

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, NOVEMBER 16, 2009.

Mayor Benton called the meeting to order.

Father Bernard Sheffield, St. Julian of Norwich Old Catholic Church, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and Reginald Sessions; City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

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The next item on the Agenda was Approval of the Minutes of the Special Meeting on October 16, 2009, and the Minutes of the Regular Meeting on November 2, 2009, and the Minutes of the Special Meeting on November 4, 2009, and the Minutes of the Special Meeting on November 5, 2009.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Special Meeting on October 16, 2009, and the Minutes of the Regular Meeting on November 2, 2009, and the Minutes of the Special Meeting on November 4, 2009, and the Minutes of the Special Meeting on November 5, 2009.

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

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Mayor Benton proclaimed November 18, 2009 as BE A HERO DAY.

Mayor Benton said he wants to thank Mr. Van Duzer for all he has done for this community, through all the volunteers, services, and organizations he has helped out.

**Mr. Scott Van Duzer** said they had a fundraiser approximately two months ago for an employee of the Blood Center who had a very sick boy with a brain tumor, three years old, and needed financial support. On top of it, he needed blood. They worked with the Florida Blood Center and had one of the most successful drives in their area, they raised almost 300 pints of blood. He is taking it a little step further. It is not what his Foundation's mission statement is, but he took it personally to try to educate people on the importance. It could be a member of your family or it could be you. The need is there every day, but people very rarely donate blood. So they put together "Be A Hero" Day, to educate on the importance of it. Their goal is to get 1,000 pints of blood. The City of Miami roughly three weeks ago had the busiest blood drive in the State of Florida and raised a little over 800 pints. Wednesday from 8:00 a.m. to 8:00 p.m., take the time to do the right thing for yourself and for your community. Their Foundation is giving \$1 per pint to a random person up to \$1,000 that donates blood. He is asking for community support. He thanks the Mayor for all his support. He

hopes to see everybody out there because it is important with the holidays and the accidents.

Mayor Benton said Mr. Van Duzer educated him on the blood issue. It is surprising how much they go through per day compared to what they bring in per day. It is scary, especially if you have a loved one going into the hospital.

**Ms. Tracy Skinner**, Regional Coordinator, Florida's Blood Center, said especially right now, since Lawnwood has opened the new Trauma Center, it is very important that they get enough blood for their community. Only about 39% of the population is eligible to donate. Out of that, they only get about 3% to 4% of the population donating. So this is a great opportunity to get new donors in the system, get people out that don't normally donate for this is a big event. Hopefully they will become regulars.

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Mayor Benton proclaimed November 19, 2009 as THE GREAT AMERICAN SMOKE-OUT DAY.

**Ms. Karen Lane**, Youth Tobacco Prevention Educator, St. Lucie County Health Department, said the Great American Smoke-Out was started by the American Cancer Society. Every day 1,200 Americans die from a tobacco-related illness, one every 72 seconds, and 88 Floridians die from a tobacco-related illness. For the Great American Smoke-Out, if you are a tobacco user, try to give up the habit for at least 24 hours. That may end up leading to permanently quitting. If you are not a tobacco user and you know a family member or a loved one that is a tobacco user, encourage them to give up the habit for 24 hours. That is basically what they are asking from the community. If they all stand up for that one day and speak out about the industry and encourage people to give up that habit, they can decrease the smoking rates among adults and youths.

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

**Ms. Cris Adams**, President of Heathcote Botanical Gardens Board of Trustees, said later this evening the Commission will be considering rezoning of four parcels along Savannah Road, a total of 27.3 acres, from Industrial and Residential to Recreation Open Space, OS-1. This rezoning will bring all of the land in Phase I of the **Heathcote Botanical Park** renovations to the existing gardens and the expansion area into the same and more appropriate zoning. They appreciate the vision of the Commission and Staff in acting on these changes. Heathcote Botanical Park is a unique three-way partnership encompassing the City of Fort Pierce, St. Lucie County, and Heathcote. Public gardens have an important role in promoting environmental stewardship, plant and water conservation, and education. In addition to the Florida Communities Trust Grant for this project, they will be doing fund-raising among businesses, foundations, and individuals to see this project to a successful completion. This is a grand scale project, one that all of them can be proud of, a legacy for all of them to give to their community. Again, thanks for their support in helping move this project forward.

Commissioner Coke asked what at the hours of the best plant sale in the State of Florida are this weekend?

Ms. Adams said on Saturday from 9:00 a.m. to 4:00 p.m. and on Sunday from 10:00 a.m. to 4:00 p.m. Be there early for the best selection and come back on Sunday for the best bargains.

**Ms. Arlo Koletzky** said she is the out-going Manager of the **Seven Gables House**. She is here basically to address comments about her volunteers. It has been her privilege to manage the Visitor Center for the last year. Notice she said, my volunteers. These wonderful people are not just the Visitor Center volunteers, they are the City's volunteers, they have been there for the City. They are all very proud of the City of Fort Pierce and have been happy to tell anyone that comes to Fort Pierce about all that it has to offer. As they know, that is a lot. Many of them were born here, most have been here for 20 years or more. A few, like herself, live across the border south in Port St. Lucie. They have all read what has been in the newspaper and heard what has been said for several months. As Commissioner Coke said at the last meeting, once it has been said, it is not necessarily true, but people keep repeating it and it is a self-fulfilling prophecy. These wonderful people go out of their way to scan the newspapers for information about what is happening to share with other people. They cut out newspaper articles about what is going on in the City and share that with the community, they put in on their bulletin board, and they share it with each other. They have people that come back each season for updated information - these are their loving snowbirds, they come back year after year. The comments about sending people out of the City? These people are die-hard Fort Pierce, loyal to the core. When she first started at the Seven Gables House, she was not immediately accepted. One of the first questions were, where do you live? The second one was, are you Republican or Democrat? Her answer was wrong on both counts. But they do give information when asked about something they do not have here in the City. If someone wants an outlet mall, Fort Pierce does not have one. There is also a written policy, not that it was needed. But she worked for government for several years and is a firm believer in the CYA policy. She feels everyone here should be very proud of Fort Pierce. The visitors that come in comment continuously that they are glad they found this place. Just this past week an individual came in who said she had been coming here for ten years, they bought property, and after a few years was a little disappointed because she thought maybe they had made the wrong decision. She said the last few years, she is proud of what she is seeing and glad they bought. So she would like the residents of Fort Pierce to take a look around, open their eyes, quit the negative comments, and see what a jewel they have before them.

Mayor Benton said he wants to thank Ms. Koletzky for what she has done. He knows she picked up after Ann Berner. He will be there Thursday for the Volunteer Appreciation Luncheon. They have done an excellent job.

**Mr. Paul Dasso**, 3022 Windward Drive, said he is here as a friend to the **Backus Gallery**. He and his wife have been coming to this

area since 1979. Twelve years ago they were getting ready to retire and searched up and down the Treasure Coast to try to find the spot where they were going to spend the rest of their lives. They heard all the stories about the great art of A.E. Backus and they were drawn to the Backus Gallery. They found it to be a catalyst of culture for the area. By aligning themselves as volunteers and aids of the Backus Gallery, they also were able to learn what was happening in the rest of Fort Pierce, all the wonderful ideas and the vision for revitalizing Fort Pierce. Their first association with the City was through the Backus Gallery. Fast forward from twelve years ago, they are active volunteers at the Gallery. They are amazed all the time with the culture that has emanated from that Gallery, not just to the City of Fort Pierce and the State of Florida, but far beyond the boundaries of the State of Florida. The end result is, they have been here for twelve years and they never rethink the decision they made to come here. This is a jewel, the City is terrific, and they enjoy every bit of it. But they would not be here if it wasn't for the Backus Gallery. He asks the Commission to give a favorable review of the lease proposal that will be before them later tonight.

**Mr. Marty Laven**, 2400 South Ocean Drive, said today the County had a meeting that related to the possibility of a **solar roof initiative** across the County, which probably would involve the municipalities and maybe even the region. As somebody in the field, he just wanted to bring to their attention that an invitation has been extended for this coming Wednesday by the company he works for to come and see some of the solar products on a home as well as some energy efficiency, and they will have another one on December 9th. The head of the Building Department is coming and so are some of the Commissioners. He just wanted to encourage the Commissioners and Staff to avail themselves of these opportunities, because it looks like there is going to be some very exciting things that will benefit everybody. The more they can educate and inform is their objective. In addition to that, he wanted to reference one item on the Agenda later. He thinks as they make their selections of people for the FPUA Board, it would behoove the Commissioners to consider their ability to also be up to speed on some of these renewable energy issues and the like. Although he is new to the field - they better know him from the marine industry - he can tell them from the four months he has been involved that it is an exciting time and an opportunity for the Treasure Coast to be involved in renewable energies. Whether it is the Fort Pierce Utilities Authority or economic development and the like, he thinks it is very critical that those people be knowledgeable and experienced. Again, he would like to extend an invitation to the Commission and Staff for this Wednesday. If anybody needs the particulars, they can get in touch with him. If there is anything he can do to personally be of service, he would like to do so.

