes.

Commissioner Becht said he is in favor of this; but he would ask that as they go through this process that staff consider what are appropriate security measures that they might include into these

plans. He had a Department Head mention to him recently that she was working in her office and looked up and there was somebody in her office who really didn't belong there. He doesn't know what appropriate security measures are. It is a public building and he would like to maintain as much of that sense of it being a public building while at the same time balancing the security interest of their personnel.

Commissioner Nelson said he looked at that \$40,000 for A/C and \$45,000 for drywall. He thought those should be looked at more closely. Let him add, one has only to go down on that second floor and look at how people work down there and the cramped space they are in. It certainly does not lend itself to good working conditions. And he applauds staff for taking the time to look at the needs of their employees and come up with a place of work where they can proud doing their work. He addresses very much the cost, but he thinks the human need for these type of facilities or accommodations are apropos with the work they have to do.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to appropriate \$200,000 from the General Fund fund balance for the remodeling of the Second Floor of City Hall.

Mayor Benton said he would venture to say that when this is all done with, if Public Works keeps a record of this, it will probably come in under budget, knowing the way their Public Works Department does business.

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

Commissioner Coke asked would it appropriate at this time to ask that the Commission consider moving Agenda Item #19 to this point?

Mayor Benton said they will have to ask the City Attorney if they can pass up the Public Hearings?

City Attorney Schwerer said the Commission can do that if they want to. The Mayor can rule that the item can be considered. He understands there is a large crowd of folks here for that item and it may lend to moving to the rest of the Agenda fairly quickly later.

Mayor Benton asked is that agreeable to the Commissioners? (The Commissioners agreed.)

Commissioner Nelson asked could they have a show of hands of all those people who are here for the Pleasure Cove item? (Approximately 100 people raised their hands.)

The next Agenda item considered was Ms. Jean Donahue to present concerns of the Pleasure Cove Mobile Homeowners, Inc.

Ms. Jean Donahue said she is the President of Pleasure Cove Mobile Home Park, Inc. They are an over 55 community, most of them in their 70's and 80's. She suspects she could probably qualify as their mom or maybe their grandmom, she is up there pretty good. But they all keep on keeping on and they have a lot of spirit; but they are really upset about this situation. She has made some notes here that she wants to bring before the Commission, not because she is ever at a loss of words as most of her friends will

tell them, but because she wants to bring some things to the Commission that she thinks are pertinent and she doesn't want to forget them. They are a not-for profit Florida Corporation. They are a diverse community for races, colors, religions - it doesn't matter - they are an open community. One thing they all have in common is they are going to be evicted. She is in the park for 18 years. Some folks are here even longer. It is a pretty hard pill to swallow at their age, as they are going to be thrown out in the street. One thing she wants to bring before them is, they do pay taxes. They don't get credit for it. A lot of people think they don't pay taxes because the park owner or the land owner is billed for the taxes. But he passes it on to the residents in ridiculous rent increases. So they do pay their fair share. They don't use the roads as much as other residents do. They don't use the schools and the school busses. So she thinks they do pay their fair share. They chose to live in a mobile home park because it was what they could afford. And they chose to live there because it offers them a lot of activities, camaraderie, and a life style that at their age they look forward to the golden years, but that seems to be a bit tarnished these days. It is becoming an epidemic in this City and she is sure they all know that. The Causeway Mobile Home Park, those folks were thrown out with no place to go, no compensation. They came to Pleasure Cove and they are going to be evicted again - no place to go, no compensation. In all due respect, today it is Pleasure Cove residents, tomorrow it could be the Commissioners. The only difference is, they are on an owned site home probably and they will get fair market value. Pleasure Cove residents will not. They were notified on July 8, 2005, that their park was sold to Fort Pierce Homes, LLC, et al. The attorney for the former owners told them they thought the new buyer's intention was to keep the property as a mobile home park. This of course, like many other promises that developers make, turned out to be untrue. On July 22nd about 7:00 p.m. in the evening they discovered a notice of eviction taped to their doors. Some of their folks were up at their community hall having a night out playing bingo. They came home in the dark to find these notices. It was quite a shock. On July 17th they requested in writing a meeting with the new owners, who never did show. On August 18th a month later, the owner finally agreed to have the representatives meet with the residents. The representative is Riverstone Communities of Fort Lauderdale. They informed the residents that they had to be out of their homes by February 1, 2006. They told them if they did not leave, they would have the Sheriff physically remove them and they would be incarcerated. There is a 90 year old blind lady. Are they going to take her out in handcuffs? It is ludicrous. They have tried to intimidate the residents, they tried to scare them. They ride through the park and glare at them. One of their employees even had enough nerve to approach two ladies when he went to put the notice on their door and they asked who he was, which rightfully they should ask who is coming up their driveway, and he said he is the guy who is going to throw them out. He was quite proud of that. And the folks are scared. They are trying to intimidate the residents and they don't like it. This is abuse of the elderly, in her opinion. Where are the folks to go? If they put them in jail, she guesses maybe the City and County is going to have to pay for the chemo test that one of their ladies has, riddled with cancer, who would have been here tonight except she was taken to the hospital in an emergency situation. Many of them take expensive medicines, so somebody is going to have to pick up the tab if they are going to put them in jail. The City has no affordable housing, they all know that. After the hurricanes of 2004, those who were lucky enough to have insurance or FEMA help

spent many thousands of dollars to repair their homes. They no sooner got their homes repaired and they received the eviction notice. She is sure these folks knew what they were going to do and they let them repair their homes with thousands and thousands of dollars. Many of their residents do not have the means to relocate and some of them have mortgages. Are they to pay for a home that is going to be demolished? They can't borrow money because they are already borrowed out. They are in debt. This will have a domino affect on their community, on the banks, and on the lenders. They have the support of many folks and business owners in the surrounding community. She has with her tonight pages and pages of names, over 2,000 to be exact, and they have only been doing this maybe for ten days and they have more petitions to come. (Ms. Donahue did not formally submit the petition to the Commission.) Folks just didn't get a chance to bring them over to them. People strongly object to this eviction, whether they live in Pleasure Cove or another mobile home park. It is an epidemic. It is going to happen, no doubt about it. She thinks that to allow their folks to lose their homes and what they have worked hard for all their lives would be a black eye on this City, it really would. It would be a disgrace and she thinks they deserve better. When site plans from the developer are submitted, and to her knowledge those haven't been submitted as yet, but she is sure those will be. They will probably try to get most of the residents out before they do that. But when the site plans are submitted, and she doubts he will build anything they can afford, the residents ask that the City Commission try their best to curtail any action in this case and not move forward until someone takes responsibility for relocating the residents of Pleasure Cove and see that they receive comparable housing. She thanks the Commission for their time and their consideration.

Mayor Benton said for the record, he wants everyone to know that several weeks ago Ms. Donahue and her Board of Directors sat down with him. Because when he saw the article in the paper, he felt seniors, veterans, and citizens - the City owes them. They don't owe developers from out of town or out of state. They had the City Attorney in this meeting. They were looking at, is there something they can possibly do? Yes, they can make the developer's life miserable if he is looking for a rezoning. But is there something they can do? Knowing several years ago when the City closed down ABC Mobile Home Park, at that time it took two years. He guesses that time frame was set up by the State Statutes. He guesses now it is six months. So he has asked the City Attorney, who is continually looking into it. He has spoken to Ms. Donahue's attorney tonight. Any kind of solutions or anything the City can do to help on this. This is an injustice, what was done. They rebuilt after the hurricanes. He thinks it would have been a little easier if they would have said something three weeks after the hurricanes before everybody got their insurance check and rebuilt and then finding out they can't move their homes.

Ms. Donahue said most of them are too old.

Mayor Benton said he would imagine the same owner owns the park to the south and that is probably next unfortunately. So if there is anything the City can do. And that is why he has asked their attorney, because he saw yesterday in the Palm Beach Post there are several mobile home parks in Palm Beach County this is happening to. So their hearts are there for them and if there is anything this Commission can do - and he can speak for everybody up here - they will do what they can, because they owe the residents.

Ms. Donahue said she appreciates that. She doesn't even feel like that. It is very generous of him to say they owe them all. But they told the residents as a matter of fact that they would move them, but at the residents expense. Her interpretation of Florida Statute 723, they should be doing this at their expense, not the residents expense. But they told them quite frankly they would not move them next door to Plantation Manor. What does that tell them? Their heads are going to be next on the chopping block. They are going to be next. It is inevitable. They have told them Plantation Manor is going to be a five star park, it is going to be euphoria, utopia, it is going to be just wonderful, yet he told them he wouldn't move them there. It is true, most of their homes... She wishes they all, and she knows how busy they are, would take a little field trip to Pleasure Cove at 3030 U.S. #1. They are going to be surprised what a lovely little community it is and how proud they are of their homes. She knows she is being thrown out, but she still has the man coming to cut her grass. She is sorry it is not the Mayor's company.

Mayor Benton said that is fine. The Mayor is tied up in the Mayor's job right now.

Ms. Donahue said but they pay for their own grass cutting. They have no amenities. They have a pool. The pool heater hasn't worked for the last two winters. They are old people. They need a heated pool. That is what they were promised. They were promised security gates and they agreed to a hefty increase in rent. Because of their proximity to the highway, they felt they needed security gates. They owned the park three months, this was the former owner. The security gates haven't worked since December 2003. She could go on and on, but she won't. She would appreciate if they would hear some of their folks who have some stories to tell that she hasn't even mentioned here, but some of them are just really heartbreaking.

Mayor Benton said he will ask their attorney publicly if there is anything the City can do, please be in touch with his office, the door is open. The City Attorney will be there or all of the Commissioners here.

Ms. Karen Mentor said she is from Hobe Sound. She has been retained by the Pleasure Cove tenants in an advisory capacity at this point. She thanks Mayor Benton for his generous comments and concern. She will just make a couple of very brief comments here. As it is obvious, the tenants have been served with a notice of eviction from the new owner's planned change of use. It has not been announced what that change of use is. Notice is evidently being given under 723.061 of the Mobile Home Act. Really what they are hoping to do is to initiate a dialogue with the owners. As Ms. Donahue just stated, there has been no offer that has been forthcoming. But in other situations, owners have made offers for cash buyouts and things of that nature. One hasn't been made at this point. They also really want public awareness. And it is very presumptuous of her, it is really not for her to advise the City Commissioners as to how to interpret the Mobile Home Act and they have their own legal counsel, but she would just like to read a very short portion 723.083 having to do with governmental action affecting removal of mobile home owners. It states: "No agency or municipal local county or state government shall approve any application for rezoning or take any other official action which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that

adequate and suitable facilities exist for the relocation of the mobile home owners." It is her understanding there is no land use application before the Commissioners at this moment. But she would just like to state publicly that they do intend to advocate a broad reading and interpretation of that provision of the Mobile Home Act. She thanks the Commission for their time and concern.

Mayor Benton said it is his understanding that there has not been any kind of application from the owner yet.

Mr. David Recor, Deputy City Manager, said that is correct. They have had preliminary conversations, but no formal submission of application.

Commissioner Coke asked what is this land zoned presently?

Mayor Benton said R-4.

Ms. Mentor said she thinks the majority of it is.

Ms. Donahue said there are just a few, she would say perhaps along the city block that fronts U.S. #1, that is C-3, commercial. And the rest is already R-4. One other thing that she needs to mention to them, because she is sure they are interested. This involves 120 homes and about 160 to 170 people, seniors. It varies of course, because some of their folks are up north. If they all get a chance to come in there, they will see some junk in there. Guess what? It belongs to the park owner. It doesn't belong to the residents. They come to her house, #6 Sunshine, they will see how pretty it looks. If they see that sign in the window that says Bad Dog, don't pay attention to it.

Commissioner Alexander said he is going to turn to the City Attorney and ask a question, because that was his question the whole time and he has to indulge that. His Concerned Citizens has met with these park owners. His question to Mr. Schwerer is, how can they displace that many people? How can they allow that many people to be... She said the Sheriff will come there and physically move them to the side of the street. How is a community or a city or municipality, how can they...?

City Attorney Schwerer said as Mayor Benton pointed out, Ms. Donahue and three or four other Board members came to the City. They had a meeting with them. He listened to their issues. They had the Florida Statutes in front of them. This is a matter generally and almost exclusively controlled by State law. The Florida Statutes and the Florida Legislature have pre-empted the regulation of mobile home parks to themselves. So it is very difficult for the City, if not impossible, to enter into any type of regulations or govern the operation between landowner and tenant other than it is governed by the statutes. So what happens to the park owners and how that works with the park owner and the mobile home tenants is pretty much a matter of state law. What interests him however is the attorney's statement that she believes that there is a provision in the statute that would somehow allow the City to withhold approvals, not just for rezonings but perhaps for site plans or for a change in use, until such time as the City Commissioners are assured that appropriate steps are taken to relocate these folks. That is something that he thinks the City can certainly look into as far as a legal issue. Because it would be important if they had the ability to postpone for instance the approval of a site plan for a conversion to a multifamily condo

type of development as opposed to a mobile home park for such time period that the City would be satisfied that the residents were properly relocated. There are provisions in the statute - Ms. Donahue alluded to them - about the park owner and the park owner's responsibility to the tenants for relocation expenses. Florida Statute 723.06116 does provide for some form of a deposit by the mobile home owner to the Relocation Trust Fund which is set up by the state. It talks about the amounts and when that needs to be made. As far as that provision she cited, he is very much interested in hearing from their attorney later on outside the course of this meeting as to how the City may assist them in effectuating that Florida Statute and making sure those folks have adequate provision.

Commissioner Becht said he want to hear from the residents. He particularly would like to hear any solutions they may have that the City can assist them with. Back to counsel, she did not yet state that the landlord had violated any state statutes. Is she in a position to say that they have?

Ms. Mentor said no.

Commissioner Becht said he didn't know if there was any argument that they had. And has the landlord at this juncture violated any City ordinance that the City could challenge them on at this point?

City Attorney Schwerer said he has not been aware of that. It would first come to Code Enforcement. But no, they are not aware. They talked with the Board and the Board didn't bring any violations of City ordinances to their attention yet.

Commissioner Becht said then it would appear the one thing they have stumbled into courtesy of counsel at this juncture is that the City may have a weapon per the cited statute. So all of the Commissioners he thinks are very interested in exploring that, if it is in fact a weapon.

Commissioner Coke said first of all, she really sympathizes with everybody here and she thinks they will know that the Commission is going to do whatever they possibly can. Her suggestion to this Commission - and she would love to hear everybody else's suggestions also - is that the first thing they ought to do is send Mr. Alcorn down there. And anything that is a park violation, be assured the owners and landlords are sent nice little code enforcement violations. The second thing she is wondering is if the City has what they perceive as a possible, not remedy, but postponement of this due to the fact that these people need to be assured that everyone here is relocated and to the City's satisfaction, then rather than wait, they shouldn't let them know this is the avenue that the City believes they might possibly - Mr. Schwerer could phrase it a little less ambiguous - let the owner know that the City will be pursuing that to the full extent, so that they don't think they can just put out 160 or 170 residents of the City of Fort Pierce and the City is going to sit back and be happy about it. She thinks if they let them know right up front that if they don't have a legal, they have a moral obligation to these people, and they need to follow through on it. She knows Mr. Schwerer is in charge of the legal and the Commission will handle the moral part. However, she thinks they need to go out with the big baseball bat and let them know, if they want to make their citizens unhappy, then they will have to deal with the City making them unhappy.