**Mr. Hoyt C. Murphy, Jr.** said he is speaking on behalf of the **Backus Gallery & Museum**. There is an Agenda item coming up later for the expansion of the museum. His family and company has been a supporter from the very beginning. It has been 50 years that the Backus Museum has been here. It is just a

critical part of what Fort Pierce is. From a tourist standpoint, 28,000 people visited the museum last year. It is a critical part in what this Commission has been able to do in turning Fort Pierce around. He would encourage them to support the request to expand the Museum for the good of Fort Pierce.

**Mr. Richard Ross**, 823 North 42nd Street, said he is a member of the International Longshoremen here in Fort Pierce. Most of all, he is a concerned resident about their dwindling economy. He stands here tonight wanting the Commissioners and the public to hear from a young perspective on why it is important for the **Port** to be brought back in its full operating capacity status. He has had the privilege to work on the waterfront for about five years up and down the coast of Florida. It is a very rewarding job, one of the best. With the economy where it is at and the local economy down, their maritime industry is still thriving. Of course, they have had their shortfalls; but most of the people who are working in the maritime industry today are still employed. The President of the International Longshoremen as well as himself have had talks with shippers who are open to the idea of bringing ships into their Port. One of their most recent talks has been with Dole Food Company, which is open to the idea. Dole came and sat with them and spoke over the phone as well, to see how they could accommodate their operations here. One of the issues Dole had was they could not accommodate their ships, the draft was too low. He wants to urge the Commissioners and the public to reconsider and think about this advantage they have here to boost their economy and to create more jobs, not just in the maritime industry. Please take it into consideration to allow them to use the resources they have here in the Port.

**Mr. Marion Matthews**, 612 North 23rd Street, said he has Mr. Ross's back, he is the President of ILA. They bring them in young, work them, teach them, mold them, shape them. They give them all the respect that is due. It is not like the stories they heard back in the 1940's and 1950's. The economy, they have about the second highest unemployment rate in the State of Florida. Palm Beach wants to bring in goods from Palm Beach's port here to St. Lucie County's port. Wouldn't it be more economical to bring it right here? He is sure any shipper would agree. The mileage, the cost, the fuel. He stresses that they consider reopening this **Port**. It has been there for his lifetime. The oldest gentleman that works for them is 76 years old. They don't discriminate at all - age, sex, gender, whatever. Their office gets bombarded with individuals that come in for a handout, for help on their utility bills, for other goods. They don't have food to feed their kids, they come to them and they give them a hand whenever they can. MAD DADS organization, they support them. This is the entire City, not just one aspect. People are hurting out there. 15.4% unemployment rate here in Fort Pierce. When they had the citrus industry, no problem. It is gone. They have a gold mine over here. Tell the story about the Treasure Coast. With the shipwrecks and all the treasure that is thrown about the Treasure Coast, it is beautiful on land and on the sea. They have a story to tell. They can bring cruise ships in here. The largest in the world is down in Fort Lauderdale, a beautiful

ship. They can do the same thing here. Every employer and shipper he spoke with says the problem is the City Commission. So he is asking them please don't hinder them. The young man that spoke before him, that is what they are doing now, very good things. They are having a Christmas party, their 75th Anniversary on December 15th, and he would like to invite the Commissioners.

**Ms. Lisa Fasnacht**, 1708 St. Lucie Court, said she is here regarding the kayak and bicycle rental from their City parks. The Contract with **Lisa's Kayaks** for the South Causeway Park is ready. But before she can sign it, she needs to make sure they have clarity. She intends on renting her equipment every day, not just Fridays and Saturdays. There is nothing in the contract that states anything other than she needs to give the City her intended hours of operation. She can't manage to get a direct answer regarding this. So she is here tonight to make sure they all understand her intent. She does not want it to be a problem later, she does not want anyone to be able to say she is out of the scope of her contract. She would assume that this will be on the December 7th Agenda to discuss the adding of the other two sites she is requesting. That is two days after the 30 day deadline. She supposes she can leave it on the shelf until then. She just wanted to make sure they had clarity.

**Ms. Pat Alley**, St. Lucie County Chamber of Commerce, said she is sorry she couldn't appear before them at the meeting when they made their final decision on the **Seven Gables House Visitor Center** RFP, but illness prevented her. She wanted to voice her disappointment over the results of the RFP for managing the Seven Gables Visitor Center. In the beginning, she thinks some well-meaning City employees were seriously looking for ways to save money for their City, and this resulted in the RFP. Since that time, the direction of the RFP changed. And then the rumors started. Just one example. As shown by Rosemary Knight's letter to the editor, she does own the fishing boat Lady Stuart II docked at the HarborTown Marina. She mentioned the cost she gladly pays to do business here in the City of Fort Pierce. She made a point of clarifying that the Seven Gables House volunteers did not refer business out of St. Lucie County as rumored. Initially there seemed to be more confusion with the Manatee Foundation completing an RFP, as they understood the St. Lucie County Chamber of Commerce was not interested in continuing to run the Visitor Center. The fact is that the Chamber with an experienced full-time staff person, Arlo Koletzky, and well-trained volunteers, definitely wanted to continue running the Seven Gables Visitor Center. It was obvious at the City Commission meeting they all attended and made their comments. Whenever most folks travel or vacation, when stopping in a new area, most look for a Chamber of Commerce or a Visitor Center to see what there is to do for fun, shopping, or historic. She has always felt what a wonderful opportunity it is that Fort Pierce and St. Lucie County visitors must travel from any major roadway to the beautiful Indian River to a Visitor Center in the midst of the Backus Gallery, Manatee City, the City Marina, and just blocks from downtown Fort Pierce. The Chamber gave up the office on Virginia Avenue, comfortable with being the reason visitors literally had to

visit Fort Pierce to find out about Fort Pierce. When all of this began, the City paid the St. Lucie County Chamber of Commerce \$35,000 annually to operate the Visitor Center. In the Chamber's RFP, their bid was \$45,000, but negotiable, and the Chamber would pay cleaning and utilities. As she understands it now, the City will pay Mr. Smyth \$25,000 and the Manatee Center \$25,000, as well as utilities - \$15,000 more than the original search for savings. The City of Fort Pierce has several organizations with proven track records already in place to assist them in achieving City goals, bringing business and visitors to Fort Pierce. One of those organizations is Main Street Fort Pierce, one of ten nominees nationwide to be the top Main Street program in the nation. The Chamber of Commerce, the Backus Gallery, Manatee Center, and the Downtown Business Association, even during these tough financial times, proudly support their City and have done so for many years. Happy, happy, happy? She is a little disappointed. But as Board Chairwoman of the St. Lucie County Chamber, she speaks for their members to say that they stand by to assist in any way for the promotion and success of Fort Pierce. Please don't ever hesitate to call her or any member of the Chamber staff.

**Ms. Jeanne Johansen**, 2732 Sunrise Boulevard, said she is currently the President of the Treasure Coast Art Association, formerly known as the Fort Pierce Art Club, which at one time was in charge of the **Backus Museum & Gallery**, which was called the Fort Pierce Museum back then. She knows this because amazingly enough they have found all the records, albums, and everything else. She has only been President since May, but they do have a lot of data. She is here to ask their continued support of the Museum and its possible expansion. Culture is extremely important to their society. She has seen constant changes happen in the City, people are making a huge difference in their City, tremendous differences all over town. But they also need to recognize that the arts increase for children and adults their ability to express themselves, to communicate effectively with others, to work tasks from start to finish, and to succeed academically and vocationally. Arts are very important. Support of their arts as adults is very supportive of their children. Arts programs are about success. Learning to play a musical instrument, rehearse a play, or create a mosaic, takes long hours and requires perseverance. She asks the Commission continue support of the Backus Gallery and all the art programs in the County and in the City of Fort Pierce in particular, because they have made tremendous strides. She would like to also invite them to join the Treasure Coast Art Association at the Orange Blossom Business Center on December 3rd, 4th, and 5th for their Artful Holiday Tree Auction and Holiday Art Festival. They are going to have trees available for purchase for charities - Indian River Keepers, Dogs & Cats Forever, Safe Space, Treasure Coast Homeless Services Council, Big Brothers Big Sisters, and more. They will have Santa Claus there to take pictures. Please come out and support the arts. She thanks them so much for what they have done. For every dollar they spend in the arts, they get \$7 back.