Commissioner Nelson said in preparing for this subject, he was over in Orlando last week and he talked with Representative Randy Johnson of the Legislature. As a matter of fact, he had lunch with him and he addressed this issue. Representative Johnson informed him first that this was deeply imbedded in Florida law, and that the upper weight, so to speak, might be in favor of the property owner under the guise of property rights. He further talked to the League of Cities office, the desk people who handle mobile home park legislation. They advised him to pursue the idea of special set asides such as using CDBG monies, CRA monies, or working with the owner to get him convinced to enter into some type of agreement that he would be willing to adhere to relative to the re-housing of these people. But he is not convinced that they, as a sitting governing body, can sit idly by and let their people be uprooted in this wholesale fashion. It is sort of like the situation in New Orleans where they are having people displaced, not by nature, but by man. And they are supposed to be a compassionate people. They are supposed to look after their own. Maybe they can find some middle ground to establish a dialogue with the property owner and have him come to some realization that he is causing some inconvenience. He has real concerns with people who outright lie to him saying they are going to do something or not going to do something and do just the opposite later on. That is not part of his moral fiber and he doesn't think it is theirs either. He would ask that they do in fact try to re-establish on these people's behalf some contact with the new owner to establish what did he tell these people and what is he willing to do to offset the hardship or try to mitigate the hardship that is being caused here.

He would further advocate that the City in fact pursue this legal loophole that the attorney that was unveiled to them and see whether or not they can possibly challenge that. He does not think it appropriate to go down there with a sledge hammer and just start picking on people trying to find the deficiencies at this juncture.

He doesn't like the idea of using his office to intimidate. When he says his office, he is talking about the office of the City Commission. Let's try to appeal to the human side of that individual. Surely they are from the south part of the state and perhaps some of them don't have the consciousness or the good heartedness as they in this neck of the woods have, but somehow or another they can be reached. And he just doesn't think they should sit idly by and let these people be misplaced at that juncture. If need be, he would even go so far - as he talked to Representative Randy Johnson on this issue and the League of Cities - he doesn't know whether he would pursue the other members of Legislature or the Governor's office. But this should not be allowed to happen to their people in this day and age. He doesn't care whether or not they are black, purple, green, or mahogany, he thinks it is a case of just ill treatment to a people who deserve to be treated better.

Commissioner Becht said once again, they are trying to come up with solutions. Perhaps as a follow-up to what Commissioner Nelson said, he wonders if it is possible to extend an invitation to the landlord to ask him to come to a public meeting and schedule a time he could appear. Is there a representative for the landlord here tonight? (No one indicated they represented the landlord.) He wouldn't think so. But he thinks the way this Commission can help them is to perhaps establish a dialogue and that is going to be difficult for them to do. He is a little bit uncomfortable with the sledge hammer approach. It seems exciting on the front end, but legally he would like that looked at before they do that. Again, if Code Enforcement sees anything down there on one of the resident's trailers, that could produce problems they don't want to

create right now. So let's make sure they think through that. He would like to, if they can, do an invitation to the landlord and see if they can get him to attend a meeting and create the dialogue they all need.

Mayor Benton said after their meeting he did try to contact the owner of the property, but he hasn't responded. What he felt is, once everyone is finished - and he wanted the whole Commission to hear this is - a letter should come from the City Commission, not just from the Mayor's office, but from the whole Commission voicing their concerns and ask them to sit down and try to discuss this and he will go into this a little further later. But when he met the head hunter, the guy that oversees the park, he met him during the National Night Out. He will tell them, the man enjoys his job. It is very unfortunate. He doesn't know how anyone can enjoy throwing maybe their mother or grandmother or grandfather out of their house, but he just seemed like somebody who had a job to do and he appeared to like doing it. So it is unfortunate.

Ms. Joan Cade said she lives at 53 Sunshine Avenue in Fort Pierce in Pleasure Cove. She has been there 26 years. She also has become a widow since she has been in there. She has gone through a storm. When she went through the storm, she was without power for two and a half months and lived in her home all that time until she got power. And it was nothing to do with the Fort Pierce Utilities Authority, it was the park owners. The park owners decided to put everything underground, so they made them wait their turn as she was told. There were a lot of people who were not there who were up north, but they put their power in long before she got hers. She went to the news media. Of course, that made them mad, so she was the last one on the list to get her power, which she finally got. But in trying to do all of this and this coming up this year, it has been rough on everybody. She called two different people in because she had remodeled her home before these storms; and then with the money she got from the insurance, she finished all the outside of it and got it all done. It is like a brand new home. But it is still 1979, so she can't move it. She was told she could not move it; and even if she could, they are telling her it is anywhere from \$12,000 to \$15,000 to move it five miles even down the road. So it is out of the question. What she feels they should do when there are new owners, this has been the fourth one since she has been in the park who has owned this park, she feels that when they come into a park to buy it, she believes there should be a clause that if they want the residents out of there, then they should compensate them for their homes, because they know most of them, except for the brand new ones that have been brought in are the only ones that can be moved, the rest of them cannot be moved. She feels this is something they should address. It has never been done before that she knows of. She thinks there are so many parks that people are being evacuated from them. She thinks they need to do this. She sympathizes with the people down south. She went to the Fort Pierce Housing Authority and put in her name there. She waited for an hour before they brought her the application. It was ten pages. She looked at this and she thought it would take her a month to figure this out. But when she was coming out she said she would take it and she would fill it out. When she left, there was a lady there who gave her the papers and said she hoped she is not in a hurry to move. She said to the lady, yes. As a matter of fact, by the end of January. No, the lady said, it will take years. She asked is there nothing available? Yes, there are places available; but they are bringing all these people from down south who are homeless and bringing them

here and they will get the first chance at anything that they have in Fort Pierce. She looked at the lady and told her they are going to be homeless as of the end of January, all these people who are in this park. The lady said she is very sorry, but that is the way it is. That is what she was told from the Fort Pierce Housing Authority. So every place she has gone and even to the mobile home parks, now they have doubled their prices on the used ones that are older than hers. They want \$45,000 and \$50,000 for them and they are not worth \$10,000 or \$15,000. So they know they are in a bind.

The old saying, they are between a rock and a hard place. What they have in theirs, they can't get out. They can't sell them because they have to be moved. So this is what she feels they should try to get from this owner is compensation so they can move somewhere else. Even if it is just a down payment on something else, this would certainly help them. Because all of them are seniors, most of them are on fixed incomes, and it makes it very difficult for them. She knows she speaks for most of them in the park. She thinks they need to be protected as seniors. They are seeing it more and more all over the country that their seniors are being treated not the way they should be. And she thinks it is a crime. She really believes it is a crime. They need to stop this.

If it can't work for them, hopefully it can work for somebody else.

Mayor Benton said he is going to look into that, because he would think the Fort Pierce Housing Authority should be dealing with the Fort Pierce residents before they deal with people from outside Fort Pierce or St. Lucie County.

Ms. Cade said that is exactly what she asked.

Mayor Benton said he doesn't know how that system works, but he would think Fort Pierce would come first; and if not, they need to change it. That is absurd. He thanks her for bringing that to his attention.

Commissioner Nelson said let him inject something here. He doesn't know if they know about it, but as a result of the FEMA bringing their trailers in last year for the hurricanes, FEMA has a lot of them still out at the old fairgrounds near the airport. They can go on line in the computer and they are selling them for \$8,000 and \$10,000 a piece. They bid on them through the process out there. He doesn't know whether or not that would suit their needs, but they might look into it.

A gentleman in the audience said they have stopped selling them.

Mayor Benton said FEMA is looking to move those now out to Louisiana. Also, he thinks it is important for everyone up here to understand these folks can't move their trailers or mobile homes because of the age of them. Anything before 1994 can't be moved from their site.

Ms. Cade said most of them are 1970's and 1980's because they have been there that long.

Mayor Benton said that is a law that was created by the State of Florida.

Ms. Maxine Green said she comes before the Commission tonight to speak on behalf of the Concerned Citizens because the board members and other members of Pleasure Cove came to the Concerned Citizens

meeting last week and discussed their major problems with them. Of course, she sent a letter to the City - and hopefully it is on the record - of their concerns and support for this very serious situation. It is a very emotional situation that they are confronted with because it is a really a dire need for affordable housing in this area. As she sat and listened to the presentation, and Commissioner Becht asked if they could come up with some solution, perhaps this will open the door for the CRA and the Committee to sit and discuss the importance of affordable housing in Fort Pierce. And maybe they could talk about how some kind of program that would... She doesn't know whether it would compensate or purchase or whatever. Because these mobile homes cannot be moved because of their age, that maybe CRA could come up with some kind of workable program that would open the door for affordable housing for seniors in the area. That is just a thought and perhaps they can work on that. Because they are creating a new style of homelessness when they talk about 170 persons that are going to be possibly evicted because they do not have any place to go. As they talk about housing in Fort Pierce from the Housing Authority, they were advised there is a waiting list of families who are in need of housing from the Housing Authority. So she asks the Commission if there is some way that perhaps they could talk about an affordable housing program coming through CRA. Now that may not be immediate, but perhaps they could get together with a committee from Pleasure Cove and others to sit down and see how that could be worked out. Because they did meet with Mr. Ward a few weeks ago and he talked about his concern about some kind of a housing program. Perhaps this could be the avenue to address housing needs in Fort Pierce.

Mayor Benton said he thinks with all the development they have coming in here, he knows several of them have asked developers to either put some money aside for affordable housing or put a percentage of their developments aside as affordable. That doesn't mean cut the quality, it means cut the price. Because they have a problem not just with seniors, but they have a problem with anybody today getting out of school - the teachers, firemen, and policemen - being able to afford to live in this area now. So it is an issue that the Commission needs to address. Maybe the CRA can do something, he is not sure. He knows because Pleasure Cove is not in the CRA area, there is nothing they can do about helping them out with their mobile homes. But they might be able to do something with housing. They will have to ask Mr. Ward. They will have to put their minds together and see if it can be done.

Commissioner Becht said tonight oddly enough, Item #31 on the Agenda (Neighborhood Enhancement Action Team), he thinks it is too premature, it is not rolling fast enough to help most of these folks, but Item #31 on tonight's agenda is a move in the direction Ms. Green is talking about of using the resources of the City and the CRA to try to address the problems with affordable housing. But Pleasure Cove is not in the CRA, so they can't spend CRA dollars down there. But they might be able to do something up here and they might be able to send a letter to the Housing Authority to see if the City can help with that issue. As they know, the Housing Authority is governed by Federal regulations, which are even worse than the State regulations that govern the mobile home park.

Mayor Benton said he thinks in these folks case, when the owner of the property is tell them they have to be out by February, there is probably nothing they can do to get anything built or ready by

then. He thinks what they need to do is concentrate on what they can do to buy them time right now through the owner of the property. And when he says time, he hopes they can buy them six months or a year. All he can say is maybe they can make the developer's life very miserable and find something wrong with any site plan they put in front of the Commission. But right now it is trying to come up with a solution. And it would take probably a year or longer to build any kind of affordable housing to get anybody in right now. He thinks this has to be taken care of a lot quicker than that.

City Manager Beach said he believes that some of the ideas have surfaced this evening, especially related to what this Commission's authority may be as it relates to site plan approval and this problem, is where they should focus their energy and their efforts.

It would certainly be important for the administrative staff to start meeting with the developer of this property. Their legal staff needs to pursue that authority in more detail. If that in fact exists, what they can do at the very least is buy that time that helps individuals make those decisions as it goes by. With that additional time, they may be able to find alternative solutions.

Commissioner Nelson said he has ascertained that the majority of the people out here are concerned about this issue and more likely most of the them are going to say basically the same thing. He doesn't want to short change anybody, but he wants them to be able to get to some of the other items on the Agenda. But he could assure them from his perspective, he wants to pursue this along the lines they mentioned. If the people are amenable to that approach as enunciated by the Mayor and Commissioner Becht and now the City Manager, he thinks they are prepared at this juncture to take that route on their behalf, if that is amenable. If they want to stay here all night until tomorrow morning, he is certainly willing to do that, but they are making him miss a good football game and he will haunt them.

Ms. Green said they ask that there would be no evictions until such time as all the families are relocated into affordable housing that is comfortable and agreeable. She doesn't know if this is what they would like, but this is what they ask in order to buy time, that they would not be evicted if they are agreeable to that.

Commissioner Nelson said the Commissioners have heard from the President of Pleasure Cove Homeowners. They have tacit support that they want to follow the efforts which they have elucidated thus far. And certainly there might be other things that will come in as their negotiation team works with the developer. He has been around the block two or three times in his life and probably Ms. Green has too and he is not saying anything negative. But he wants to take this opportunity to in fact meet with this developer, trying to extract as much as they can on their behalf from him and be willing to make necessary give and takes in some cases. Is that basically what they are trying to do? He thinks they have got to recognize property rights - and that is what the lawyer is going to tell them - and they are going to pursue every legal angle on these people's behalf. He thinks that is the consensus and he thinks that is what people want. Is that right?

Ms. Green said if they could go home tonight feeling that they are not going to be evicted until all families are...

Commissioner Coke said Ms. Green is asking them to do something that they have already told her is out of their jurisdiction.

Mayor Benton said they can't make that guarantee.

Commissioner Coke said they have already told the people who are involved in this, the people from Pleasure Cove, that the Commission is going to make their utmost commitment to them. But Ms. Green is asking them to do something that is against the law and she can't support that.

Ms. Green said she is not asking them to do anything against the law. She is just trying to feel comfortable that they are going to go home and not feel that they are going to be evicted. And they are saying that they are buying time and that is what they are here asking that they continue to do. However, while they are buying time, they will be pursuing other issues by what they can do. Is that agreeable with them?

Mayor Benton said that is why they have an attorney. Not only buying time, but also they are going to try to see if maybe they can throw in there that they get some type of decent price for their homes. All they can do is ask. All they can do is put some pressure on the developer.

Ms. Ute Lehmann said she lives at 57 Serendipity Avenue in Pleasure Cove. She has contacted Senator Haridopolos and she has not gotten any answer from any of the Legislators whatsoever, even from Jeb Bush. She sent three e-mails and nothing. Evidently nobody seems to be interested in what they are doing. The others will or have spoken about compensation for their homes. In order to become an American citizen, she had to learn an awful lot of history, law, and government. In the 17th Century the Dutch bought Manhattan Island for \$24.18 worth of glass beads. As the 18th century came along, the Indians sold their land for guns, knives, and rum. During the 19th century westward expansion, the less fortunate once again had to move in the name of progress. They accomplished this by killing their livelihood, the buffalo, and putting them on reservations. The railroad called it eminent domain, but sometimes offered some form of compensation. They all know what happened at the 20th century. Big business and might makes right has taken over. She grew up in the bombed out ruins of Germany where might did make right. But the American dream was a beacon of hope for her family and herself. They were told, in America if you worked hard and strived to succeed, they could enjoy their life in peace and prosperity. She moved here 43 years ago, became a citizen, raised a family, lost a husband in Vietnam, and moved to this beautiful City of theirs. She spent in excess of \$23,000 plus repairs, only to be told that what she has worked and saved for all her life was worth \$2,750 because some business corporation has more money and better lawyers than her. She humbly asks that the Commission stand with them in this matter. She understands progress. She knows she will have to move. Just please help them get their fair share.

Mayor Benton said he also spoke to at least a couple of State Representatives, and he will not mention their names, but he got nowhere. In fact, he took Ms. Donahue downstairs to Representative Machek who is in City Hall. Ms. Donahue did speak with his secretary. Has Representative Machek responded at all? Has she heard from Representative Machek.

Ms. Donahue said no.

Mayor Benton said it is just unfortunate.