**Mr. William Dannahower**, 809 South Indian River Drive, said he is here tonight to talk about the **Backus Gallery**, which is a very

important and very significant component of the downtown and the community. The cultural things it stands for and it does are simply not replaceable. Let him give a word of thanks for the Sample Memorial (in Indian River Memorial Park). He understands it is underway and won't be too long. If it had not been for Wallace Sample, the land where the Backus Gallery is would not be there. Possibly they wouldn't even be talking about the Backus Gallery tonight, unless some other Commission faced a dredge and fill project for all that acreage in there, but he does not know how far they would have gotten. He thanks the Commission for the Sample Memorial, because it is important to remember the people that made a great sacrifice. Wallace Sample literally gave up the Mayor's office by his stance on that, he was defeated. The Backus Gallery has been there for some 50 years. It has been and will continue to be an important contributor to the waterfront, to the City, to the enhancement of the culture in their community. In all the years it has been there, it is his understanding that it has not received public funds. He doesn't remember that happening when he was privileged to sit in the Mayor's chair. He doesn't think it has ever asked for nor received any funds from the City of Fort Pierce. He is simply asking the Commission to support the request for the extension of the lease for that facility and for the expansion of the land that they need. They need the land and they need the lease so they can continue to provide that cultural enhancement and take another important step in the redevelopment of their downtown and of their City.

**Ms. Linda Dannahower**, 1807 South Indian River Drive, said she had the good fortune of being a Backus brat. She knew Bean early in her youth, she knew what he stood for. More important, she knew what the **Backus Gallery** stood for when it was founded years ago. It was a way to bring the artists and the public together, something Fort Pierce lacked. Over these 50 years it has not only continued to do that, but has locally brought artists together through juried shows that anyone can enter, supported other art movements such as the Highwaymen Festival, and even brought in shows at the level of Ansel Adams, which are internationally renowned. The Backus Gallery has continued to do what it started as a local community gallery by expanding. She asks this Commission to help it continue to expand the wonderful things it has done. She moved back here to raise her children. They have had the ability to learn the importance of art, to appreciate it, primarily because of that Gallery and Museum being accessible. There is no charge, it doesn't cost the taxpayers or the public to enjoy what it brings. It is a phenomenal contribution. She would hope the Commission would continue to support it, allow them to continue to expand the good work they do. One other thing for the Commissioners to think about. How many people are here for the Backus Gallery & Museum? (Approximately 50 people raised their hands.) It is way down on the Agenda. She knows these folks would like to be here, but most probably can't stay. Is there a way to move it up on the Agenda?

Mayor Benton said the Commissioners may want to do that, but they have to have the Public Hearings first.

Ms. Dannahower said she hopes they will continue to support what has been a real great item in downtown Fort Pierce for 50 years.

**Mr. Robert Varn**, 3725 Gordy Road, said he is here to speak about the **Backus Museum & Gallery**. He is a lifelong resident of St. Lucie County. He has been on the Board of the Backus Museum for 10 years of the 50 years that it has been here. He just wanted to ask the Commission to support them in their efforts to expand and to get a lease. They have been working on that diligently for a number of years. There have been a few bumps in the road. But he hopes they consider this.

**Ms. Kathleen Fredrick**, Executive Director of the Backus Museum, said she would like to thank the supporters of the **Backus Museum** project who came out this evening to put a face on the people who believe in the arts in the community. Sometimes it seems like it is just her who comes up here and tells them how important it is to this community. Something really became apparent as all these people came up to speak - they keep calling this the "Backus Gallery". That is because everybody thinks of it in that way. But what she is going to talk about later on this evening is how the Backus Gallery becomes the A.E. Backus Museum of Art. That is the big picture, that is what is going to take a community-based facility that has been there for 50 years and make it the regional art attraction that will bring people to this community that will create jobs and function not only as a cultural engine, but an economic engine for this community.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to move the Agenda item pertaining to the A.E. Backus Gallery to be considered after the Public Hearings.

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

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The next item on the Agenda was Public Hearing on Application for Temporary Use submitted for The Mustard Seed to erect tents for outdoor food service and worship for the **20th Annual Community Thanksgiving Feast** at 909 Avenue B on November 25-27, 2009; said property zoned C-3, General Commercial Zone.

Mayor Benton said being Chairperson for the last three years, he would think as many years as they have been putting this on that it would be an easy procedure to go through, but it is not. It has taken them a month to go through this procedure. He hopes they have all the paperwork done so next year they can get an approval on this, because it is a big deal. Every year it is a real nightmare to go through all the City departments to get this approved so they can feed about 7,000 people on Thanksgiving Day.

Mr. David Carlin, Assistant Planning Director, said staff can certainly look at that Temporary Use provision for tents in their LDR Rewrite. In fact, he has already identified that to their LDR consultant. There are some bureaucratic complexities associated with doing some simple transactions such as this. So

with the direction of the Commission, if they want staff to pursue changing the way the ordinance is set up with regard to tents, they can certainly do that. It is somewhat of a bureaucratic nightmare in the Code.

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

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Application for Temporary Use submitted for The Mustard Seed to erect tents for outdoor food service and worship for the 20th Annual Community Thanksgiving Feast at 909 Avenue B on November 25-27, 2009.

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

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The next item on the Agenda was Public Hearing on **Development Agreement** between the City and Cornerstone Fort Pierce Development LLC for **Newberry Fields** project to be located at 2721-2785 South Jenkins Road. (Second and final Public Hearing)

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 Coke, to approve the Development Agreement between the City and Cornerstone Fort Pierce Development LLC for Newberry Fields, 2721-2785 South Jenkins Road.

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

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Ordinance No. L-97 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-3 OF CHAPTER 22, ARTICLE I, DEFINITIONS - BY ADDING A DEFINITION FOR **RAILROAD PASSENGER STATION**; AMENDING SECTIONS 22-31(c), 22-32(c), AND 22-34(c) OF CHAPTER 22, ARTICLE III, CONDITIONAL USES PERMITTED, BY ADDING SECTIONS 22-31(c)(20), 22-32(c)(14), AND 22-34(c)(14) TO PERMIT A RAILROAD PASSENGER STATION AS A CONDITIONAL USE IN THE C-3, C-4, AND I-1 ZONING DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mr. David Carlin, Assistant Planning Director, said he will be meeting tomorrow with a representative from the Treasure Coast Regional Planning Council on updates from the Florida Department of Transportation (FDOT), Amtrack, and Florida East Coast (FEC)

Railway are on station design. The indications he was provided about two weeks ago were that the Commission will have to take action and actually vote on where their preferred station location would be, followed by a backup location. Based on the information he gets from the Treasure Coast Regional Planning Council tomorrow, they will likely be asked at one of their meetings in December to take action on the proposed train station location they feel would be the most appropriate.

Mayor Benton declared a Public Hearing on Ordinance No. L-97 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 Sessions, seconded by Commissioner Becht, that Ordinance No. L-97 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-97 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-98 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING THE ZONING CLASSIFICATIONS FOR FOUR PARCELS TOTALING 27.30 ACRES GENERALLY LOCATED ON SAVANNAH ROAD EAST OF U.S. HIGHWAY #1 AND WEST OF INDIAN RIVER DRIVE**; REZONING SAID PROPERTY FROM I-1, R-3, AND R-4, TO OS-1, GENERAL & RECREATIONAL OPEN SPACE ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only. (Applicant: St. Lucie County - Heathcote Regional Botanical Park)

Ms. Erica Ehly, Comprehensive Planner, said the applicant, St. Lucie County, is requesting a change in zoning classification on four parcels located on Savannah Road to OS-1, General & Recreational Open Space Zone, in anticipation of Phase I of the Heathcote Botanical Gardens expansion. The classification is consistent with the current Future Land Use designation of Recreational Open Space. On September 9, 2009, the City Planning Board voted unanimously to submit a recommendation for approval. Out of the 174 property owner notification letters that were mailed out, 15 responses were received. Of those, 3 were disapprovals, citing the need for further information. Staff recommends approval of the change in zoning classification.

Mayor Benton declared a Public Hearing on Ordinance No. L-98 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 Sessions, that Ordinance No. L-98 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-98 on

first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-99 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE FUTURE LAND USE MAP TO CHANGE THE **FUTURE LAND USE DESIGNATIONS OF SEVEN PARCELS TOTALING 48.04 ACRES LOCATED AT 4650 OLEANDER AVENUE** FROM RM, MEDIUM DENSITY RESIDENTIAL, TO OSR, RECREATIONAL OPEN SPACE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." and Ordinance No. L-100 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING THE ZONING CLASSIFICATIONS FOR SEVEN PARCELS TOTALING 48.04 ACRES LOCATED AT 4650 OLEANDER AVENUE**; REZONING SAID PROPERTY FROM R-4 AND R-5 TO OS-1, GENERAL & RECREATIONAL OPEN SPACE ZONE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." were placed on first reading and read by title only. (Applicant: St. Lucie County - Weldon B. Lewis Ancient Oaks Park at 4650 Oleander Avenue)

Ms. Erica Ehly, Comprehensive Planner, said this item is a request by Staff to transmit the Future Land Use map amendment to DCA (Florida Department of Community Affairs). The applicant, St. Lucie County, is requesting a change in the Future Land Use designations and Zoning classifications from Medium Density Residential classifications it currently has to Recreational Open Space for the Weldon B. Lewis Ancient Oaks County Park located on Oleander Avenue. The primary purpose for these changes is to ensure proper and accurate land use inventory of property incorporated within the City, and that the Future Land Use designations reflect the vision expressed in the Comprehensive Plan. The current Future Land Use designation of Medium Density Residential does not reflect the vision of protecting existing areas of conservation, recreation, and open space. A designation of Recreational Open Space is more appropriate. Of the 72 property owner notifications letters sent out, 10 responses were received - 3 for disapproval with no reason specified. The Planning Board, acting as the Land Planning Agency (LPA), recommended approval at their September 9th meeting. Staff recommends approval to transmit the proposed Future Land Use map amendment to DCA.

Mayor Benton said he would have a hard time understanding why anybody would be opposed to this, because keeping this the way it is versus rooftops is a real blessing. The County did a real great job on this.

Mayor Benton declared a Public Hearing on Ordinance No. L-99 and Ordinance No. L-100 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. L-99 and Ordinance No. L-100 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-99 and Ordinance No. L-100 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-101 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE **CITY'S COMPREHENSIVE PLAN** BY ADOPTING THE **POTABLE WATER SUB-ELEMENT** TO THE INFRASTRUCTURE ELEMENT, AMENDING THE INFRASTRUCTURE, CONSERVATION, AND CAPITAL IMPROVEMENTS ELEMENTS IN ORDER TO MEET UPDATED STATUTORY REQUIREMENTS RELATED TO THE COORDINATION OF LAND USE AND WATER SUPPLY PLANNING, TO ADOPT THE WATER SUPPLY FACILITIES WORK PLAN BY REFERENCE AND TO MAINTAIN INTERNAL CONSISTENCY OF AND WITHIN THE COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Ms. Erica Ehly, Comprehensive Planner, said staff is requesting approval to transmit the Water Supply Plan Amendment to DCA (Florida Department of Community Affairs) in order to meet the requirements of Florida Statutes. As the potential limitations on continued use of traditional water supplies have become increasingly apparent in recent years, the Florida Legislature has enacted Bills in 2002, 2004, and 2005 to more effectively address the water supply needs of the State, by improving the coordination between local land use planning and water supply planning. Four out of five of Florida's Water Management Districts have determined that the traditional water supply sources will not be sufficient. The purpose of this amendment is to meet the statutory requirements by insuring that the City has identified and planned for the water supply sources and facilities to serve existing and new development within its jurisdiction; and to insure coordination between the FPUA Ten Year Water Supply Facilities Work Plan, the South Florida Water Management District's Lower East Coast Water Supply Management Plan, and the City's Comprehensive Plan in a long-range planning process of the City so that the supply keeps pace with demand. The Planning Board, acting as the Local Planning Agency (LPA), recommended approval at their meeting on October 13th. Staff has maintained a coordinated effort with FPUA and SFWMD in completing this amendment and recommends approval to transmit the proposed amendment to DCA.

Mayor Benton declared a Public Hearing on Ordinance No. L-101 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 Sessions, that Ordinance No. L-101 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-101 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-102 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE

CITY'S COMPREHENSIVE PLAN BY CHANGING THE TITLES OF THE FUTURE LAND USE DESIGNATIONS OF "COUNTY COMMERCIAL" TO "**BOUNDARY COMMERCIAL**" AND "COUNTY INDUSTRIAL" TO "**BOUNDARY INDUSTRIAL**"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE." was placed on first reading and read by title only.

Ms. Erica Ehly, Comprehensive Planner, said Staff requests approval to transmit to DCA (Florida Department of Community Affairs) a proposed text amendment to the Comprehensive Plan regarding the two Future Land Use designations with the prefix "County". Identifying property within the municipal limits as "County" has been generally confusing, as it is unclear whether the subject property is still unincorporated or perhaps not yet been assigned a City future land use designation. Staff recommends identifying these properties with the prefix of "Boundary" instead, which both indicates these are properties on the outskirts of the City limits that have been incorporated and maintains an exclusive land use designation for those particular properties during annexation. At the September 9, 2009 meeting, the City Planning Board - acting at the Local Planning Agency - recommended approval of the amendment. Staff recommends approval to transmit to DCA the proposed text amendment.

Commissioner Sessions asked in light of the designation itself, did the County have an opportunity to have any input on what they are doing here?

Ms. Ehly said the County will review it when staff transmits it to DCA. St. Lucie County is a reviewing body.

Commissioner Sessions asked so the County did not have any input?

Ms. Ehly said not yet, no.

Commissioner Becht said to clarify, all they are doing is changing the word "County" to "Boundary". Are there any other changes, substantive or otherwise?

Ms. Ehly said no.

Mayor Benton declared a Public Hearing on Ordinance No. L-102 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. L-102 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-102 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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The next item considered was Director of Community Development request direction for staff to negotiate a lease area expansion with the **A.E. Backus Gallery** in Indian River Memorial Park.

Ms. Leslie Olson, Historic Preservation Officer, said the Backus Gallery has expressed a continued interest in moving forward with expanding their gallery into a certified museum at the park site. They have also expressed a continued interest to redevelop the area of the Amphitheater with public amenities in a similar program to what was proposed in the 2006 Master Plan. As they have proposed something that follows the 2006 Master Plan, Staff feels it is an appropriate use.

Commissioner Sessions asked in her review of their proposal, in light of the public property that will be taken up under their auspices, is she satisfied with their proposal?

Ms. Olson said she feels there are a number of issues that will need to be worked out during Site Plan analysis.

Commissioner Sessions asked could she be more specific?

Ms. Olson said the plan itself is very general, so it will be difficult to be specific. But there are issues of site access, where the entrance will be located, where the back of the building service area will be, the kind of front that is projected towards Indian River Drive, parking, and issues like that. However, all of those kinds of issues will be dealt with during Site Plan review. Right now the real question on the table is, are they proposing something that will be as good for the public or more than the current Amphitheater? As they are following the program for the 2006 Master Plan of redevelopment of that area, she felt like it really did provide a public good.

Commissioner Sessions said he understands her position with regards of being as good or even better. But by the same token, they want the public to have access to it, as if it were up under the auspices of the City. That was his concern.

Ms. Olson said absolutely. That was her direction to the Backus folks as well, that she didn't want to see buildings in their where the Amphitheater was once. She wanted to see public amenities open to the public at all times.

Commissioner Becht said he is glad she brought that up. When he met with her and met with the Backus Gallery folks on a couple of occasions, the concept that is being discussed - and it is only being discussed because it has to ultimately be approved by the Commission - is they are going to build something with outdoor features that is open to the public and they are going to maintain it. So there is certainly a component to this use that takes property that is not being used, not being maintained, and create something that will be refreshing, it will be used, it will be accessible to the public, and the Backus folks are going to maintain it. There was some discussion at an earlier meeting where somebody mentioned the Amphitheater, that they need to do more with it. He thinks if they will explore with more of an aggressive zeal the mobile stage idea, they can preserve an open waterfront; and bring in a mobile stage that is not there 365 days blocking the view, it is only there when it is going to be used. That is working well in

Marina Square and other areas, where they come in and set up a stage, have the performance for five or six hours, but it doesn't block the view for the rest of the time. So he is really excited about this idea and would like to see City Staff move forward with the concept. This is probably his sixth year being up here and talking about various ideas for the development of the A.E. Backus Museum. This is exciting. And if there needs to be a formal name change, that really signifies the dream Ms. Fredrick and her Board has. He would like them to move forward on this and turn it into concrete as fast as they can. What kind of direction are they looking for?

Mayor Benton said he believes they are looking for a lease on the property.

**Ms. Kathleen Fredrick**, Director of A.E. Backus Gallery & Museum, said what they need to be able to go ahead - something that attorneys would work out, and she thinks they left it at point about a year ago - is a letter of agreement for lease. That would be the contractual commitment from the City Commission saying yes, they want to have a fully accredited art museum in their City. That gives the City Attorney the direction to negotiate the terms of that lease for that property. They have given Staff an outline of the space. The attorneys would work out the details. But they need something sooner rather than later. It doesn't have to be the full lease, but they need a commitment in writing from the City. They cannot raise any money until they know they have somewhere to build the museum. It is really that simple.