Ms. Sue Dotson said she is on the other spectrum of Pleasure Cove. She bought a new manufactured June 1st of this year and got her notice July 22nd that she had to move. She put everything she had into that home and now to move that out. And she is speaking for seven of them who have new homes in there. She has not heard from the owners and they are biding their time. It is going to take them two and a half to three months to get a permit to move. And when they do have to go for sure, they have all the extra expense. Besides the moving of the home, they have repour concrete, they have to put up their aluminum again, they have to go by the code in the new park, if they can find one. She has been to about seven of them and can't really afford any of them at this point. Because when she moved in, she was guaranteed the \$275 a month lifetime lease. She was told at that time that the park was going to stay where it was, as far as they knew; and if it didn't, they would be given market value for their home, plus they would buy out their lifetime lease. She doesn't know where that came from, but that is what she was told. She didn't question him because she did believe what they said. At this point, she wants help for them for their home, money for them, and they need compensation to move.

Mr. Stan Widing said he lives at 26 Manor Street over in Plantation Manor. He is not from Pleasure Cove, but he is on the south part of it. From past experience, being that he worked for a city and from being on a zoning board for 13 years, he knows they just can't come in and buy... They are going to spend \$20 million to buy a property, they don't just come in and buy it without first doing some pre-requisition work through the city and through different boards. So he knows they have plans for this, it is already set up, that there is already in the works. He is sure this gentleman said earlier it is not official...

Mayor Benton said there is nothing that has come in to the City.

Mr. Widing said officially, but it is in pre-requisition.

Mayor Benton said sometimes, but it is not always the case.

Mr. Widing said the gentleman did say he did see something that has come in front of it as non-official.

Mr. Recor said no, he personally has not seen plans. He understands there have been conversations with staff regarding the development potential for that site. But he is not aware that there has been a specific development proposal as of yet.

Mr. Widing said okay, he cannot prove it, but he does know people who have seen plans. The point he wants to bring up is, with Pleasure Cove gone, they have approximately 170 people. When they add Plantation Manor to that, they are adding 435 more homes or approximately another 600-something people. He is from Plantation Manor. He is like the lady who just spoke. He is on the opposite end. He was told he had a lifetime rent. He moved down here because he could not afford to stay and live in Massachusetts on his retirement pension. He was able to afford to come down here. He sold his home and put everything he has into the home he has now. To move his home, when he called and talked to the people who

sold him his home and asked what is it going to cost him to move it, they said to break it down, to move it, to put it up in another park, and put it back to the state it is in now, he is looking at approximately \$40,000. What is he going to do? He already has a \$30,000 mortgage on a home that he didn't want to have a mortgage on. He has spent well over \$100,000 for this. The problem is, where can he move it? Where are they going to let them move to? Even if they could get together and buy some land, how many areas are they going to allow mobile homes in? Florida was set up originally and it was a lot of mobile homes in Florida. A lot of people retired here to homes. It is the only affordable housing they can get right now. When he sold his home he couldn't afford to come down here, he thought he could, but he couldn't buy a regular home. So he went out and bought a home that he felt was built as good as any site built home to what it could be; and that he could guarantee himself a set income because his pension doesn't go up, but at least he was guaranteed, he thought he was. Now he is finding out that in the most likely case scenario, from what he has been able to read on his own, is that they are going to be told to leave. They are offering \$6,000 for moving a home or whatever it is? But anyway, they aren't offering anything at this time. The point he is trying to get across, he knows they aren't going to offer him what he put into it and what it is going to cost to move and what he is going to lose on his guaranteed rent. Plus the fact, now they are looking at a lot more people when this comes down. If they are saying Pleasure Cove February 1st, what is to say Plantation Manor isn't going to be August 1st? As the Mayor said, the police and teachers and everyone else haven't got affordable housing. He is not sure, but isn't there any ordinance or anything the City can pass that says people have... If they were under eminent domain, at least they could get... But without it, they are not.

Mayor Benton said that is what concerned him. And like Mr. Widing says, if the same owner has the property in his first phase, whenever that development comes and they know that is probably what he wants to do, Plantation Manor would be the second phase. The unfortunate thing when he was down there that night at National Night Out the park representative, he guesses the landlord, basically told him he was trying to relocate folks from one park to the other. And all he could think of was, then do it to them again? He and Ms. Donahue have spoken about that. Not only the hurricane, but then to relocate saying there is room for them here; and then six months to a year later saying they have to be out now. He will tell them, he doesn't know how anybody could do that. And that is why he thinks what they need to do is, this Commission will send a letter to the owner of the property and see if they could sit down with them or at least start some dialogue with them and see what the City can get the developer to do, try to buy time, maybe offer a little more money for their units. If they can work with their attorney. Anything the Commissioners can do, they will do.

Mr. Widing asked isn't there a disclosure law when they sell a home in Florida that they have to disclose any problem with the property or with the home? And if so, why was the woman sold a home to move in June 1st and be evicted in July? Why was he able to buy a home February 1st and face having to see his neighbors put out within four months?

Mayor Benton said he couldn't answer that question.

Mr. Widing asked isn't there something along that line? He knows people who have just bought homes.

Mayor Benton said all he can tell them and assure everybody here that this Commission will do everything they can do to try to buy them some more time. The City can't offer something and they can't make promises they can't keep. All they can do is try. He knows during his meetings with Ms. Donahue that is all they asked for is to try to buy some time. They are not going to make the landlord's life easy he guarantees, for them doing this. But they are going to try to buy the residents time. Whatever they can do legally, they will do.

Commissioner Nelson said he is ready to make a motion to this issue. He is sure there are other people who want to speak; but he thinks they have a fairly good consensus of how these people feel and he thinks Pleasure Cove residents have a consensus of how the City wants to go on this issue. It is important that they proceed so as to get the input from their respective counsels and do what is necessary on their behalf. They can sit here and talk and everybody has an opinion on it; but he thinks what he has heard thus far in his estimation is sufficient for him to act in a positive way on their behalf. Let him see the hands of those who basically agree with what has been said from both this dias and from the people in the audience who have spoken thus far. (Approximately 100 people raised their hands.) So basically everybody is somewhat in sync. The Commission agrees with the residents and they agree with the Commission. They can proceed on this in the vein they talked about. It would be the Mayor's option, of course, to hear others; but he thinks they have heard enough.

Mr. Rick Reed said the reason why he got involved in this was from the very beginning, as a concerned citizen he contacted Ms. Donahue and they began talking about this issue. He has to say tonight that he is extremely impressed. He is not always in agreement with his Commissioners. Most of the time he is at odds. He tried to call Commissioner Coke a couple of times this week to ask if she would do exactly what she suggested; and that was, to use a heavy hand with regard to zoning. That was one of the things that would work, ultimately. He and Commissioner Nelson have had a long conversation about this. Commissioner Alexander had a conversation. He knows Mayor Benton has been meeting with them and they have kept him abreast. Commissioner Becht and he have missed the phone call. Mayor Benton is absolutely right, the representatives who run that place, they are not going to get anywhere with them. Ultimately, the thing is going to be to buy the time and to try to force this owner to compensate these people by convincing them that the City of Fort Pierce does not treat our people this way. That is what they ask them to do, as Commissioner Nelson said as he walked up here, if they all would make a motion that they all would as a Commission somehow formally get together and send a letter to this developer telling him they don't treat the people of Fort Pierce this way, and it will be a cold day in hell before he develops that property.

Commissioner Nelson said they have to be tactful.

Mr. Reed said he has never been tactful.

Mayor Benton said what they need to do is first - he is sure they

will get a motion - to send that letter. But he thinks, to push the code enforcement issue... First lets see if they can get anywhere. And then if they don't, then they get nasty. First, they don't want to hammer them and then expect something from them.

Mr. Reed said the Mayor knows the type of people they are dealing with.

Mayor Benton said they are developers.

Mr. Reed said when they throw grandma and grandpa out in the street, they are not dealing with very kind people.

Mayor Benton said also, whatever they want to do, they will need the Commission's blessing. It would be very difficult to get that blessing. A lot of times they can't deny developers something, but they can sure postpone it for a long time.

Mr. Reed said he has seen them do it many times. There was a sewer company not long ago that...

Mayor Benton said if legally they can do it, they will. But right now they are going to try to buy these folks time. And who knows? First they have to start that dialogue.

Mr. Reed said whenever Commissioner Nelson wants to start giving him tact lessons, just let him know. He would be happy.

Commissioner Coke said if she may suggest to see if legally at this point they could take a consensus. Is she not right? Rather than a motion.

City Attorney Schwerer said yes, he would prefer a consensus as opposed to a motion.

Commissioner Coke asked do they have a consensus to send this developer a letter telling them that the Commission has grave concerns about displacing this number of people and they feel accommodations must be made for them before they can proceed much further down the line, and would they please contact the City Manager immediately to sit down and discuss how they are going to handle the plight of their citizens?

Mayor Benton said he thinks that would be the route to go. Does everyone agree? (The Commissioners agreed.)

Commissioner Coke said if that doesn't work, get out the club.

Ms. Jessie Cox said she is at Plantation Manor, 98 Plantation Boulevard. She is a banker and she deals with most of these people and they are very proud. A lot of them don't have money to start over with. That is all she wanted to say.

Commissioner Alexander asked has the Homeowner's Association ever thought about purchasing that place in the past?

Ms. Cox said yes, they did. But they couldn't... They tried. People don't have the money.

Commissioner Alexander said okay. That was just a thought.

Ms. Donahue said she would like to address that. She can make that

perfectly clear. When this happened again, for the fourth time since she has been in Pleasure Cove, they did try to buy the park.

The problem is, they couldn't buy their park. The owner bundled the parks. Which again, the way she reads Florida Statute 723, is a violation. He told them if they wanted to, they have to buy two parks - they have to buy Pleasure Cove and they have to buy Plantation Manor. He was talking \$19 million. It would have been a stretch for Pleasure Cove to buy their own park. But they had looked into it. They looked to a company who helps to buy parks, a resident-owned community company. They knew the land was valuable.

So if they could scrape some money together or borrow from their relatives or whatever it was to scrape some money together to try to buy their park. But the owner made it impossible - they were sticking a gun on them, they were holding them up for ransom. They were told they had to all do this, then they have to do that. That made it totally impossible.

Mayor Benton said plus they knew they had to get a consensus of probably hundreds of residents. That doesn't happen over night.

Ms. Donahue said in the law, Florida Statute 723, certainly she isn't an attorney, but she is getting quite an education. Park owners, at least she knows that part of it, must offer them first right of refusal. Somebody offers to buy the park and they don't have to. If somebody just knocks at Mayor Benton's door and wanted to buy his house - he didn't have any ads, he didn't solicit anybody - she doesn't buy it. Somebody didn't just knock at their door, they advertised in trade magazines or something. But anyway, they had an offer and they came to the residents and said they have an offer, but the residents have to buy both parks for \$19 million, they have to put up a \$200,000 non-returnable deposit, if by chance they don't get financing or something else. It is all this legal mumbo jumbo. They have sixteen dummy corporations and whatever. What can the residents do? They are little old folks. What can they do? She really doesn't want to take any more of their time; but there is a couple in the park, she can tell them it would bring tears to their eyes. They have two sons in Iraq. They put every penny they had in their house, just finished fixing it up. One of their park owners helped him paint it up and fix it up. The very next day they got this notice. They owe \$16,000 mortgage. The man's wife passed out at the meeting, she was so distraught. This is what it is doing to them. She has a copy of this man's letter.

She has a copy of hers. If they all want anything that she has said here, she can certainly back it up. He says he doesn't know if they can pay off this mortgage, keep their good credit rating, and afford a new residence. How can they? They are asking the new owner be forced to pay off their mortgage and give each homeowner fair market value before the requested change of use of land be granted. She could go on 24/7 and tell them many stories, she is just touching on them, but she thinks they all have the idea.

Ms. Cox said a lot of these people can't even afford the FEMA trailers. They don't have the money.

Commissioner Nelson said he understands.

Ms. Donahue said they are proud folks.

Mayor Benton said they are very lucky having Ms. Donahue leading the way. She has done an excellent job. The Commissioners are going to see what they can do.

Ordinance No. K-373 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED ON THE **SOUTH SIDE OF WEATHERBEE ROAD BETWEEN SUNRISE BOULEVARD AND ELM AVENUE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owner/Applicant: Buccaneer Development)

Ordinance No. K-374 entitled "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE APPROXIMATELY **122.80 ACRES OF LAND LOCATED BETWEEN SELVITZ ROAD AND CHRISTENSEN ROAD, SOUTH OF CANAL #101 AND NORTH OF DEVINE ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owners: Midway St. Lucie LLC & William Johnson)

Ordinance No. K-375 entitled "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4945 EDWARDS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owner: Orange Gardens Development, Inc.)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-373, K-374, and K-375 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 Nos. K-373, K-374, and K-375 be passed on second and final reading.

Those voting in favor of the passage of Ordinance Nos. K-373, K-374, and K-375 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-376 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING** A PORTION OF CITY RIGHT-OF-WAY KNOWN AS **SOUTH 18TH STREET** WHICH RUNS NORTH/SOUTH BETWEEN NORTH LAWNWOOD CIRCLE AND QUINCY AVENUE; REPEALING ALL

ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only. (Applicant: Mayfair, LLLP)

Mayor Benton declared a Public Hearing on Ordinance No. K-376 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-376 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-376 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-377 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 9, ARTICLE XV, ENTITLED "**PERMIT FEES**"; AMENDING SECTION 9-440 RELATING TO NON-WAIVER OF PERMIT FEES; AMENDING SECTION 9-441 RELATING TO INCREASING SPECIAL EVENT PERMIT FEES; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-377 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-377 be passed on second and final reading.

Commissioner Nelson said he is concerned about the phrase in here that addresses the permit cannot be waived. It is new to him. Is that new language, Section 9-440, Purpose?

City Attorney Schwerer said yes.

Commissioner Nelson said that is new. He hasn't encountered that before.

City Attorney Schwerer said the Staff that is proposing this amendment is recommending that there be language added that it cannot be waived. He doesn't know if they have requests in their office to waive these fees, but it is certainly permissible to put that language in this ordinance, that it cannot be waived.

Commissioner Nelson said he is concerned that it sort of usurps the prerogative of the Commission. They can waive all sorts of things and they waive fees for liens for thousands of dollars, and here they are talking about a small fee. They waive fees for building permits and things of this nature. Is the staff here who handles that?

City Manager Beach said let him address that if he may. This is probably in here at his request. They have any number of permit applications that cross his desk daily. For whatever reason, the

City Manager has to sign off on event permits and everything that occurs. He would say 9 out of 10 or more of the permits that cross his desk come with a letter that says, please waive the permit fees, because he can. What he is asking is that they remove that.

If they want to retain that right for the Commission to waive that fee, they may; but he would suggest that they not do it, because if they do, all of those permits are going to be in front of the Commission. They are talking about \$25.00 or \$35.00 or \$50.00; and it is just a meaningless figure and people ask for it because they can.

Commissioner Nelson asked is that their day to day experience?

City Clerk Steele said that is correct. This particular section of the code does not usurp the City Commission's prerogative because it is reserved strictly to the City Manager already. They are not changing that part. He is the gentleman who has to deal with the requests, so this is in here at his request because it has become a burden. They process this paperwork, they spend staff time, hours on phones, chasing people down, doing the leg work for them, and they are not getting compensated at all.

Commissioner Nelson said they are all getting pleasure at beating him down. He asks all these silly questions and they all just beat him down.

Those voting in favor of the passage of Ordinance No. K-377 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Commissioner Alexander said he just has one question concerning that. He doesn't know how as far as just passing that, they did have an item in here. How is he going to reflect this item that is coming up? He doesn't mean to go shuffle it before, but he is just saying they have a request in here (the Agenda) for alcohol permit. Are they going to have to pay the new assessment?

City Clerk Steele said no.