Mayor Benton said they have been through this for a couple of years and discussed it. They are committed. But he thinks she is looking for something firm.

Ms. Fredrick said she needs it on paper. People who want to give money want to see something in writing.

Mayor Benton said especially with the expanded boundaries here, approximately 2.1 acres.

Ms. Fredrick said most of that space isn't a building. It is a terrace, it is a garden, it is sculpture. It is an improvement of access to that waterfront for the people of Fort Pierce. What stands on their waterfront in that park today isn't used, it blocks people from the waterfront. They want to open up the access and make it work together - so people on the waterfront are drawn to the museum and people in the museum are drawn to the waterfront.

Mayor Benton said he would prefer to have language in the commitment letter, and he thinks it would be easier for them to raise funds, if they knew they had the land they needed versus them squabbling over half an acre later on. If that is the area they need, instead of the Commission debating this further, he thinks a letter of commitment should have the acre in there. He just does not want to have them come back in the future. He thinks the commitment should be made.

Commissioner Becht asked how long is it going to take Mr. Schwerer to get a letter of commitment together? Or is he looking for the Backus folks to draft it?

City Attorney Schwerer said the latter. He believes he received something from Mr. Fee's office a while back. What he needs from this Commission is a go-ahead to sit down and negotiation a Letter of Commitment. He would expect Mr. Fee to put it together and get it in final form. They do have some sort of draft from Mr. Fee. He would expect them to send what they are looking for. And of course it would have to come back to the Commission, because it would be a formal commitment to lease public lands in the future.

Commissioner Becht asked if he has already gotten a draft letter from Mr. Fee, why do they need to send another letter?

City Attorney Schwerer said because he suspects, based on what he saw in the backup documents here, this is a project in metamorphosis and it has changed. Mr. Fee needs to send something, because this has additional site planning and other issues in it. Get it to him and he will take a look at it as quickly as he possibly can.

Mayor Benton said maybe this could move further quicker if he and Mr. Fee and Mr. Schwerer sat down one afternoon for a few minutes. Would that be amenable to everyone?

Commissioner Becht said he would appreciate that.

Commissioner Sessions said yes.

Mayor Benton said it would move this along. This has been in the works for a long time. Instead of finger-pointing with attorneys, he can get both attorneys at the table and they can get this done.

Commissioner Coke said the last time they talked about this, they ended up going back and forth, whose attorney, and where are they going with this. She appreciates the Mayor volunteering his time to get involved in it. Maybe they could request a monthly update on where they are at with this. She would like to see it move forward while still young enough to enjoy it.

Mayor Benton said the only update they need is they have a letter of commitment.

Ms. Fredrick said what they sent to Mr. Schwerer was quite a while ago, because the Commissioners sent them back to do something which they found they couldn't do. Now they have come back with something she thinks will work. But the parameters of the space has not changed, so she doesn't think they have to start fresh.

Mayor Benton said he knows Mr. Schwerer has a pile of work on his desk. So if he can arrange a meeting with him and Mr. Fee, it might go quicker.

Ms. Fredrick said she is at their disposal.

Commissioner Sessions said he can appreciate the Mayor sitting at the table with both attorneys so they can make this a reality. He knows Mr. Schwerer's workload is real heavy; but by the same token, they have been talking about this issue for quite some time and there hasn't been anything done. He had an opportunity to visit the art gallery and spent about an hour and a half. He was very appreciative of the diverse displays that were in the gallery. Unlike a lot of galleries that he visits, it seemed to be that it didn't cater to a particular class of people or culture. It was a well diverse display, regardless of race, color, creed, religion, and even age. He thinks it is an asset to their City. From his standpoint and what he is hearing is the consensus of this Commission, they want to do what they can in order to expedite this. So they are setting the direction to their City Attorney to make this a priority.

Commissioner Alexander said he thinks this is going to give the City an uplift. He knows they just planted those palm trees along Indian River Drive. Is this new facility going to encompass all the parking spaces they have? There are three entities over there. Can they add some more parking into the depiction of what they have today?

Mayor Benton said who knows what is going to happen with the old Power Plant property, but he hopes there will be parking over there. They are very limited here with what they can do at the Park. But they talked about redevelopment of Indian River Drive and there would be on-street parking he believes.

Commissioner Becht said Ms. Olson is already looking into that, she had said they were trying to figure out what the specific issues a museum creates in terms of parking demands and when those parking demands are created, to make sure that does work with the Seven Gables Visitor Center and with the Manatee Center. He thinks Ms. Olson is already trying to gather information so they can sort that out.

Mayor Benton said they are all in agreement. His commitment is to sit down with the attorneys and get this moving in a timely fashion.

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The next item on the Agenda was Request submitted by IDI, Inc. for two (2) year extension to the approved Site Plan for construction of a 141,200 square foot Warehouse to be known as **Crossroads Commerce Park Building A** in the Commerce Park off Crossroads Parkway, south of Okeechobee Road and between I-95 and the Florida Turnpike.

Commissioner Becht said there was a 20-foot pedestrian easement for Ten Mile Creek which was discussed on this a year ago. Can somebody give him an update of where they are with that pedestrian easement? Does it exist? Has it been conveyed? Has it been recorded?

Mr. David Carlin, Assistant Planning Director, said his

understanding is, the applicant is working out the details of that with the South Florida Water Management District. That was one of the terms that was actually required to be in the Development Agreement. It is in the Development Agreement and it is contingent upon working out the details with SFWMD.

Commissioner Becht said he is having major heartburn over extending this without that easement in hand or without that easement existing in the next 30 days. The developer has had a year to create the easement. Mr. Fousek (St. Lucie County Environmental Resources Department Lands Manager) came before the Commission (on October 5, 2009 - Re: Greenways and Trails). This pedestrian easement is essential to connect what probably will be happening in the next two years on the west side with what has probably already happened on the east side. The County has a 100-acre recreational park within a quarter mile of the eastern terminus of this proposed easement. He does not want a lengthy explanation of what the developer's problems are or why in a year the developer couldn't get this done. What he wants to know is when is he going to have a recorded easement in favor of the City across 10-feet on this property from its western edge to its eastern edge? A date, not an explanation.

**Mr. Gabe Henehan**, Kimley-Horn & Associates, Inc., said he is representing IDI. There is no good reason why they haven't recorded this.

Commissioner Becht said there is, it is not important to the developer, so...

Mr. Henehan said they just haven't done a whole lot with the project, given the economy. They were ready to move forward on building Building A as soon as it got approved. Then everything changed, they didn't get any leasing commitments, so they didn't do anything. What they have done is delineate the easement in a legal sketch and description, they have gotten halfway there. They just need to go ahead and record it and transmit it over. IDI is not here tonight. He can talk to them this evening or tomorrow morning and get a firm commitment of when they would be willing to do that.

Commissioner Becht said it is very important to him that this be recorded within the next 30 days. He thought they had the form of the easement worked out, because they have done this on other properties.

City Attorney Schwerer said they do.

Commissioner Becht said so the only thing that is necessary is a legal description.

Mayor Benton said he thinks it should be a condition on any extension, 30 or 45 days, instead of postponing this.

Commissioner Becht said he is disappointed that it hasn't been done, whether it is the developer's fault or the City's fault or SFWMD getting in the way and not cooperating. He would just like to have it done.

Mr. Henehan said he does not think it was anyone's fault. They just didn't do it, they just didn't move forward with much of anything on the project. He does not think there was any intention behind it. They are certainly willing to dedicate it.

Commissioner Becht asked is there any reason why this cannot be done in the next 30 days?

Mr. Henehan said in his mind, no. He can't speak for the client on that.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve a two (2) year extension to the approved Site Plan for construction of a 141,200 square foot Warehouse to be known as Crossroads Commerce Park Building A in the Commerce Park off Crossroads Parkway, south of Okeechobee Road and between I-95 and the Florida Turnpike, subject to the 20-foot pedestrian easement along Ten Mile Creek being recorded within 30 days.

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

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The next item on the Agenda was Request submitted by Tricon Development Inc. for a 12-month extension to the approved Site Plan for Ocean Park Condominium Development to be located on the west side of South A1A and north of Crestview Drive (a/k/a 901 & 1001 South Ocean Drive).

Mayor Benson said he has a request that they condition any extension on the wall out front be taken care of within 30 days and maintained from now on, because it looks like hell.

Commissioner Coke said she would agree with that. She noted on the cover sheet that the project was submitted and approved prior to the enactment of the design review guidelines and the concurrency ordinance. Can Mr. Carlin tell her how this project would then measure up to their design review guidelines and concurrency ordinance?