Ordinance No. K-378 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 5, ARTICLE II, ENTITLED "**CONTRACTORS**"; DIVISION 2 ENTITLED "CERTIFICATION AND REGISTRATION"; AMENDING SECTION 5-32(3) RELATING TO THE APPLICATION SUBMITTAL TIME PERIOD FOR BOARD OF EXAMINERS CONSIDERATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-378 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-378 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-378 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-379 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 12, ARTICLE II, ENTITLED "SPECIAL EVENTS"; AMENDING SECTION 12-34(b) RELATING TO INCREASING SPECIAL EVENT PERMIT FILING TIME PERIOD FOR AN APPLICATION FOR PERMIT; AMENDING SECTION 12-34(c) RELATING TO RECURRING SPECIAL EVENT MONTHLY INTERVAL APPLICATION FOR PERMIT; AMENDING SECTION 12-37 RELATING TO APPLICATION FORWARD FOR ADMINISTRATION OF PERMIT APPLICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-379 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-379 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-379 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-380 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 9, LICENSES AND BUSINESS REGULATIONS, ARTICLE V. **COIN-OPERATED DEVICES**, SECTION 9-136 DISPLAY OF RECEIPT; CONTENTS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-380 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, that Ordinance No. K-380 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-380 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing on proposed 2005-2006 Budget for the City of Fort Pierce.

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.

The next item was Consider any proposed amendments to the 2005-2006

Budget.

Mayor Benton asked does any Commissioner have anything they would like to propose to change the budget? (No Commissioner proposed any amendments.)

Ordinance No. K-381 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, 2005, AND ENDING SEPTEMBER 30, 2006, 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 2005-2006 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 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, that Ordinance No. K-381 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-381 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-382 entitled, "AN ORDINANCE ADOPTING A **FINAL BUDGET** FOR THE CITY OF FORT PIERCE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; AND PROVIDING FOR THE EFFECTIVE DATE." was placed on first reading and read by title only.

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 Becht, seconded by Commissioner Alexander, that Ordinance No. K-382 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-382 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele announced that the second readings of Ordinance No. K-381 and Ordinance No. K-382 will be at the Special City Commission meeting on Monday, September 26, 2005, which begins at 5:05 p.m. in the City Hall, City Commission Meeting Chambers, 100 North U.S. #1, Fort Pierce, Florida.

Ordinance No. K-383 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 13-40(c) OF THE **CITY RETIREMENT SYSTEM** BY CHANGING THE NORMAL RETIREMENT ANNUITY FOR THE **UTILITIES AUTHORITY EMPLOYEES** FROM TWO AND ONE-HALF (2.5) PERCENT TO THREE (3) PERCENT OF FINAL AVERAGE SALARY TIMES CREDITED SERVICE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-383 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Ordinance No. K-383 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-383 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item considered on the Agenda was Mr. Ian Lloyd regarding transferring shares in the **Tiki Bar & Restaurant** per Lease with the City.

Mr. Ian Lloyd said he is here on behalf of the Tiki Bar. For some background, his brother Colin Lloyd and he have been operating the Tiki Bar since 2002 he believes. At that time he took sole ownership in stock for the Tiki Bar. Since then his brother and he have been actively operating the restaurant. At this time he feels it is only fair that his brother have an equal ownership interest in the restaurant as he is providing half of the work involved in it. And quite frankly he is kind of tired of having 100% liability on that place. So at this time he would request that the Commission approve the transfer of 50% of the shares of stock.

City Attorney Schwerer said the reason Mr. Lloyd is before the Commission is, under the lease agreement they negotiated and drafted, any change in ownership of the corporation by more than 40% under the lease is considered an assignment of that lease and the Commission has to approve of that assignment. So that is why Mr. Lloyd is here today and he has furnished the information. The nature of the assignment is such that staff has no objection to that under the terms of the lease. It requires the Commission approval because it is in the lease that such approval must be sought, and by the Commission it is not to be unreasonably withheld.

Commissioner Nelson asked has staff recommended approval on this?

City Attorney Schwerer said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the request by Ian Lloyd regarding transfer of shares in the Tiki Bar & Restaurant per lease with the City to Colin Lloyd.

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

Mayor Benton said now he has half the headaches.

The next item on the Agenda was Ms. Donna Hentz, High Tide Sales, request **Alcohol Beverage Permit** for a company picnic to be held at Jaycee Park on October 22, 2005.

Ms. Donna Hentz said she works at High Tide Sales, which is a boat lift manufacturer. She is here to request an alcohol beverage

permit for their company picnic. It is to be held at Jaycee Park, Pavilion #1 on October 22nd. She has applied and paid for all the permits that are required. She has taken care of the insurance certificate. She was told she needed to be here to request the permit for it.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve an Alcohol Beverage Permit for a company picnic to be held at Jaycee Park, Pavilion #1, on October 22, 2005.

Commissioner Nelson asked can Chief Savage tell them, have they ever had any case where they had some problems as a result of people having alcoholic beverages in any of their parks for these type permits?

Chief of Police Eugene Savage said not to his recollection. Usually when these people go through the permitting process, they don't have problems. It is just the ones who don't use the process they have problems with.

Ms. Hentz said this is a very low key picnic, it is not going to be a huge crowd.

Commissioner Nelson said she looks like a lady who is going to keep things right down the straight and narrow. He is looking forward to it.

Commissioner Coke said a permit doesn't mean Commissioner Nelson is invited.

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

The next item on the Agenda was Resolution No. 05-44, Appointing a Member to the Fort Pierce Utilities Authority Board.

City Clerk Steele said at this time they have a resolution to appoint a member to the Utilities Authority Board. She placed in front of them a little appointment sheet to make it easier. If the Commissioners would just place an "x" next to the name they would like to nominate. She will gather those up and see if they have a consensus and then she can read the resolution with that name.

Mayor Benton asked is that agreeable to all of the Commissioners? Commissioner Nelson asked this is sort of a deviation of what they have done in the past though, isn't it?

City Clerk Steele said not really.

Mayor Benton said it used to be, whoever jumped the gun on making the motion. But he thinks this is probably a better method.

City Clerk Steele said also in the past, they did number them - 1, 2, and 3 - but that is not appropriate in this case.

Commissioner Nelson said he agrees with the Mayor. This is a little better. Do they pass them down to the City Clerk for tabulation?

City Clerk Steele said yes, lets see if they get a consensus. These are public records, by the way.

City Clerk Steele said there is one for Mr. Parish, two for Mr. Murphy, and two for Ms. Cully. They have a two to two tie on Ms. Cully and Mr. Murphy. (For the Record: Commissioner Alexander - Mr. Murphy. Commissioner Becht - Mr. Murphy. Commissioner Coke - Ms. Cully. Commissioner Nelson - Mr. Parish. Mayor Benton - Ms. Cully.)

Commissioner Becht asked can they split the service?

City Clerk Steele said they can just leave those two names and do another poll here.

Commissioner Nelson said he thinks that is the best way to go and let's go back and see what happens between Mr. Murphy and Ms. Cully.

City Clerk Steele said that is what they need to do. She will send the ballots back. Circle either Mr. Murphy or Ms. Cully.

Commissioner Nelson asked are they choosing between Ms. Cully and Mr. Murphy?

City Clerk Steele said that is correct. Circle which ever one they would like to nominate.

Commissioner Becht said he would like to thank everybody who did apply because they have qualified candidates and this is really nice for the City to have that kind of talent applying for the job. So he would like to encourage everybody to keep applying even if they didn't make it tonight.

Commissioner Alexander asked when is the next vacancy coming up?

City Clerk Steele said next October 1st. She has a 3-2 vote here. (For the Record: Commissioner Alexander - Mr. Murphy. Commissioner Becht - Mr. Murphy. Commissioner Coke - Ms. Cully. Commissioner Nelson - Ms. Cully. Mayor Benton - Ms. Cully.)

RESOLUTION NO. 05-44

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF **PAMELA K. CULLY** AS A MEMBER OF THE **FORT PIERCE UTILITIES AUTHORITY BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that Resolution No. 05-44 be adopted.

Those voting in favor of the adoption of Resolution No. 05-44 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said he would also like to thank everybody because he did get a chance to sit down with several of the candidates. There will be other openings.

The next item on the Agenda was Commissioner Coke request discussion no revisiting regulations concerning construction east of the **Coastal Construction Control Line**.

Commissioner Coke said to keep this rather brief, she knows Ms. Steele handed out to everybody this information from John Alcorn. Not that they can make any changes immediately, but she thinks this is something very important to them if they are looking at their Comprehensive Plan. When they go to places like South Beach in Fort Lauderdale, there is that beautiful walk that goes along the ocean and everything is built west of their Ocean Drive. It is a little too late for them to do that here. However, when they start looking at the purpose of the Coastal Construction Control Line (CCCL), it is to protect properties. They all saw last year, and now they all see it again up in the Gulf Coast area, people that are living that close to the water are definitely in danger; and the property situation is falling back once again to the government to repair and mend, especially where insurance does not. She has some concerns that the State is very free with their variances for construction on the sea side of the line. However, she doesn't have the opportunity to discuss it with the State and ask that they not be so free with those variances. She does however have the opportunity to ask the Commissioners to please start considering what they can do to minimize the damage to property that they will have with building in the future. Even if they limit it, if it is going to be east of the CCCL, to two stories, something that is not going to be as vulnerable as what they are allowing to be put there now.

Commissioner Alexander asked how do they justify denying the property owners to develop their properties versus...? Because he knows he heard one time about purchasing these properties and he doesn't think that is going to be feasible to this community because those are very expensive pieces of property.

Commissioner Coke said but there again, had somebody bitten the bullet 20 years ago and purchased that property, the City would have had it now. It is not going to be cheaper 20 years from now. Her concern especially with these properties is, their community is growing, Port St. Lucie is growing, unincorporated St. Lucie County is growing. They are doing great things to encourage tourism to come here and they do not have the public access to the beach that they should in this community. So she would think if they are looking to limit construction east of the CCCL dramatically in the future - and they can't do anything for what has already been passed - but she thinks if they took some steps in that direction, that it might enable them to acquire some of that property to make it available for the public.

Commissioner Becht said he is glad somebody brought this issue up. He would ask that staff come back to the Commission with some recommendations as soon as possible for revisiting the land development code regulations for building minimally eastward of the Coastal Construction Control Line. Some of the things he would like to explore if legally possible is to perhaps look into increasing the requirements for wind load capacity on structures that are located there. That would include the structures, the roofs, the doors, the windows. He would like to look at the number of units that they are going to approve eastward of the CCCL. He would like to look at the elevation. Are they happy with the elevation that the Feds and State have set out? He would like to look at whether they are going to require them to install hurricane shutters and to what specs. This one is of particular interest to him and he doesn't know how to describe it. Mr. Schwerer is going to be able to do this. An easement of sight where, as they are platting or site planning the properties, easements of sight would

be preserved through the project such that when they are traveling down A-1-A they could still see the sun coming up in the morning. If they don't do this now, then they are going to build a valley all the way down A-1-A and they won't be able to see the sun. He is wondering what types of additional landscaping they might be able to impose on them. And then he had the most bizarre idea, if they could start to put them into some kind of Municipal Service Taxing Unit where they would have to pay for some of the beach re-nourishment. He doesn't know if that is legal or not; but if it were legal, it would certainly be a wonderful idea to make some of these private property owners share some of the burden that the taxpayers of this County are paying to maintain the beaches in front of their own properties.

Commissioner Nelson said he sits on the Land Acquisition Selection Committee in the County. Some years ago a \$20 million bond issue was passed wherein they have been charged with acquiring sensitive lands throughout the County. Along the beach area from the Martin County line all the way up to the Indian River County line, they have in fact acquired and set aside certain lands with particular emphasis on trying to continue public access to those beaches. It might be appropriate that they ask the County or the Land Acquisition Selection Committee to give them a readout on the lands that provide access to the beach over there through this process. He knows they were active in that area. If they could have staff or somebody check with the people over there, they can get this data rather quickly. But he agrees that the public should in fact have continued access to that land. But he can assure them there has been some conscientious effort. The monies that the various land owners want for these properties are taken out of this \$20 million bond issue, plus they can go to the State and get matching funds. He thinks what they have done is they have leveraged these monies in the neighborhood of about three-fold or four-fold and have bought additional lands to give them sensitive lands throughout the County. So some people are looking at this; and they can continue and pursue it he thinks on their individual behalf. But they are doing that.

Mayor Benton said last year after Hurricane Charlie, when they had that project there right across from Circle K, the one they sent back to the drawing board several times. As much beach as they lost in a matter of weeks and months and they continue to lose every day of the week. But if it was up to him, he would basically stop development east of the Coastal Construction Control Line. He thinks they would have an option there. He thinks somewhere, sometime, some community has to start the process. Because as a taxpayer, he is a little bit offended that the Army Corps of Engineers comment to him out there that day was, they are continue putting it back because these people pay a lot of money in taxes. He asked, even when it hasn't been developed yet? There are a lot of areas, and this it out of the City limits, down on South Hutchinson Island where there were proposed developments, there was infrastructure in place, and it is history. He thinks it is a County and City issue. Maybe they can take it on as a County; but he really thinks if they are not going to limit growth, why not just say no east of the CCCL.

Commissioner Coke said maybe the place to start is, construction is not a given east of the Coastal Construction Control Line. Maybe they need to ask the State not to be so quick with their variances, especially in this City.

Mayor Benton said if Fort Pierce said no. But years ago on the Planning Board he would vote no. But then when several homes were built... But today what they are seeing is so many developers are building many units to sell to some unsuspecting person from Ohio or New York. The Commissioners know what is going to happen. And as the people who are running the show here, how can the Commissioners consciously say they can build something there, when and if it does go away? He remembers when they had to fight to get funding to put sand back on the beach. For some reason lately it is coming pretty easily, but that could change. Who knows when they rebuild New Orleans and other places, there might not be the money. He really thinks somebody has to set that direction. To him, that would be his opinion, let's find out what they could do or what would happen if Fort Pierce said no.

Commissioner Nelson said there are two words, property rights, they will have to deal with. Certainly they can ask. But he ran into that with this Pleasure Cove Mobile Home Park thing. Property rights is even a phrase they are pressing in this Sustainable Treasure Coast thing, property rights.

Mayor Benton said east of that line he thinks they have very limited rights; and that is why the State and everybody asks for their opinion.

Commissioner Coke said it says there is no construction within 50 feet of it unless they get a State variance, so she thinks the State is the one who is dropping the ball.

Mayor Benton said he thinks with the information that Commissioner Becht has asked for, if they ask for all the information the City Attorney can come up with, maybe they could make an educated decision.

Commissioner Coke said maybe they could ask the State why they are so free in granting that variance. Let's get an answer from them. They already have a State law saying they can't do it. Why did they pass the law, if they are not going to want to enforce it?

City Manager Beach said they will ask that question.

Mayor Benton asked with what they have learned in the last year with several hurricanes, and especially the last ones, does it make sense?

Commissioner Coke said if she lives to be as old as Commissioner Nelson, she is going to have oceanfront property.

Mayor Benton said it is just like New Orleans, they all knew it was just a matter of time. Do they have a consensus to get a little bit more information on that?

City Manager Beach said they have direction on that.

Commissioner Nelson said the Land Acquisition Selection Committee over at the County is where to get that.

Commissioner Becht said the one thing he neglected in all that is, he doesn't know if it is in the Fort Pierce Code or if it is in DEP's code, but if they could codify the requirements or prohibitions on lighting. He would like to have teeth in the Fort Pierce Code so they can restrict that through the building permit

process, so they know what the lights are supposed to be, where they are supposed to be, and where they are not supposed to be. That is for turtle nesting.

City Attorney Schwerer said Fort Pierce has an ordinance that already governs that.

Mayor Benton said he originated that ordinance, so he is proud of that.

City Attorney Schwerer said it may or may not be sufficient for what is happening, but they haven't heard anything from the Turtle Mother group in a number of years.

Mayor Benton said the sad thing is, it takes Code Enforcement working on the weekends and at night to stop it. The Turtle Mothers do give them a list usually.

The next item on the Agenda is Approve Policy Statement for Applications for Funds from community groups.

City Manager Beach said this is a document that was prepared at the request of the City Commission some time ago. It was prepared by the City Attorney's office and he is available to answer any questions they may have about it. Both the City Commission and the CRA Board has expressed concerns about the policies they have in place in regards to public requests for funds. This policy is intended to set a process that is applicable to all of those occasions that they get requests for funds from the public.

Commissioner Coke said just a couple of things because she thinks she has been saying this every year at budget time - and this is the first year she skipped - that she thought they ought to have a cap amount on the amount of money people can ask for and the number of times a year. She didn't see it, perhaps she just overlooked it. She also knows they had discussed previously limiting the number of years in a row that a non-profit can come to the City for support. She would urge them all to consider that basically because there is only one size pie to go around, and if they are continuously giving it to Groups A, B, and C, that doesn't give the next group coming along the opportunity to apply for those funds if they have already committed them to somebody else. So she would like to see them be able to mix it up after a certain number of years, do things to help these groups become more self-sustaining, rather than looking at the City to do it, whether they turn to United Way or some other funding mechanism. But if they are going to help groups start out, she thinks that is a great thing; but after - whether it is three, five, or seven years - they need to be sustaining themselves and the City needs to be looking to help the next young group start out.

Commissioner Nelson said that has merit, but he wonders whether or not they are going to include some of their non-profits such as Main Street, Sunrise Theater, and others who have been acquiring some of these funds and he thinks by and large are non-profits. Sometimes these non-profits have a long history and a long row to hoe before they come into fruition and self-sustainable. There was an organization like NHS (Neighborhood Housing Services) where they put money out there. There was an organization like the Restoration House and they put money out there. And they cut those people off. Now they have the other big hitters where they might do the same thing, to their peril it might be. He doesn't like

exceptions. He thinks they have to rely on their good judgment, rely on the contribution these organizations make to the City, and toward the goals or objectives they have set for themselves. He thinks they ought to look at it from the individual case by case basis rather than concrete policy.

Commissioner Coke said she is happy they are getting something. She is just throwing out the other options.

Commissioner Alexander said he does have some concerns on the same line as Commissioner Nelson said because they see some organizations that have a line item. He doesn't want to taboo or be against anyone, but they have the Sunrise Theater. Are they going to put them in that type of category when they are trying to complete the City efforts to their citizens? Surely some of these, like the Restoration House, that is viable. If they don't curtail the individuals in the streets doing the wrong doing, if they don't have a chance or place to go, then what do they expect in the next five or ten years? They are going to have a rampant on their hands. They should be afraid of being titled nationwide, a little small City as they are, #3 in the nation with these types of things. Again, that is the way he looks at it. Because the City is putting money into that Sunrise Theater, then they need to be putting monies into their community. When it concludes, they take one hat off as CRA and one hat on as a Commissioner, then they should have the same gracefulness about them. When they put a cap of \$10,000 on it, who is this going to affect mostly? Not the one coming to ask for \$1 million. He should be asking Mr. Schwerer because this came from his desk, right? How do they recognize that?

City Attorney Schwerer said what Commissioner Coke is discussing and what Commissioner Nelson is debating is not in this policy. This policy that is presented to them tonight was a culmination of a staff effort - the City Clerk's office, the City Attorney's office, the City Manager, and other staff - trying to get a handle on coming up with certain rules for the accountability of the funds that the Commission gives, and also to provide in the application as much information as possible so that the applicant is required to certify certain things to them before he or she comes for money. This is not a policy as to who can get the money, how many times they can come before the Commission, it has nothing to do with the discretion of the Commission. He wants to assure them that this is simply an application form.

Commissioner Alexander said he understands that. But when Mr. Schwerer says simply an application, his very words are, Application for Public Funds. That puts a whole lot of things in one...

City Attorney Schwerer said it is public funds they are talking about when they come before the Commission to get. Whenever they come for the money, they are asking for public funds which are City funds. He wanted to make it clear that his office was asked to take the lead by staff to address this. This comes from all the Departments. They need accountability for the funds whenever they are disbursed from the Finance Department. They need people to certify if they are going to be accountable. The information that is required in the application is basic. Before, the Commission would get just a simple letter from a person saying they would like to ask for \$5,000; yet no information about the group other than the name that was on the letter, there was no telephone numbers, no

addresses for people to contact, etc. He doesn't know if anybody else from staff wants to add to it, but he just wants to assure the Commission that they are not making any choices here. In fact it says right in the fourth paragraph of the policy statement: "Applicants must properly complete the City's application form and submit the application to the City Clerk. If the application is correctly completed, in the manner required, the Clerk may place it on the agenda for discussion and consideration. There is no obligation of the Commission to approve the request. The applicant must appear in person before the Commission to answer any questions regarding the application to receive consideration and to affirm that the rules regarding accountability are understood." That is really what this is for.

City Clerk Steele said maybe she can help clear it up. Commissioner Alexander asked about Sunrise Theatre and Main Street. Those are entirely different from what these requests are. These requests, if she is not mistaken, are for things like the advertising, help with festivals down there, or the Farmer's Market over here. It is the small requests.

Mayor Benton asked is that specified in here though? He didn't see it.

City Clerk Steele said that is what she is seeing too, that it is not really clear.

Mayor Benton said right, it was not specified.

City Clerk Steele said that is why Commissioner Alexander was asking what about Sunrise Theatre with \$1 million. This isn't for the \$1 million requests. This is for the small ones like the Bowl for Kids Sake, the one that came up last meeting (August 15, 2005). When they give these people money, there has to be an accountability.

Commissioner Alexander said absolutely, and he would be the first one to agree with that.

City Clerk Steele said so that could be clarified as to...

Mayor Benton said he would agree if they could clear that up. Because when he looks at Club Utilitas and he looks at some of the other organizations like Main Street, he would hate to have them fall in the cracks.

City Clerk Steele said if they come and ask for advertising funds, she thinks it would fall under this. If they are coming to ask for something the CRA should be doing, they will be going to the CRA and it is a whole different ball game.

Mayor Benton said this wouldn't be the CRA. This is the City.

City Attorney Schwerer said this is solely... Again, it does not modify the CRA policy, it is not intending to. That is a whole separate set of funds. And any other type like CDBG or whatever other funds, those are not covered by this. This is strictly for those types of requests they see for advertising, just like the City Clerk explained it.

Commissioner Nelson said it might be appropriate, as it is the starting draft, they certainly should include in there those

exclusions so as to get rid of any ambiguity or misconceptions that one might conclude as a result of reading this thing. It can cause his mind to go really wild when he starts thinking about Main Street or the Sunrise Theatre or the Human Development & Resources Centre, for example the 501(c)(3) element there. He certainly doesn't want anything to jeopardize either of those programs, because he thinks they are going to make a substantial contribution to Fort Pierce and to the County as well. Let's be clear to what they are talking about. Those that are excluded, let's exclude.

Mayor Benton said he would agree. If it is for the advertising requests and so on. It is a lot easier than them making one request and the City giving them another if they specifically know exactly what they can apply for and that is it.

City Clerk Steele said they have been able to distinguish them because they come to the Commission in letter form and they are placed on their Commission agenda. And these limits right here, anyone who wants more than these limits, it is going to be a major project, not just a small request to help Bikers for Tots or buy something for this or that group.

Commissioner Nelson said this is a starting draft. They can go back and rework this.

Mayor Benton asked does everyone agree they could maybe fine-tune this and bring it back? He thinks staff has a good idea what the Commission is saying. (The Commissioners agreed.)

Commissioner Coke said specify what monies they are talking about with this application.

City Attorney Schwerer said okay. He thinks staff could probably put something in here that says it doesn't apply to the CRA funds if that is what they want.

The next item on the Agenda was Commissioner Nelson request letter supporting Florida League of Cities concerns with **Senate Bill 360**.

Commissioner Nelson said he follows very closely the activities of the Florida League of Cities. He is on the Administration and Urban Transportation Committee. They talked at great length about Senate Bill 360, which encompasses quite a bit of the Comprehensive Planning requirement. This item he submitted to the Commission on the 23rd day of August. He is reflecting a memo that the Florida League of Cities attorney (Rebecca O'Hara) submitted to the Senate Committee on Community Affairs, Legislative Attorney, on the 28th of July 2005. It addresses primarily some concerns that were not, in the League's position, considered adequately in this Senate Bill 360; i.e., some of the glitches that are contained therein. He cited for them four categories which he thought were appropriate: The matching funds, grants for implementing the plan, the home rule (limitations of the ability of the counties to pre-empt municipal land use decisions), and schools vs. municipalities relationships. In this idea of schools and municipalities and relationships, they find themselves looking at the various schools. The schools have a tendency to want to build schools out in the suburbs and not renovate or build up new schools in the inner cities, so they end up with this creation of urban sprawl and it results in urban decay within the cities. Because as they know, where they have the schools, they are going to have the people building a home because they want to be close to their child's school. They have a

situation right here in the City of Fort Pierce where they have some fine schools. Those can be expanded within the City. That will bring in more people to this City to make their real estate much more valuable. It would minimize the tax structure, minimize the infrastructure requirements as they try to extend themselves out of the urban areas. What he is asking here is a review of this letter that was submitted by the attorney to the Senate Committee on the 28th of July, so they know there are cities out here that in fact concur with and support the efforts of the League with respect to addressing some of these issues which the League of Cities had determined to be glitches that affect the cities. Just last week they talked on this in further length. They are refining this. They feel very strongly about the fact that these things can happen. Fort Pierce has a situation wherein the Comp Plans are being drawn up. They have the approval of a contract for \$225,000 the other day to pay some guy to do their Comp Plans over the next two or three years. He thinks they have a good relation with the School Board; but he is not sure they understand the City's plight with respect to them building schools and going outside. He wants to foster their positive relationship; but make the School Board fully aware that when it comes down to the Comp Plan and review that Fort Pierce wants them to do things that are going to enhance their efforts and they don't want them to exacerbate the urban sprawl. They want the counties to realize that when they come down to pre-empting whatever the cities want to do, the counties should back off and give them a chance, because if they don't do their thing, their cities are going to decay and they can't afford that. Their charge is to try to in fact enhance this great City of theirs and they want to call in all disciplines necessary. Thankfully they have the Senate Bill 360, thankfully the Florida League of Cities is addressing these glitches, and hopefully the Commissioners will join him in coming up with either a resolution or a letter of support indicating that Fort Pierce endorses this effort. It is just like, they get letters to the Commissioners from a bunch of people saying they support this, rah, rah, rah. Somebody listens. That is all it is, that they agree with those guys up there.

Commissioner Coke said she agrees with him.

Mayor Benton asked is that a motion to put a resolution together, is that what he wants?

Commissioner Nelson said he is not sure a resolution would be that easy, but at least a strong letter.

Mayor Benton said staff will put a letter together. Does everyone agree?

Commissioner Becht said his only reservation is that there are some ramifications with the Senate Bill that may impact Fort Pierce negatively. Before they do that, if that is the consensus, he would like for staff to review it. Without having the benefit of reading the whole statute, one of the things that caught his eye was moving the urban service boundary area beyond the ten year projection. He doesn't want to play lawyer here tonight at a late hour, but he just thinks before they endorse something they might want to make certain that it is not going to impact the City negatively. He cannot do that tonight. He is not going to do that as a Commissioner. He would like for staff to review that bill to make certain there is nothing in it that hurts Fort Pierce. He hears Commissioner Nelson saying it is all good. He sees the

letter from the League of Cities attorney saying it is good for most municipalities. But as with any legislation, there is probably something good and something bad in it for the City of Fort Pierce. He would just like to make certain that somebody has reviewed it. With all due respect to Commissioner Nelson, that their attorney has reviewed it to make certain it doesn't hurt the City in some way they have not seen.

Mayor Benton said what they can do is have that letter brought back to the Commission for approval.

City Manager Beach said yes. It will actually be a letter signed by the Commission.

Commissioner Nelson said be mindful that they have a Legislative Session that is going to take place around the 16th of November.

City Manager Beach said it will be before that.

Commissioner Coke asked they will get a report from Mr. Schwerer on what part of this is not good for the City?

City Attorney Schwerer said let him clarify what this is. This is a letter that the Florida League of Cities counsel is going to send out as a unified approach to certain shortcomings that the League has identified in Senate Bill 360 that affect municipalities. Actually what this letter is designed to do is to point out to the Legislature and the Legislative Attorney who is the Senate Committee attorney, the shortcomings as far as the League of Cities sees in the Bill. Some of these things may or may not affect the City of Fort Pierce, he really can't tell that from a legal standpoint. What the League is asking for is support from the cities for the purpose of this letter and he thinks that is what Commissioner Nelson is asking for. But it is not necessarily asking for support on Senate Bill 360, that has been passed. This is saying there are some shortcomings the League has identified, they would like the Legislature to take this up in a separate session with a glitch bill to correct some of these shortcomings. It may or may not take place. Some of these things are going to be debated with counties and other affected entities such as school districts and whatnot. So there is going to be a new debate in the Senate to correct some of these deficiencies that are foreseen. He is just not sure that he can give them a synopsis of whether this is good or bad for the City. It is the League's position. Fort Pierce is a member of the League of Cities. They either support it or they don't support it. They don't have to support this letter. If they want to support the letter, they are just giving them that added...

City Manager Beach said he will bring a letter back to the City Commission that addresses what he believes to be the direction they have been given this evening.

The next item on the Agenda was Appoint or reappoint a Commissioner to the St. Lucie County Tourist Development Council.

City Clerk Steele said Commissioner Coke's appointment will expire on September 30th.

Mayor Benton said Commissioner Coke has been doing an excellent job. She got the Fishing Tournament together very quickly, pulling together some funding. Great job, keep up the good work.

Commissioner Coke said \$17,000.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to reappoint Commissioner Coke to the St. Lucie County Tourist Development Council.

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

The next item on the Agenda was Commissioner Alexander to discuss a Traffic Light at 29th Street and Orange Avenue.

City Clerk Steele said this Agenda Item #27 is also the same as Agenda Item #34 (City Engineer to discuss Traffic Signal Warrant Study at 29th Street and Orange Avenue). Would they like to bring that forward?

Mayor Benton said let's put the two together.

Mr. Hector Arias, City Engineer, asked does he have to be brief?

Mayor Benton said yes, he does. Does he want a light or not?

Mr. Arias said they have been working on this since April and the FDOT is performing right now a study of the intersection to warrant the traffic light. In the meantime they have installed stop signs just to keep it safe until they get the information from the FDOT about the traffic light. They should be getting that information possibly next month. He has a lot of optimism. He thinks they are going to get it. There have been a tremendous amount of accidents at that intersection.

Commissioner Alexander said it is. His concern is that being a corridor for schools and the school buses.

Mr. Arias said that is why they wanted to do it in September because they wanted to wait for the school to start. To give them an idea, they had in 2002 - six accidents, in 2003 - eight accidents, in 2004 - eleven accidents, and so far it is six accidents this year. So he has a lot of optimism that they are going to be getting something. They will follow up on this real close, like he did with Avenue M before.

Commissioner Alexander said don't think they are going to turn that loose now.

Mr. Arias said no, he is not going to do that.

The next item on the Agenda was Report by Interim Director of Development of his approval of a Minor Amendment to an approved Site Plan submitted by JFK Land Corporation, Inc. for an office and warehouse facility for ALA Printing to be located on the southwest corner of Oleander Boulevard and South Market Avenue.