Mr. David Carlin, Assistant Planning Director, said this request came before the Commission a year ago (November 17, 2008). The Design Review Guidelines contemplates buildings being located along certain areas close to the road, bringing it up towards the frontage, encouraging a pedestrian scale. The buildings are located in close proximity in terms of the roadway, so in that regard it does meet the spirit and intent of the guidelines. As far as architectural renderings and things of that nature, the elevations that were provided were not scrutinized to the level and detail that the Design Review Guidelines now call out. So there may be some areas where certain features or certain enhancements would not be articulated on that plan set. But as far as the traffic study, he did ask that the applicant provide that information to assess the impacts to the area. There is really not a significant impact to that particular roadway network. In the end, it wasn't reviewed to the Design Review

Guidelines. Would it likely meet that? Maybe. They would probably get a better product if it were to come through under design review certainly, because staff would be analyzing it to the new codes the Commission adopted, a different level of analysis would take place. It did fall under some of the South Beach Overlay provisions, it did comply with that. But in the end, the Design Review Guidelines allows the Planning Board the ability to weigh in a little bit more in terms of how the buildings will look and staff as well. That is the different between the product that has been in the pipeline for some time.

Commissioner Coke said she is going to express concern. When they talk about a commercial building and an extension, they are talking about a whole different thing than a residential building in the middle of an already built-up neighborhood. She has major concerns. She had concerns when they approved it, as a matter of fact. She doesn't think she voted in favor the last time it came up because she didn't feel that it necessarily met their Design Review Guidelines then, although it had been submitted prior to. So she has concerns that now that they have the opportunity to ensure that this does come up to their Design Review Guidelines. They talk about raising the bar. That piece of property there has been an eyesore for a while, it has not been maintained properly. She just has concerns about that.

**Mr. Stefan Matthes**, Culpepper & Terpening, Inc., said he is here representing Tricon Development. This project was one of the first ones that actually started to follow those Design Review Guidelines that were put together by a City Planner previously. In fact, Kara Wood was the Urban Planner for the City and she was the one who started formulating those Design Review Guidelines back four years ago. This is the first project that she actually took under her wing and worked with the architect back and forth, so it would be something fairly close to what the Design Review Guidelines today show. The project was pulled up to the front, it had different architectural features, it went through color schemes. They went through all those things with Ms. Wood even though it wasn't per se under what they now have as Design Review Guidelines. He would submit that it would probably be fairly close to what they would review and approve under the guidelines they have today. Other than that, he will make sure that the wall is taken care of promptly, he will call the owner tonight or tomorrow morning and let him know the Commission would like that taken care of in 30 days. Anything else they would like them to do? There is an easement that needs to be recorded. He has no good excuse as to not having it recorded and will make sure it is taken care of within the next 30 days. No excuses, it is just one of those things that just was not done.

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, to approve a 12-month extension requested by Tricon Development to the approved Site Plan for Ocean Park Condominium Development to be located at 901 & 1001 South Ocean Drive, conditioned upon the wall out front being taken care of in the next 30 days, and the 5-foot easement on the southern edge of the property be recorded within 30 days.

Mr. Matthes asked would removal of the wall be just as good as fixing it?

Mayor Benton said it depends. He knows it is undeveloped land and he thinks they were using it as a staging area for A1A reconstruction.

Mr. Matthes said it was. Now it has finally been cleaned up by the contractor. The contractor has turned it back over to the property owner.

Mayor Benton said he wouldn't have a problem as long as the property is somewhat maintained, at least the area out front. It would probably look better without the wall.

Commissioner Coke said yes. She thinks the big problem is it just always looks messy. Parts of the wall are falling down.

Ms. Tracy Telle, Assistant City Engineer, said now that the A1A improvements have been done in Phase III, it is very hazardous for the traffic exiting Sea Pointe Towers, that wall there obscures the view and the sidewalk is right there. She thinks it is a very good idea to have that wall removed.

Commissioner Becht asked how long would it take to knock the wall down?

Mr. Matthes said he does not know. This is the first time he has heard this request. What he will do is...

Commissioner Coke said he will have to get a permit to do that.

Mr. Matthes asked can they give him a couple of days to figure out how long it is going to take to figure out what they want to do with the wall? They will for sure remove the corner so that the sight obstruction is taken care of.

Commissioner Becht said it has been pointed out they are going to need a permit.

Mr. Carlin said they can turn that application around as soon as they get it. Removal of a wall is a very simple transaction, at least from the Planning Department's end.

Commissioner Becht said what he is trying to avoid is the property owner saying he is going to knock it down, so he doesn't paint it or clean it up. He is trying to make sure the motion is as tight as they need it to be. What is needed in order to process a permit application to knock a wall down?

Mr. Carlin said now he is getting into what is required to get a building permit.

Mr. Marc Meyers, Building Official, said he is ready to sign off.

Commissioner Becht said he wants it on the record, he would like it tight. Get this clarified so they will all know what is

needed so this can proceed without a bureaucratic snafu.

Mr. Matthes said he still needs to go to the owner and find out what his preference is - to maintain the wall or to knock it down.

Mr. Meyers said if the property owner will make an application, he will sign off on it real quick.

Commissioner Becht asked will it take 45 days to either have the wall cleaned up or knocked down?

Mr. Matthes said give him 30 days to get a permit application in.

Commissioner Becht said he would like to give him options. The Assistant City Engineer says it would solve a problem by knocking it down.

Commissioner Coke said she likes the knock down theory, because then the property would also have to be maintained.

Commissioner Becht said Mr. Matthes does not have his client's authority to commit to knocking it down. The idea is to either clean the wall up within 30 days or obtain a permit to knock it down within 30 days.

Mayor Benton said they can condition it. The client probably doesn't want to lose the money he spent through the Site Plan process.

Motion to Amend was made by Commissioner Becht, to approve a 12-month extension requested by Tricon Development to the approved Site Plan for Ocean Park Condominium Development to be located at 901 & 1001 South Ocean Drive, conditioned upon the wall out front being cleaned up within 30 days, or an application and permit issued within 30 days and the wall will be removed within 90 days; and the 5-foot easement on the southern edge of the property be recorded within 30 days. Commissioner Sessions, as second, accepted the Amendment to the Motion.

Commissioner Coke asked are they giving them the option to either clean up the wall and maintain it, or take it down? Staff is recommending that it come down. If the wall is up and maintained, there is still spaces where the wall is visible to A1A or the property behind it is visible. If the wall is down, the owner is going to be in a position where he is going to have to maintain that property or it will be visible to people that it is not being maintained. The way it is now, if the wall stays up, the grass will get to be 7-foot or 8-foot tall before people recognize that the property isn't being maintained, and then they have an overabundance of rodents and other things scurrying around over there.

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

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The next item on the Agenda was Request submitted for a 12-month extension to the approved Site Plan & Conditional Use for construction of Halls Memorial Church of God in Christ at 1810 Avenue C.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to approve a 12-month extension to the approved Site Plan and Conditional Use for construction of Halls Memorial Church of God in Christ at 1810 Avenue C.

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

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City Clerk Steele introduced the following Resolution by title only:

RESOLUTION NO. 09-61

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

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, that Resolution No. 09-61 be adopted.

Those voting in favor of the adoption of Resolution No. 09-61 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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City Clerk Steele introduced the following Resolution by title only:

RESOLUTION NO. 09-62

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF ADMINISTRATIVE SERVICES AGREEMENT WITH THE **INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION** (ICMA-RC) TO ADMINISTER ITS DEFERRED RETIREMENT OPTION PROGRAM (DROP); ADOPTING DECLARATION OF TRUST OF THE VANTAGE TRUST FOR COLLECTIVE INVESTMENT OF FUNDS."

City Attorney Schwerer said adoption of this Resolution may require some legal clarification. Due to bargaining issues, they do not have sign-off on the DROP program from two of the three bargaining units. If the Commission should move to adopt, make it applicable to all general employees and any bargaining unit that waives bargaining or agrees to the acceptance of the DROP program. In other words, they would have to go to bargaining with them on the terms of this DROP before it would become effective as to them. What he is simply saying is, make it effective as to general employees and effective as to those bargaining units who accept or waive. As part of the motion, they can do that tonight. To be clear, they would be excluded until either they accept it and waive, or they conclude their bargaining.

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, that Resolution No. 09-62 be adopted, subject to it being applicable to all general employees and to any bargaining unit that waives bargaining or agrees to the acceptance of the DROP program.

Commissioner Coke asked is Mr. Schwerer aware that it was the Unions that have not finished their bargaining that are the people that requested this DROP program to begin with? They brought it to the Retirement Board, they had the Actuarial Study done, and requested it be brought to the Commission for approval.

City Attorney Schwerer said he is fully aware of that. Staff convened on this issue over a week ago. Legal requested a report from Staff that they contact all of the Unions. He believes that the bargaining unit that proposed this has accepted it and has waived any bargaining issues. That is why he is simply saying any bargaining unit that has waived will be included in the program. Those that haven't will go to bargaining. He was also made aware today that one of the bargaining units said no, they would not waive, and they wanted to specifically bargain. He does not have a report as of now on the other. They will get it effective as to those bargaining units that have signed off on it. That will be effective tonight by this motion.

Those voting in favor of the adoption of Resolution No. 09-62 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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City Clerk Steele introduced the following Resolution by title only:

RESOLUTION NO. 09-63

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE CITY OF FORT PIERCE **PERSONNEL RULES & REGULATIONS**; AMENDING SECTION 12.04 "PAYMENT OF UNUSED VACATION LEAVE" AND AMENDING SECTION 13.08 "UNUSED SICK LEAVE", AS IT APPLIES TO THE **DEFERRED RETIREMENT OPTION PROGRAM** (DROP); PROVIDING AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Resolution No. 09-63 be adopted, subject to it being applicable to all general employees and to any bargaining unit that waives bargaining or agrees to the acceptance of the DROP program.

Those voting in favor of the adoption of Resolution No. 09-63 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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City Clerk Steele introduced the following Resolution by title only:

RESOLUTION NO. 09-64

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING **AMENDMENT TO RULES OF PROCEDURE AS ADOPTED BY THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**; CREATING CBAA RULE 10(c); PROVIDING SUPPLEMENTAL NOTIFICATION OF CERTAIN RIGHTS AND OBLIGATIONS TO PERSONS OR PARTIES APPEALING TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; FINDING THAT AMENDMENT IN CONFORMITY WITH CHAPTER 5 OF CODE OF ORDINANCES AND WITHIN SCOPE OF BOARD'S AUTHORITY TO ADOPT."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 09-64 be adopted.

Those voting in favor of the adoption of Resolution No. 09-64 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Appoint or reappoint two City Commissioners (a Regular Member and an Alternate) on the Treasure Coast Regional Planning Council.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to reappoint Commissioner Becht as a Regular Member and to reappoint Commissioner Sessions as an Alternate Member on the Treasure Coast Regional Planning Council.

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

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The next item on the Agenda was Appoint or reappoint one City Commissioner to the Fort Pierce Harbor Advisory Committee.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to reappoint Commissioner Becht to the Fort Pierce Harbor Advisory Committee.

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

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The next item on the Agenda was Finance Director request approval of proposal from CIGNA for Group Medical Insurance. RFP No. 5942

Ms. Gloria Johnson, Finance Director, said RFP No. 5942 was issued to solicit insurance for their employees. The Evaluation Committee met and selected CIGNA for the Group Medical Insurance.

Commissioner Coke said first of all, she wants to thank Staff. Ms. Johnson, Mr. Barnes, Ms. Smith, and Mr. Giel from FPUA sat in. They worked long and hard on it, several hours on several different occasions. Staff did a great job. Their insurance consultant, Siver, did a wonderful job assisting with this, they were right on top of it. The program they are looking at now has some very exciting benefits for the employees as well as the City. It going to save the City money, which she thinks is very important. A lot of the complaints they had heard from their

employees was regarding the prescription drug program they had. The new group does not have an upcharge to have a regular prescription drug plan without the responsible step program. There is also the possibility with the new group, even though they are going to get a specific premium every year, that if their claims level is not where they anticipated, they could get a refund at the end of the year, which was absolutely amazing to her. So if they can take all the necessary steps to help keep their employees healthy and move forward with this fully insured plan, they can save money, give a better program to their employees, and possibly even get a refund at the end of the year. It was a great experience for her, she learned way more about insurance than she wanted to. But Staff and the Insurance Consultant did a phenomenal job.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve proposal by CIGNA for Group Medical Insurance.

Commissioner Becht said he wants to thank Commissioner Coke for the time she spent working on this and holding everybody accountable, making sure the City was getting the best bang for the buck, and that the insurance consultants were doing their job and there was some accountability on that.

Mayor Benton said he agrees. When does this new group take over? Is there an additional deductible?

Commissioner Coke said she believes if they approve it tonight, they can get going by January 1st.

City Manager Recor said there is a 90 day termination provision.

Commissioner Coke said but they did have them extend the deadline to February 1st, hold the price to February 1st, just in case there was a snafu there.

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

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The next item on the Agenda was City Engineer update on State Road A1A Project.

Ms. Tracy Telle, Assistant City Engineer, said she will focus on the phase of construction that is currently on-going, Phase IIB and the Harbour Isle Roundabout. The eastbound travel lane has base rock. All the underground utilities are basically completed. They expect to have curb and gutter on the eastbound travel lane with that paved probably the beginning of January. And then they will be switching traffic back over to the north side.

Commissioner Becht said at the FPRA meeting they have discussed the Seaway Drive/South Ocean Drive Roundabout design. There was extra land on the southeast and southwest corners and they were looking to staff to come back with some recommendations. When will they have that back?

Ms. Telle said Mr. Andrews has been working on that. They went down to Martin County to measure those roundabouts. Mr. Andrews is working with the consultant on that and may have something to report at the upcoming FPRA meeting (November 18th).

City Manager Recor said Mr. Andrews should be back tomorrow. He will give Commissioner Becht a call tomorrow and let him know whether or not he has made any progress.

Commissioner Becht said that is important to all of the Commissioners, not just him. There is a substantial amount of land there. There is landscape options in there, there is park options in there, there is artistic options in there. It is something they don't need to waste.

Ms. Telle said she knows Mr. Andrews does have one layout which they have done in the Engineering Department which shows the shifting of that roundabout back south. They have talked to the property owner of that vacant property and he is a willing seller. So they have the option of going that route.

Commissioner Becht said he just would like to have options and wanted to know when he was going to have those options.

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The next item on the Agenda was City Engineer update on **City Marina** permitting process.

Mr. Ed Seissiger, Engineering Projects Coordinator, said Staff continues to work with the Army Corps of Engineers in a long and never-ending process of trying to get their permits. The Army Corps has in the past week given them some indication that they are willing to wrap up their review. They are looking at about 60 days. There were some issues brought up about wanting a performance bond. They had those same discussions with the Governor and his staff, and they brought those recommendations they made forward. He thinks the Army Corps may fall in line with the State.

Mayor Benton asked do they need to set up a conference call once again with Senator Nelson's office?

Mr. Seissiger said the fact that the Army Corps has actually committed to a time line is amazing. He does not want to back them up against the wall so they change their mind in any way.

Mayor Benton said they are going over the same old stuff once again. The Army Corps is not even the property owner. And now they ask for a performance bond?

Mr. Seissiger said right. One of the issues they keep bringing up to the Army Corps is the fact that the property owner has agreed to allow them to do this. He knows they are going to place some kind of terms on it, but he does not understand why they have such a problem with the whole project.

Mayor Benton said keep him informed. They have got to get this moving along a little bit quicker.

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The next item was the Consent Agenda. Mayor Benton asked does any Commissioner have an item they would like to pull for discussion? (No items were removed.)

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

a. Request by Brother Brady Talley, Phi Beta Sigma Fraternity Inc., for \$1,000 in Public Funds for tour to Washington DC during spring break on April 4-9, 2009.

b. Approve travel and attendance by Commissioner Alexander to the 49th Annual Florida League of Cities Legislative Conference on November 19-20, 2009, in Orlando.

c. Approve Agreement between the City and the Humane Society of St. Lucie County from October 1, 2009 through September 30, 2011, for provision of shelter, board, and care of animals picked up within the City Limits.

d. Approve Grant Agreement with the Florida Department of Transportation for reimbursement of \$13,513.51 for Keep Fort Pierce Beautiful activities.

e. Waive Code Enforcement lien in the amount of \$104,000 against 1400 Orange Avenue, requested by David Houston, contingent upon the owner installing sufficient landscaping to the satisfaction of the Urban Forester along the 14th Street frontage, or to pay a reduced lien in the amount of \$5,400 contingent upon payment in six months.

f. Reduce Code Enforcement lien in the amount of \$201,300 against 703 North 23rd Street, requested by Garth Mager, to \$2,600 contingent upon payment in six months, and the balance of the lien to remain against GWSJ Inc. and Milagros Suarez.