Mr. Hector Arias, Interim Director of Development, said he has approved the Minor Amendment to the Site Plan for JFK Land Corporation. It is only a change of the layout of the parking and some of the landscaping. Nothing else has changed - the use hasn't changed and the number of parking spaces hasn't changed. So he is approving that. This is just a report to the Commission.

The next item on the Agenda was City Manager to discuss scheduling of an Out of the Sunshine City Commission meeting for **Union Negotiations**.

City Manager Beach said as the Commissioners are aware, they are in the last year of a three year contract with their Teamsters Union. Negotiations are getting underway for the upcoming year. They also are in the first year of their two PBA contracts with the Sergeants and Lieutenants, and the Police Officers. But they specifically left open the salary element of years two and three of those contracts, so those discussions need to get underway. His secretary will be calling them this week to try to coordinate a date that they can all get together for an Out of the Sunshine meeting that will allow the Commission to give staff some parameters in regards to those negotiations. They do have their first offers from all of the Unions and they want to discuss those offers with the City Commission and get some direction.

The next item on the Agenda was City Manager to discuss Proposed 2005-2009 **Capital Improvement Program**.

City Manager Beach said he has met with all of them over the past month regarding that subject. He is assuming they have as part of their agenda packet that proposed CIP plan. He has tried to incorporate all of the input he has received from the City Commissioners over the past several months during the preparation of this. For purposes of the audience, the program is laid out in a way to where the projects are listed to the far left of the sheet and the project amounts are next. The various sources of funds are listed across the top of the page. But this is kind of a detailed five year proposal that incorporates 15 different sources of funds, approximately \$145 million over a period of five years from 2005 through 2009. He believes that it takes into consideration the bulk of those items they have talked about over the past several years. They have added things such as property acquisition on the beach. At one of their meetings the Commission said to program at least \$1 million a year in asphalt overlay and that has been added.

And to the best of his knowledge, on his one on one meetings with them, the Commission was fairly much in agreement with the concept as it is laid out. The Commission has, as part of the package that was sent out to them, a two page memorandum from him (dated September 1, 2005) that talks about the plan and how this plan may be implemented. It certainly contemplates additional bond issues through their CRA (Fort Pierce Redevelopment Agency) over the next four years. Of that \$145 million, in excess of \$50 million of it is CRA resources. Right now they have about \$20 million of the CRA resources on hand; so over the next several years, they would be issuing additional CRA debt to make this plan come about. He also pointed out in that memorandum, and should for the record indicate, that this document is intended to be fluid. It is intended to be changeable as their conditions change, as the events change, and as the priorities of this Commission change, if those should change. They have the ability to make those adjustments as time goes by. The specific request that is in front of the Commission this evening is to authorize staff to move forward with the necessary engineering and architectural design contracts to implement the design phase of all of these projects that the Commission is approving. When he says that, he is talking about those projects that currently do not have designers, architects, and engineers on board. That represents about \$30 million worth of various street projects, building projects, and so on; and it also represents

probably \$10 million in stormwater utility design projects that would need to get underway. What they are wanting to do is to get the design firms on board with the idea of, when the resources become available, the City can simply give them the plans and put them to work. What they have struggled with in many of their capital improvement plans, it seems like the most complicated part of it is the design part of it - it is taking them more time to do that than it is to build once those are designed. So he is asking for authorization to move forward with that. Assuming that they sign up engineers for \$30 million worth of projects, they are looking at anywhere from 6% to 9% or 10% architectural fees, which at \$30 million they are going to issue almost \$2 million to \$3 million in design contracts for that work. The idea behind that is to have the projects designed and ready to go when the funding source is available. The City has some 80 projects on there covering \$133 million of active projects. They have also included - in the green-colored columns - those are projects that are already completed. There are \$17 million worth of those projects. But of that \$133 million, over the next five years... They can take any one of those and talk about it for as long as they want to talk about it - those are all significant, those are all something they have been discussing as a Commission for years. It has a lot of the projects on there that they had originally tried to fund out of their Community Development Block Grant loan. They didn't like the way that was going, so they have backed those up now and put them in as CRA projects.

Commissioner Coke asked Mr. Beach is not really looking for them to discuss individual projects tonight? She is sure he is actually just looking for the Commission to say lets go ahead and start designing and getting on board with preparing to do these projects?

City Manager Beach said this Commission has agreed pretty much with all of these projects that are here with the exception of one. The Commissioners have concurred as individuals in individual discussions with him that this is the plan. There are things they would like to add in the future, but they were all on board with these. The only exception is the Golf Course improvements. They are still trying to build a cart barn, additional parking, and a new clubhouse at the Golf Course. That is on this capital plan, but it is shown to be funded out of the proceeds of the sale of the waterfront property. This Commission has not previously authorized that. This is a specific request and a specific proposal from staff. If they recall, their previous discussions about that \$5 million revenue source was to go for the purchase of public land. The way that is addressed in this Capital Improvement Plan is money set aside in the CRA for the acquisition of public lands that actually exceed the amount of the land sale in front of the Manatiki.

Commissioner Becht said following up on that, first off he is very much in favor of Mr. Beach starting the process for the design work so they can hopefully save money by doing that. But specifically to the Manatiki purchase, are they under contract for that?

City Manager Beach said they are under contract set for closing October 24th.

Commissioner Becht said that October 24th date, which is right around when the parking garage was supposed to have opened, is about a year earlier than Mr. Catalfumo wants to close on his contract. Mr. Beach said it is a fluid document and he appreciates

it is a fluid document. It is a great effort trying to pin a tail on a moving target, but they have to identify where that money is going to come from.

City Manager Beach said they currently intend to pay for that out of their CRA bond issue and then the idea being to reimburse the CRA bond issue at the time the land sale closes.

Commissioner Becht said or, if it closes.

City Manager Beach said if it doesn't close, they have a new problem to resolve.

Commissioner Becht said okay. He wanted to talk specifically about Mr. Beach's efforts to locate alternate financing for something that is going to hit them in the next 30 to 45 days, and also to give his support for moving forward with at least the design of the Golf Course Clubhouse. Once they figure out what they have there, they can figure out whether they are going to fund it or not going to fund it. But right now he would like to keep moving forward with all of the design they have here.

Commissioner Nelson said he is concerned about the years for implementation of these projects and the amounts as well. They are talking about \$924,000 for Depot Drive in the fiscal year 2006 and they are looking at 14th Street paving at \$371,700 in 2005. That is good. But coming down to Line 21 and 22, where there is Avenue D from 25th Street to 33rd Street and from U.S. #1 to Indian River Drive in 2009 by \$1.4 million and \$660,000 respectively. The question is, is Avenue D from U.S. #1 to Depot Drive County-owned?

City Manager Beach asked from U.S. #1 to...? When he says Depot Drive, does he mean Indian River Drive?

Commissioner Nelson said he means Indian River Drive.

Mr. Arias said across the railroad tracks, it is the City's. What is not the City's is from 25th Street to 33rd Street, that is the County's.

Commissioner Nelson said he spoke to Mr. Arias today or yesterday or sometime recently about the County is sending a letter in response to the City Engineer's request for information on streets being paved in the corporate City limits. They are talking about Avenue D from 25th Street and 33rd Street at \$1.4 million. And he can guarantee that a letter he saw from the County talked in terms about something like \$143,000 or something.

Mr. Arias said that is for resurfacing only. That is a set program. They can't build a road for that amount of money. They are talking about resurfacing only.

Commissioner Nelson said yes, he agrees. But the City should be insisting that it be comparable to Avenue D from 25th Street to 7th Street?

City Manager Beach said that is what this plan contemplates, that it be constructed to that same standard. But also, as Commissioner Nelson had suggested, they will be working with getting this on the MPO (Metropolitan Planning Organization).

Commissioner Nelson asked the County as well? He is worried about it going to the MPO. It is a County road. Do they handle County roads in the MPO?

Mr. Arias said they have to request the MPO and the MPO will set it up in a list. Whether they are going to ever see it or not, he doesn't know, because that is going to take a long time. But they are going to ask for that.

Commissioner Nelson said they broached this subject up in 1998 and 1999.

City Manager Beach said the CRA has the ability to do this. They clearly want to do it with other resources if those are available and if they can move it in a time frame that the Commission is satisfied with. If they are not satisfied with that, if they don't get it in the time frame or the type of project they want, then they have the ability through the CRA to do this, and that is what is suggested here.

Commissioner Coke said do what Port St. Lucie did - do the road the way they want it and then send the County the bill. That is what they did, remember?

City Manager Beach said again, as he had indicated earlier, they can take any project on this list and talk about it for as long as they want to talk about it. What Staff is looking for now is the Commission's concurrence to move forward with the design of all of this; and that way, when the resources are available and ready, they don't have to wait two years to start it.

Mayor Benton said he does have one item on here, and he was very supportive of this, it came out of a Charrette. It is Item #16 under Street Projects (Fisherman's Wharf Deck and Street Improvements) at \$1 million. His personal opinion is, that with the interest of developers, once that property is straightened out with the legal problems it has, he thinks that is something a developer should be made to fund, because he knows several developers have looked at that whole area as one project.

City Manager Beach said he thinks that is realistic that they could extract that from a developer of that site.

Commissioner Becht asked which one is this?

Mayor Benton said this is the Fisherman's Wharf Deck and Street Improvements, it appeared to be like a fishing pier there. But he thinks with the interest and the value of that property, it is just an item. The only thing that bothers him is, and he has said this several times, he doesn't see but one project he knows of that is south of Georgia Avenue here. For instance, when they come to buildings, they have almost four community centers in the northwest section and they don't have one community center south of Georgia Avenue. So it is something that will be needed. The makeup of the southern end of Fort Pierce has changed in the last many years, there are probably a lot of children down there and there is probably a need for a community center. So to him, some of those things they need to address. What he wishes they could do is somehow eliminate the green-colored ones on this list; because if they could get the projects that are finished off, it makes it a little bit easier to digest this.

City Manager Beach said staff can handle that differently.

Mayor Benton said but he really thinks that the Commission needs to consider... He knows the Hibiscus Homeowner's Association had a Charrette and has some needs that they are going to be addressing in a little while. But he just would like to see a little interest put in the southern end of Fort Pierce, there is basically almost nothing here for them out of millions of dollars worth of improvements. He thinks they really need to address it.

City Manager Beach said the reason they don't see that on this CIP plan is because of the lack of identified resources to do work south of Georgia Avenue. They can however accommodate that through the proceeds of the land sale. That can be used wherever the Commission wants to use it.

Commissioner Alexander asked where did he say this money is coming from?

City Manager Beach said there are about 15 different sources.

Commissioner Alexander asked in 2005 he is looking at, what is this bottom line figure on that for 2005?

City Manager Beach asked is it \$9,228,000, is that the figure he is looking at?

Commissioner Alexander asked the next one is 2006 which is just a few months away, are they speaking of \$46 million?

City Manager Beach said yes.

Commissioner Alexander asked where did they say this money is coming from?

City Manager Beach said if they look at the top (of the proposed 2005-2009 CIP plan), there is a headline that says Project Funding Sources. Under Project Funding Sources, there are 15 different categories or 15 different sources of revenue that are anticipated to fund all of these projects. What it shows is the project itself. If they went to 2006 and looked at the first item, the \$750,000 that is in 2006 and they go back to the column where that is in that area, they will see \$750,000 in the General fund. They can follow them all down that way. The large one, for example, of \$7 million. If they follow that back to the source, it will show \$2 million from the CRA and it will show the other \$7 million from the Department of Transportation. That is how it reflects exactly where the money is coming from.

Commissioner Alexander said Mr. Beach lost him. He sees the \$7 million, but when he goes back...

City Manager Beach said let him use that one as an example (Line #5). That is A-1-A from U.S. #1 to Blue Heron Boulevard reconstruction. The total project amount over the construction period is estimated at \$14,499,000. \$12 million of that is coming from FDOT and \$2 million of it is coming from the CRA. The years it is proposed to be spent is 2006 at \$7 million, 2007 at \$6.5 million, and 2008 at \$1 million. That same method applies to each project all through that chart.

Commissioner Alexander said his next question to follow that up, he sees the long list of the CRA efforts and the other fundings. For instance, what Mayor Benton was speaking about on a community center south of Georgia Avenue. This CRA money here will be able to free up other money to...?

City Manager Beach said it is conceivable, it could.

Mayor Benton said CDBG money.

Commissioner Alexander asked is that how they should be putting some in perspective. Regardless of what it is, they should have some perspective as far as when they are going to implement these.

In 2006 are they going to use \$46 million? He is saying implemented, but that is not going to be true.

City Manager Beach said that is the current plan. If they look at all of these projects... As an example, the A-1-A project is a good portion of that; and that is designed and ready to get under construction. It is supposed to get under construction in November of this year. The other one is the Oleander Avenue and Sunrise Boulevard Roundabout, as an example. That is almost ready to go out for construction.

Commissioner Alexander asked Sunrise Boulevard? They are all ready with Sunrise Boulevard, but they have been bucking this parking garage for how many years now?

City Manager Beach said they designed the bulk of the Sunrise Boulevard roundabout five years ago. The City got to the point of almost constructing that project at one time, but made a last minute decision to transfer the money to another agency. So they had those plans laying there, those are just going through some refinement right now.

Commissioner Alexander said they need to delete a lot of this and put it in perspective. He is saying, maybe change the color codes, maybe Items 1-16 being a priority or something. They need to put it so when he looks at this it doesn't become a maze.

Mayor Benton said that is what he was leading to, because just like the A-1-A, that should be a green line on here. Sunrise Boulevard should be a green line. What they can do maybe is, if Mr. Beach could and if the Commission agrees, the projects they are looking to start the engineering on and look at the funding year, if he could bring that back to the Commission. Because there are several on here that have been done that the Commissioners don't know have been done. And they don't need to engineer something that is going to be done in 2009 when they still have...

City Manager Beach said actually he has those here. (Mr. Beach distributed an updated CIP plan.)

Commissioner Nelson asked what is the difference between this one and the other one?

City Manager Beach said these are the same documents. The only difference is, there is an asterisk beside those projects that they want to get the design work under way. If he had given that to them earlier, they wouldn't have had to ask that question, would they?

Commissioner Nelson asked is it the same line numbers?

City Manager Beach said yes.

Mayor Benton asked should they decipher this one and come back at the next meeting with it?

Commissioner Coke asked instead, could they maybe just give Mr. Beach a consensus to start moving ahead with looking at design companies, etc? In two weeks time they can have better answers.

Commissioner Nelson said yes, but he has one item that appears to have identified funds for, he thinks. That is the Police Parking Lot, Line #56, for \$60,000. A little bitty project. Has that been designed?

Mr. Arias said almost.

Commissioner Nelson said it is only a little parking lot there.

Mr. Arias said but they have many parking lots to design. That is the problem.

Commissioner Coke asked could Mr. Arias please finish that parking lot for Mr. Nelson so he can stop asking? She is begging.

Commissioner Nelson said he has asked for it many times because he sees the Chief's cars all lined up there blocking his traffic and all this stuff. He doesn't like that. He is going to give them a ticket for parking their cars on private property.

City Manager Beach said what he is asking for is authorization to move forward with the design work.

Commissioner Becht said yes.

Commissioner Coke said she would agree with that.

Commissioner Alexander said he agrees.

Commissioner Nelson said he agrees with the consensus.

Mayor Benton said he agrees. And if they have any problems with the new chart Mr. Beach just gave them, they will call him or they will let him know at the next meeting.

City Manager Beach said he would like to emphasize again, this is a moving target and it is a fluid document; and when it needs to be changed, they need to exercise the flexibility to change it and that depends upon Commission input.

Mayor Benton said as they did with the 2nd Street project, when they reallocated. Sometimes there are priorities.

Commissioner Nelson said they might have to do that on Avenue D too to make that road nice.

The next item on the Agenda was Director of Building & Community Response to discuss the **Fort Pierce Neighborhood Enhancement Action Team's (N.E.A.T.)** mission and goals.

Mr. John Alcorn, Director of Building & Community Response, said first he would like to apologize. The wording in his memo is incorrect. It should be the Neighborhood Enhancement (not Enforcement) Action Team. That is the correct name for N.E.A.T. In front of the Commissioners is the Mission Statement, the goals, and the initiatives that this team wants to undertake. He thinks they are familiar with those. And after discussing it today with everyone, his question is, where would they like N.E.A.T. to start?

Commissioner Becht said he thanks Mr. Alcorn and the rest of the staff for their time and their efforts in putting it together to get it as far as they have already gotten it. It is the fastest he has seen anything happen around here in a while. He compliments them on setting the bar as high as they have. He has his concerns that their target area is too large and too big an obstacle to try to tackle their first time out of the chute. He doesn't mean that as an insult. He really is very happy and proud that they are energized enough to try to tackle that one (referring to the area generally between U.S. #1, Avenue D, 10th Street, and Orange Avenue). But what he would like to do is tackle one that is a little bit smaller and perhaps one that is a little but more receptive to the whole concept. They have with them tonight representatives from Hibiscus Park. They have been, he doesn't want to say begging, but they are real excited about possibly being the starting point for this project. If they get a consensus here tonight, that is where he would like to direct staff to go back and target Hibiscus Park. This neighborhood wants them there and they can learn a lot by doing it in a community that really wants them; then they can tackle the big project that they all want to tackle.

Mayor Benton said he would agree. Because after the Hibiscus Park Charrette the other day, he knows they want it; and he thinks when they have a willing neighborhood, things will materialize quicker.

Commissioner Becht said they can learn a lot.

Commissioner Alexander said he just wants to support that effort and say one thing. When they go into this area, that they go into it with all the resources the City has to assure that community there that they are not being overlooked. When he says that, that includes even considering doing the paperwork or whatever the work-up they need to do a community center in that area. If they are going to do the roads, make sure they do the roads. And they will be proud of this portion of the City as well as the rest of it.

Mayor Benton said the good thing about that is, they have the ability, if the City works with them, the old Garden Center is there. That is where the Charrette was. But it would be nice somehow if the City Staff could work things out that they could use that as a meeting center. He thinks it is just details, but maybe they can work through that. He was going to bring that up for discussion later, but that was also something that was discussed at their Charrette.

Commissioner Coke said she thinks this is a great jumping off point. Mr. Alcorn spoke with her earlier. She is glad to see, and she kept saying she would love to see them do a neighborhood south of Georgia Avenue. The other thing she has concerns with is, when they take the size of whatever neighborhood... And they were trying to discuss today whether they should, for each one of these goals, assign an actual physical listing of activities and a time frame. She knows Mr. Alcorn has some concerns about not wanting to

leave the project. She has some concerns when they are dealing with a neighborhood, and she started thinking later on, this is going to be something that when it starts going, everybody is going to want to participate. Everybody is going to want their neighborhood to be raised from this level to that level. She thinks if the City doesn't do it with almost a time-of-the-essence attitude, the size of the neighborhoods they are looking to take, if they are doing one a year, they will be done in 50 years. People don't want to wait that long. She is glad to see they are going to switch neighborhoods; however, she would like to see more of a physical goal - rather than a lofty list of what they would like to do, an actual game plan. She knows they are just in the beginning, but she thinks if they had an actual game plan about how they are going to go about accomplishing these goals in an approximate time frame. Because her concern is, people are going to be knocking down the door asking when are they going to finish up here, because can their neighborhood be next? And the City wants to be able to tell them, this is a four month project or it is a six month project. Like she and Mr. Alcorn talked, once they get more familiar with it, maybe they could have two neighborhoods going at once and different City departments going back and forth. She doesn't want anybody to feel left out.

Commissioner Nelson said he basically concurs with Commissioner Becht, this is just too large an area to deal with. He would have to agree with Commissioner Coke and address the more specific actions that they want to address. What is it they really are going to address in those neighborhoods? For example, he remembers one time somebody said they didn't want people to have Christmas lights up year round and they might not want them to have flag poles and all this kind of business. This kind of feedback comes to them; and people start saying, this is their home, they have a right to have this. If they have laws that cover that specifically, then they should address those. With respect to going and selecting a neighborhood, if the Hibiscus Park folks or one particular neighborhood comes and says they want the City to come to their neighborhood first, he thinks that is fine. But if the Commission chooses neighborhoods themselves and they get this negative feedback, particularly some of his less affluent neighborhoods, they are going to have people saying they are picking on them. But if they do it via a lottery and perhaps in conjunction with somebody saying they want them to come to their neighborhood. They may have to set a criteria by which they go by with respect to these people who say come to their neighborhood. These people may not represent the whole neighborhood as such. And they have to ascertain how many people belong to this homeowner's association, ascertain whether or not there is a neighborhood association there that speaks for the entire body. Otherwise, they are going to have negative feedback and they will have people saying they are picking on them because they are this and they are that, and he doesn't want that. So he would like for them to in fact possibly explore the possibility of using the college kids - five or six of them in conjunction with the college - to help them in collecting data relative to what they think Fort Pierce looks like and should be and they want it to be. They are going to be the instruments that in fact cause this to be sustainable in the future. They had a guy named Henry Moore who came out of Savannah and told them they had to do some of these things. Guess what, he told the Commission what to do, they paid him \$30,000, he went back, and the City didn't do anything. But Mr. Alcorn did a good effort here. Take into consideration of some of the things he has mentioned here and get started, he would be beholden to them.

Commissioner Becht said just one quick follow-up. He disagrees with Commissioner Nelson about the lotto system. The reason he wants to do this on a voluntary basis the first time out of the chute is that it eliminates somebody thinking that they are picking on them. But the neighborhoods they need to target are probably the neighborhoods that are landlord-controlled and they are not going to welcome the City into those communities; and those are the precise neighborhoods they need to go into as soon as they can get into them with a successful program. He thinks eventually they are going to need to go into a neighborhood where they are not asked to come in, but they have designated this as a neighborhood that will benefit from this program. So he disagrees with Commissioner Nelson on that.

Commissioner Nelson asked does Commissioner Becht think Hibiscus Park is landlord controlled?

Commissioner Becht said no.

Commissioner Coke said Commissioner Becht is saying do that one first; and then go to one of those neighborhoods that don't want them.

Mayor Benton said he would submit to Hibiscus Park because they want them. But the neighborhood he is looking at is the area between Delaware Avenue, Orange Avenue, 7th Street, and 10th Street. Because to him, that is an area that is very challenged. And he doesn't think it would take a lot of money. But he thinks Hibiscus Park could be a lot quicker. And then move to the next one. The other thing is, he wants to make sure they are not going to use all of their resources, that they still will be doing work in other areas of Fort Pierce. He just doesn't want to say they are going to leave this section alone because of all their resources are used up. Lets make sure they have some people continuing all over.

Commissioner Alexander said when he spoke about using resources, he just said don't go in and do something half way where next year it is going to be back in the same condition. His other question is, what are they going to do about historical properties that are going to be in these neighborhoods? How are they going to deal with those?

Commissioner Nelson said all properties. It has to be inclusive.

Commissioner Alexander said but he is just asking because historical properties are going to have to be at a different level than the regular homeowners.

Mayor Benton said he knows one historical property he sure hopes something gets done. It is not in that area. But he thinks if someone owns a historic property and it looks like Dan McCarty's house, somebody ought to take it away from them. That is a sin what was done over there by the last owner.

Commissioner Alexander said he just wants to be assured that the homeowners that are suffering every day, if they have to abide by what the City comes in with, that it applies to everybody.

Mayor Benton said he is sure there is going to be some glitches in it and they will be hearing about it. Get ready for their phone to ring.

Commissioner Becht said the beauty with Hibiscus Park is that the City is going to get interaction with the residents; and the residents are going to tell them where the program is working and they are going to tell them where it isn't working. That is why he thinks Hibiscus Park is a nice starting point. Because he doesn't think they will get that kind of feedback from a neighborhood that may take a perception of this that the City is picking on them. They are not going to give them the feedback.

Mr. Alcorn said they had some feedback today, their first complaint about the President of Hibiscus Homeowner's Association, so it is working.

Mayor Benton said good. They called Mr. Alcorn before they called him then.

Mr. Alcorn said there seems like there is a consensus. They will do the Hibiscus Park neighborhood; and then give thought to where they would like to do their second neighborhood.

Commissioner Nelson asked how long are they allocating for the first phase or first sweep?

Mr. Alcorn said what they would like to do is start working on it now and really get into it after the first of the year. They don't want to send negative letters during the holidays. But they will be working with them and...

Commissioner Nelson asked is he making any kind of assessment of what they are going to do, what is their anticipate finding out there in that neighborhood? He has been through Hibiscus Park. It is a pretty nice neighborhood. A former mayor lives over there. He has one of the nicest areas in the town. And it shouldn't take too long to go through there.

Mr. David Recor, Deputy City Manager, said one of the benefits of using Hibiscus Park as a model to emulate is that they have done the assessment of the neighborhood in preparation for the Charrette, so they have that information that has been compiled. They did mobilize the resources on the heels of the Charrette to go out and identify inoperable vehicles, properties that were unkept, collection of debris that they saw and witnessed while they were preparing for the Charrette. So the wheels of progress are in motion in that particular neighborhood.

Commissioner Nelson said okay, they are going to try that. He is telling them, he thinks there are different problems in different areas and they are going to have some feedback. Mark his words.

Mayor Benton said they know they will get feedback. They always do every time they have done this.

Commissioner Coke said feedback is a good thing.

Mayor Benton said that means they are doing a good job, usually.

The next item on the Agenda was Director of Building & Community Response to discuss the demolition of **417-419 Orange Avenue**, owned by the United States of America. (Consent Agenda Item 8(1) - Accept quote from L.E.B. Demolition & Consulting Contractors, Inc., for demolition of 419 Orange Avenue, in the amount of \$28,500.00.

RFP No. 5121

Mr. John Alcorn, Director of Building & Community Response, said they have in their packet a letter from the United States of America through the GSA (General Services Administration) office in Atlanta giving Fort Pierce authority and permission to take down the red building that is over there at 419 Orange Avenue. Vagrants have been in there. He noticed Friday afternoon late that the front door had been broken open again. So they need the Commission to authorize the expenditure of \$28,500, which they have in their budget.

Commissioner Becht said take it down.

Mayor Benton said take it down.

Commissioner Coke said take it down.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to accept quote from L.E.B. Demolition & Consulting Contractors, Inc. and authorize the expenditure of \$28,500 for demolition of 417-419 Orange Avenue.

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

The next item on the Agenda was Chief of Police to present prima-facie evidence on Omega Lounge located at 1603 South U.S. #1, owned by Club Omega, Inc., recommending the business be declared a Public Nuisance and to instruct the City Attorney to begin a nuisance abatement process.

Chief of Police Eugene Savage said he has included a breakdown of the problems that have occurred at this Omega Lounge since its first day of operation back in April of this year. He has supporting police reports, all kinds of statistical information that has been provided in their Agenda packet. He had some discussion with the City Attorney today regarding the correct course of action; and he would prefer that this be taken to the State Court, that he make a case in the State court like he has done on some other cases for the City. His concern is, he doesn't want this to be a delayed process. He wants this thing to go out of business like yesterday. He would ask that the City Commission make use of the City Code Section 9-29 which is a revocation of an occupational license if it has been determined that there is a breach of public peace, health, safety, welfare, etc. He believes they have made that determination.

Mayor Benton said he knows there have been problems. He witnessed one, one night himself going by there.

Commissioner Coke said she would agree with the Chief. She was very upset when she had read the paragraph (in the Memo from Captain Sandifer dated August 31, 2005) that although it hadn't been confirmed, one of the Fire Department Investigators has been receiving threatening phone calls, threatening bodily harm to him and his family after he went out to check on this club. She just thinks that is totally unacceptable behavior and they need to move immediately to shut the place down.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to begin proceedings to revoke the Occupational License for Club Omega Lounge at 1603 South U.S. #1.

Commissioner Nelson asked does the City Attorney have anything to say about this?

City Attorney Schwerer said the only thing he talked to the Chief about was, if they were going to institute a nuisance abatement, it couldn't come to the Nuisance Abatement Board because it is not solely drug-related, and that is what that ordinance provides. He recommended instead that they go to the Circuit Court with a general nuisance like they had done on the property they call The Bullet Hole. They have done that on about three others. He agrees with the Chief's recommendation. Simultaneously, they can start a license revocation case in front of the Commission. The problem they are going to have with the license revocation case is that these businesses can change ownership and the new owner comes in and applies for a license and it is really a facade and they can't deny that person a license because they don't know that and then they are the same people who are running the club. So what he is suggesting is, the Chief file that and they bring it back as a license revocation case in front of the Commission; and at the same time authorize the Chief's office to work with the City Attorney's office to determine if they need to go forward with court action under Chapter 60 for nuisance abatement if things look like that is going to happen. It did happen on the Guadalajara Mexican Restaurant, if they will recall. They started the license revocation procedure in front of the City Commission, the owner just did some juggling with some corporations and started pretty much back in business again before the City could legally respond to a threat of a court action.

Mayor Benton asked can't the Fire Marshall tack on to this too, if several times there is a problem with too many people? They might as well bring him in.

City Attorney Schwerer said yes, absolutely.

Commissioner Becht said he doesn't recall being here for the Guadalajara Mexican Restaurant mess. But in his opinion, this is going to be different. The occupational license use is going to have to be pulled by the tenant, which is probably Club Omega, Inc. And the property is owned by the Lloyd family and they may be looking for an excuse to terminate the lease if this is a problem tenant. So if they wanted to change the occupational license, then the Lloyd family would be tacitly endorsing something that he doesn't think they want to tacitly endorse. At this juncture he thinks they should proceed with everything they have.

Mayor Benton said the Lloyds know the City doesn't like what is going on there. He couldn't imagine them continuing or allowing it.

Commissioner Becht said they may, but...

Commissioner Alexander asked is that something maybe they can, whatever needs to be done? But they don't need to give the Lloyd's a black eye because of a tenant. Maybe they can give them an alternative of what they can do and what they cannot do with maybe just a strong letter to them to take care of that.

Commissioner Becht said the Lloyd family is probably looking for help. This is going to help them, he thinks.

Mayor Benton said he is sure they have heard about the problems.

Commissioner Alexander asked are they going to take heed to what Mr. Schwerer said?

City Attorney Schwerer said they are going to take both actions. They are going to use both barrels as he understands the Commission is telling them to do that.

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

The next item on the Agenda was City Engineer to discuss Traffic Signal Warrant Study at 29th Street and Orange Avenue.

City Clerk Steele said the Commission moved this item to earlier on the Agenda, so it is already done.

The next item on the Agenda was Report by Ramon Trias on the Hibiscus Park Neighborhood Charrette.

Mr. Ramon Trias, Department of Development, said he is very happy to give them this report of a Hibiscus Park Charrette. The Charrette happened Saturday, September 10th. It was very well-attended. People had excellent ideas; and he thinks they had a great set of ideas at the end that allows the Commission to set some direction on the different things they want to achieve. He prefers to have the neighbors themselves speak about the ideas. They are very well organized. It was one of the best Charrettes he has ever had a chance to participate in as far as having a very strong organization with very active people.