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City Manager Recor said it is about that time of year when they generally begin thinking about a Capital Improvements Workshop at the start of the next calendar year. This year he would suggest they approach this meeting a little differently, that they expand the scope and call it a **Strategic Planning Session**. What he would like to do is review... While they operate financially on a fiscal year, their work programs carryover generally by calendar year. So he would like to focus that strategic planning session on the planned work program for calendar year 2010. He would suggest they consider developing a two-year budget as part of the Fiscal Year 2010 budget process. The Property Appraiser is projecting another double digit decrease in terms of valuation for Fiscal Year 2010 and a single digit decrease in Fiscal Year 2011. They know how difficult the discussions, the options, and the alternatives were. He would like to have a roadmap of how they are going to balance this budget not only for FY 2010 but FY 2011 as well. Those two budget years will be part of a broader five year financial projection for the City. So while years one and two will actually be adopted budget, years three, four, and five will be

based on the quantitative revenue projects that they reviewed at their last budget workshop on August 28th. With the Commission's permission, he would like to begin identifying some potential dates in the middle to latter part of January where they can have this Strategic Planning Session scheduled.

Commissioner Becht said he likes the idea of a two year budget process, particularly in the next two years. He does not know if they can go further than two years out. The third year is where he is hoping that things will plateau.

City Manager Recor said that is exactly why he wants to do this. He wants to send a message to not only the citizens, but particularly to the employees, that it is going to be difficult next year, it will be difficult the following year, but there is light at the end of the tunnel. Some of the decisions, some of the choices they have had to make, are as a direct result of the financial position they are in. But things are going to change. The decisions they make and the priorities they establish will change as well. So he wants to encourage everyone to hand in there. That is part of the basis or reason for looking at their financial position long term.

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City Attorney Schwerer said in accordance with Florida Statute 208.011, he is announcing at this open meeting that he and the litigation team handling the case involving the United States versus the City Federal Lawsuit are in need of certain advice from the Commission concerning matters that have recently surfaced in that case. He is requesting an Out of the Sunshine meeting. The City Clerk and the Commission's Secretary will poll the Commissioners for available dates. They should have this meeting in advance of their December 7th regular scheduled Commission meeting. They will be noticing the time and date that is agreeable to all the Commissioners.

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Commissioner Becht asked can they address Ms. Fasnacht's earlier request (under Comments from the Public)? When can they have some sort of response back to her on the License Agreement for **Lisa's Kayaks**?

City Manager Recor said there is one technical issue, but he is sure Ms. Fasnacht can address it at some point. Evidently her corporation is no longer a valid corporation. It may require a renewal. Regarding the specifics, the License Agreement that they entered into was identical to what was authorized previously. If the Commission wants to consider allowing her to use other facilities, they can incorporate that language. Commissioner Coke said she thinks Ms. Fasnacht's concern was the days of the week and the times she wanted specified.

City Manager Recor said it was not specific in the original License Agreement.

Commissioner Becht asked so the only holdup right now is the fact that she needs to reinstate her corporation?

City Manager Recor said yes, and identify the days of the week that she wants to operate.

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Commissioner Becht asked when are they going to have a lease for the **Little Jim Bridge** operation?

City Manager Recor said he and Mr. Margotta spoke about it today, and he assures him they are on track for the second meeting in December.

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Commissioner Becht said if they are going to have a two-year budget process, he would really like to have the **Citizens Budget Review Committee** up and running before then, if possible.

City Manager Recor said the goal all along was to have the Committee in place by the end of the year. He has received the information from the City Attorney, their research and what it revealed. Most of the organizations that responded to a municipal attorney's query were large organizations. However, there are some smaller organizations. With that in mind, they had originally talked about two appointments by each member. It may be a more manageable group if they go with a single. But there were some guidelines. For example, Daytona Beach had included that all of the people involved in their Budget Committee had accounting backgrounds.

Commissioner Becht said he is not expecting a full report tonight. When is Mr. Recor going to have a full report for the Commission?

City Manager Recor said they will have it probably the second meeting in December.

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Commissioner Sessions said during the Comments from the Public, there was a segment of their community from the maritime labor force that brought to their attention their **Port** being viable and perhaps an economic engine for their City. If there was ever a time that they needed something, in light of what was pointed out to them this evening, the crisis of a very high unemployment rate in their City, this is the time they perhaps need to explore and do all they possibly can to make this a reality in terms of putting people to work. He thinks it is a jewel that has been underutilized. It is sitting there, it is hidden. This is the Treasure Coast. But that treasure has yet to be revealed. He could talk until morning about the issues involved in the Port from the County to the City to the State. If it is not the will of the Commission to pursue it at this point, then it will continue to be a stale issue and will never become a reality and people will just continue to go in their community without work, and he does not think that is something they want in light of the labor force now being impacted by NAFTA now. No longer do they have the fruit industry to put people to work, so they have to find a solution. He believes it lies with the Port in order to get some work in this area.

Mayor Benton said he has been here most of his life and he has heard and been part of this debate for many years. Folks have come in and said they don't have the depth needed for the draft of these boats. Back in the 1970's when they had the longshoremen strike in Miami, they brought in literally 500-foot to 700-foot ships full of Toyotas and Datsuns. The whole

Causeway lined up with cars to watch. At that time he believes the depth was 24-feet or 25-feet. Now it is 28-feet. So that argument... He knows some of the newer ships need more. But they can get in here. They have a willing Port over there that is underutilized now. Maybe it doesn't have the facilities that are needed. But nobody has ever said that they are not willing to allow what is there to be used. Maybe the facilities at the Port aren't what they need. But he is sure they would love to have that discussion. But first there has to be some money spent on the facilities that are over there and existing now.

City Manager Recor said he and Mr. Ward have had conversations with people interested in developing in the Port that are actually considering mooring a mother ship and then running smaller ships into the turning basin and the terminals. He understands Commissioner Sessions point. What exactly is he suggesting? They have a Port Master Plan which identifies areas and berths in particular that are appropriate for cargo and clean industry. Is he suggesting they market and promote the existing Port Master Plan? Is he looking for something different? What exactly are his expectations?

Commissioner Sessions said based on what he is hearing this evening from the individuals that are familiar with it, he does not think that the City has taken the initiative to market it in its present status. So if it means going out and marketing it in its present status so that they can obtain the traffic they would like to have in order to put people back to work, so be it. If it means making an investment in the Port, getting with the property owner to find out exactly what they need in order to make the investment and send their lobbyists on their way in order to obtain the monies necessary in order to develop it and make it attractive to the shipping industry, so be it. But he just does not want it to just sit and remain a moot issue. They cannot afford to sit back and ignore the potential and the possibility of having an economic engine, unless they see something he does not see. He does not see anything else they have to offer that potentially can put people back to work. They just can't continue to sit here and do nothing.

Commissioner Becht said this is an issue worthy of some discussion. Maybe they need to agenda it for a discussion when Commissioner Sessions can come back with specific suggestions on what type of proactive approach he wishes to have the City consider. The proactive approaches they have taken while he has been up here is, actually the Federal Government did come in and deepen the Port to 28-feet.

Mayor Benton said they widened it too.

Commissioner Becht said this was done in the last 10 years. If that is the issue, that the City hasn't done enough to get the Port deepened, the Feds got it deepened down to 28-feet and he hasn't seen any additional activity. If the issue is promoting development of the uplands, there was so much interaction with Lloyd Bell in the first four years he was up here that Mr. Bell achieved superstar status, but nothing ever could be negotiated that put something together. It is to the point where, if Mr.

Bell wants to sell the property, it will get sold and maybe somebody will develop it. But until then, it is just not going to happen. With the property that St. Lucie County owns, this Commission pushed St. Lucie County to issue an RFP for the development of that property, and they got no responses. Mr. Ward came up with the idea of trying to do something, not necessarily with the Port, but developing the Fisherman's Wharf area, which would have created jobs and probably stimulated growth from that core northward into some of the other areas; and the economy went into the dumps and nothing could happen there. The other thing he would have to see hard data on, and maybe it is an urban myth, but he has heard the longshoremen jobs that do exist here in Fort Pierce are filled by folks from Melbourne, West Palm, and out of town. So it doesn't excite him to expend Fort Pierce resources to create jobs for folks that are out of town. He is not saying that is a fact, but he has heard that rumor. So before he went out and was interested in expending Fort Pierce resources to benefit members of the longshoremen's union that don't even live in St. Lucie County, he would have a problem with that. He does believe that at least one of the gentlemen that spoke earlier lives in Fort Pierce or St. Lucie County. But this rumor needs to be dispelled before they start spending City resources, or they are going to look silly. They need to say this is for Fort Pierce residents and that is why they are spending Fort Pierce resources. If Commissioner Sessions wants to schedule it for a meeting when he can come in with specific ideas, where he sees the City having the ability to promote this asset over and above what they have done in the years past, or if he wants to revisit what they have done in the past, he would be happy to discuss it in an open discussion for a full commitment of City resources