Mr. Christopher Dzadvosky, President of the Hibiscus Park Neighborhood Association, said he would like to introduce their Vice-President, Laurie Cox. She is his backup. She is the muscle in the group. Yes, the charrette was fantastic. And now that it has been presented to the Commissioners, he thinks he can speak a little bit to the N.E.A.T. program that they brought up a few moments ago whereby. If they will read in the minutes of that charrette packet they received, the common thread is about code enforcement. Every resident at one time or another voiced their concern about code enforcement in the charrette. Furthermore, they are glad to hear the Capital Improvements Program is also fluid, because they would like to be considered for that as well because they are always looking for funding for this charrette they see in front of them. Ultimately these folks are very mobile, they are very in tune with what they want to try to do in that neighborhood.

They want to bring back one of the neighborhoods of Fort Pierce and rejuvenate it. They are very active and they have a lot of pride in their homes. And they can see that the charrette is going to help them achieve all of their goals, with the Commission's help of course. Just as important, going back to the code enforcement portion, he would encourage the Commission, based on the input from the residents, they have asked him to speak and ask the Commission to be put to the front of the list for this N.E.A.T. program. They embraced it at the charrette. They talked about it briefly. Every comment he has gotten since then, they have asked how do they put on top of the list. He thinks the Commission has actually come back around to them about it. They are very interested in doing it. They actually had nine members volunteer to become part of an ad hoc committee for the code enforcement process, meaning how should they approach their neighborhood for these improvements, code enforcement and the like. A lot of the presentation was

education and advertisement. But they would like to get them together - based on the Commission's input saying they might be able to go to the front of the list - put that group together, let them put their heads together, have the complaints from the residents, how they present ideas to the residents, how code enforcement should happen, and how their capital improvements should go.

Mayor Benton said another thing to add, there was discussion about a citizen's patrol.

Mr. Dzadovsky said yes, actually they have a quasi-citizen's patrol - they are looking at him.

Mayor Benton said that is a good mechanism for code enforcement issues, when he is riding around with that cell phone, jot down some notes.

Mr. Dzadovsky said absolutely. What he has been doing as part of the citizen's patrol, four times a day he goes through the neighborhood and identify situations that may be a crime, suspicious persons, suspicious activity, and furthermore identifying what are code violations and what are just resident gripes about, for instance, if someone keeps their lawn this way, others should keep theirs exactly the same way. So what they try to do is encourage the residents through conversation and education, how it is expected and what the codes are. What they do is educate the individuals first, offer them assistance from their group. If it is a situation, say an elderly person is unable to cut their grass or keep something maintained, they have residents who will step up and volunteer. That is the first step they try to do. The second step they try to do is they offer education through what the code is in whatever language the individual speaks. That is going to be very key for this process in the N.E.A.T. program is the communication factor. They believe that is a very important part of it. So educating the people who are going to do a COP program.

Commissioner Becht said this is a very exciting time. And in no small part it is attributable to Mr. Dzadovsky's efforts as a private citizen creating some energy to make it happen, so he thanks him for that. A related topic, they had talked about bringing the banners in that they have created throughout the City and hanging them somewhere. Are they moving forward on that?

City Manager Beach said Ms. Satterlee has a rather substantial order in as he understands it. In fact, that was before the CRA (Fort Pierce Redevelopment Agency) recently where they authorized resources for the acquisition of those banners.

Commissioner Becht said they were going to bring them in and hang them in City Hall, is what he was talking about.

City Manager Beach said yes, they are. Ms. Satterlee has taken on that assignment.

Commissioner Becht said good for her.

Mayor Benton said one of the requests they had was the Garden Center. If there is any way the City can allow them to use that for the Hibiscus Park Homeowner's Association meetings. Unfortunately he guesses there is a charge. But if they can make

that available somehow, he thinks it would work out real well for them.

Mr. Dzadovsky said they have two proposals on the table. One they made prior in writing through an e-mail that the Homeowner's Association would provide the meeting fee and then the cleaning fee and double it; and then should there be any time they failed to meet the requirements of the powers that be, they would certainly pay that amount and then recover that again. The second proposal was just made actually at the Hibiscus Park Charrette by a resident who lives in the neighborhood who owns TLC Carpet and Restoration, who has offered to provide a certificate to the City for cleaning of the carpet when it comes due at no charge to the City. They are trying to think of solutions. Again, they are trying to put all of their assets together to make this happen through the HOA (Home Owner's Association), through the 501(c)(3), and that whole process. So their funds are going into the legalities of the Homeowner's Association. And to have to pay to use the Garden Center is just a burden that they are not able to meet at this time. However, with 100 people showing up at meetings, this last meeting he believes the numbers were 53 to 56 who actually signed in between their regular meeting and the charrette, so the numbers are really getting large. And when the time comes they are going to educate every person. Commissioner Nelson was concerned, are they representing the whole group? They hand deliver meeting notices and newsletters to every single person within their blocks, so they are giving them every opportunity to be educated on the process. So if their failure to have input... As the Commissioners know, not everybody is interested in input, but they might just want to see where they want to go. Back to the Garden Center, the Homeowner's Association certainly would appreciate the opportunity to utilize that.

Commissioner Alexander asked the Garden Center, didn't they have some people in here last year that were over that, running that? What happened to that?

Mayor Benton said the City took it away from them.

Commissioner Alexander asked why can't they offer it to individuals who want to do good? He is not saying the others did bad.

Commissioner Becht asked they took it from whom?

Commissioner Coke said a group of little old ladies. She thought they were going to lynch the Commissioners.

City Clerk Steele said they will work with these people on the Garden Center. They can't solve that tonight.

City Attorney Schwerer said there are some policy regulations in place that govern the use of that facility, but it is certainly available for groups and meetings. It is managed primarily by the City Clerk's office with some rules.

City Clerk Steele said they will figure something out.

Mayor Benton said this Mayor didn't take it away from them.

Commissioner Coke said it was the request of the neighbors that they do that because the little old ladies couldn't keep track of the people that were renting it.

Mr. Dzadoovsky said in closing, he thanks the Commission for all the resources they have provided as a City and the City government. This is a grassroots approach; and only with grassroots approach with the citizens and the City's help as a government agency, can things get done. He thinks working together is the way to do it. Finally, please read over the Minutes of this Charrette Report if they can. They will see very clearly that these people want Code Enforcement in Hibiscus Park.

Ms. Laurie Cox, Vice-President of Hibiscus Park Homeowner's Association, said next year they turn 50, so look for good things.

Mayor Benton said all right, time for a celebration.

Mr. Dzadoovsky said they may back here filling out one of those applications for some money for a 50th Anniversary.

Ms. Portia George said she is just coming back before the Commission. She came before them about three months ago about the **Weatherization Program**. She still hasn't gotten anything done to this day. She signed different paperwork and they assigned a contractor and she still has not gotten any work done.

Mayor Benton said he knows Jon Ward does not have his information with him, so he doesn't want to put him on the spot. But he knows Mr. Ward previously gave them a report on all the applicants. He just doesn't have it with him.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said the CRA pays for this process, however it is administered by Community Services. It would be a question he will have to follow up with Dorina Jenkins. He thinks she is informed on it, so he can certainly get back on that. But he wouldn't have any personal knowledge of that. All the CRA does is write the check.

Mayor Benton said he knows they had a list of everybody who applied and the predicaments for everybody and he doesn't have that with him tonight.

Mr. Ward said Tony Barnes is indicating that the contractor went to Ms. George's house and she has been out of town. That is the reason nothing has happened. He doesn't have any personal knowledge of that.

Commissioner Alexander asked don't they leave any follow-up cards?

Mr. Ward said that is the first time he heard this.

Ms. George said that is not a good enough answer. When she went out of town, on August 18th before she left on August 19th, she signed all the paperwork. She had someone in place when they came to her house to work that they would be there for them to work. The contractor never called or never came by that house the whole while she was gone. When she got back she called him. They gave her days they were going to come out and never showed up. Even today they called her and said the A/C man is on the way. She got somebody to go to her house and sit for them to come. They came in for five minutes, went in there and looked at her furnace, looked at her electrical work, and left. And that was it.

Mr. Ward asked do they have further information on that?

Mr. Reggan Ellis, Neighborhood Coordinator, said he has been hearing conflicting stories. He was on the phone with Ms. Jenkins. He has been told Ms. George was out of town and that the contractor has been trying to reach her several times. There has been a mis-communication problem from what he has been told.

Ms. George said she has been back two weeks and it has been a whole month. Her thing is that it is just not working what they are doing with weatherization. She feels like the contractor came out and said they would do the work and she has been waiting for the work to be done and it is not done.

Mayor Benton said hopefully they can get things on track.

Commissioner Alexander asked maybe they could have some type of report on the whole project?

Mr. Ward said they certainly will have an update at the CRA meeting.

Commissioner Alexander said he just has one concern. He doesn't know how many times he will have to speak this, but he is sick and tired of it. It is the **prostitution** that is going on. Just as these Hibiscus Park people come in here and want a good neighborhood, he expects for his business corridor to be not any more prostitutes. He thought, maybe he is wrong. Mr. Schwerer can help him with this. Didn't the City pass some type of ordinance years ago - when a prostitute was arrested in an area, that she could not be found back in that same area again?

Mayor Benton said it is called mapping.

Commissioner Alexander asked did they not pass something to that effect? He is sick of it. They are getting in cars on his property. He is standing there looking at them and ask them what is going on and they say this is their friend. Obviously, all the Johns are their friends, but he knows they are known prostitutes. And he is sorry to sound like that, but he is getting sick and tired of walking on his property and finding discarded whatever they would call it. He is sick and tired of it. They have a Police Substation right down the street. Those officers are back and forth from the central station; and if they don't see it, he is going to be some eyes for them.

Mayor Benton said he is not going to stick up for the police, okay?

But all he can say is, when he rode with them and that has been a while, they had problems then. Because he guesses unless they actively engage in conversation, there is not much... Maybe the Chief can help him out here, because when he rode with them, they said the problem today is, the police catch them and then they are set free.

Chief of Police Eugene Savage said he can sympathize with his frustration. There are some specific elements that must be met before they can arrest an individual for prostitution. They just did a major prostitution case that involved some illegal aliens. What he will do is, he will get his Crime Suppression Unit to devote some attention in that area and they will try to make some cases. As far as the mapping program, that program is somewhat defunct because that program is based on the judge taking action to actually map out a prostitute from a certain area. They also have to meet criteria. They have to have a conviction. The judge will

have to order them from a certain area; and they haven't done anything like that, it has been years since that has happened. They can look at it again. But the problem was with the enormous workload on the judicial system. That is something they will address.

Commissioner Becht said real quickly, he is probably more excited about the **N.E.A.T. Program** (Neighborhood Enhancement Action Team) than anything he has seen since he has been here, so he wants to thank staff for their efforts in giving it energy. Hopefully it will produce good results.

Commissioner Nelson said he had a business person talk to him about the impact fees that the Utilities Authority is charging for new buildings. One particular instance was down on U.S. #1 and Virginia Avenue where \$100,000 was quoted for impact fees to get utility services. This is a result of a law or policy or something that the U.A. came up with effective June 1st of this year. The effect is, the opinion of the individual concerned is, it has a tremendous impact on new construction and new businesses coming into Fort Pierce, and this is not the case in cities like Sebastian or Vero Beach or others that are doing similar construction. Is there anything the City can do about these fees or whatever they are charging for new construction? Do they all see as he sees that when they are talking about putting up a new facility, if somebody slaps them with a \$100,000 or more utility bill, how do they handle that?

Mayor Benton said he would ask that Commissioner Nelson get a copy of whatever... He couldn't imagine anybody having a \$100,000 fee.

Commissioner Nelson said let him counter that and ask that the guys who sit on the Utility Authority Board address this issue over there.

Mayor Benton said no. If Commissioner Nelson would prove that this guy is right first, because he thinks it is a story. He has never heard of any \$100,000 impact fee. That is absurd.

City Manager Beach said he has heard the same story. Why doesn't he provide them with a copy of that policy or the guideline that the U.A. has on what they charge for both connection fees and... This is actually the **capacity fee** he believes, what they are referring to. But the Commissioners can look at it and see what kind of impact it has on businesses. Would that be helpful?

Commissioner Nelson said it would be helpful, because apparently it affects everybody coming in subsequent to June 1st of this year. If that be the case, and that is the interpretation people are making, it is going to have a heck of an impact on their new businesses coming into town. They can imagine a guy putting up a new building. Take Harbor Federal right down on U.S. #1 and Virginia Avenue. They could afford it and probably make money over there, but...

Commissioner Becht said far be it for him to agree with Commissioner Nelson. But it was a resolution he thinks that was effective September 1, 2004 and it establishes a minimum of like half of an ERC for water and then .65 for wastewater and there is a minimum charge of almost \$3,000 for new construction; and then if they determine the new building is more than 1 ERC, these things start to be cumulative. He would like a report back, if the

Commission doesn't mind, not just on what FPUA is charging, but what Port St. Lucie, Indian River County, and Martin County are charging. If FPUA is higher than the surrounding communities, then he thinks it would be appropriate for the Commissioners to see the letter; but if they are not higher, then he thinks they need to stand down.

Commissioner Nelson said he advised the guy who made the complaint. He said he went to them and told them about it and they backed off, so there must be some merit to this.

City Manager Beach said it is a capacity charge. It is a common charge in utilities. For whatever reason FPUA didn't have it until recently, just as Commissioner Becht indicated. He will get them a report on it and they will see where to go from there.

Commissioner Nelson said okay, that is all.

Mayor Benton said he just didn't want the word to get out that it was heard from a Commissioner that there was a \$100,000 impact fee. He can understand a few thousand dollars for a business. But \$100,000? There would never be another business here unless it was a Sam's or a Wal-Mart. So that can't be the case.

Commissioner Nelson said he doesn't go around and lie, and he doesn't think the person who told him was lying.

Mayor Benton said when somebody comes up with a figure like \$100,000, ask them to furnish the information so they can get to the bottom of it.

Commissioner Coke said she was going to a business on U.S. #1 today in the south part of Fort Pierce and she missed the entrance. When she went in and said to the guy that he needs to put a sign out there. It was the worse thing she could have possibly said, because she was yelled and screamed at - the Commissioners changed the **sign ordinance**, so he couldn't do this and couldn't do that. He told her - and he does have a very valid point - he drives north on U.S. #1 and the check cashing place has just put up this huge sign, and he goes over to the beach and there are three or four great big pole signs. He told her that when he was trying to replace his sign after the hurricane, he complied with all the new ordinances, and now he is losing business because of all these people around him. She thought she would let them know, if they are not going to start enforcing the prohibition against pole signs, then they need to change the ordinance. They put it in place for a reason. The man, he is a cabinet maker, has a legitimate complaint. Especially the worst thing is, the cabinet maker in the next place where she pulled into by mistake - because he had a big sign that said cabinets - he is stealing all this man's business because everybody is going into his place because there is a big sign there. It is a legitimate concern. She thinks they need to look to address it, especially with the new pole signs going up. She doesn't know how these people are getting permits, but those are going up all over the place.

Commissioner Nelson said he doesn't think they are getting permits, he thinks they are just doing it.

Commissioner Coke said that could be true.

Mayor Benton said he thinks they need to enforce it. He doesn't know if the check cashing place is legal, but he has had some complaints about that sign.

Commissioner Coke said there are two or three new pole signs on South Beach in the last couple of months.

Commissioner Coke asked could they please get a report on **South Beach**, because it has been a year now since the hurricane and there are all those little tiny - she doesn't even know what they could possibly call them - worse than any tenement. Before the hurricane these were worse than tenement housing; and now there are just shells of buildings sitting there vacant with no windows. It is just not a good situation. People are going in there. Things are going on. They have one public telephone on A-1-A that, God knows what they are using it for, but she doesn't think it is to call home. Can they get a status on what they are doing about tearing down some of that junk on the beach? She would appreciate it.

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

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER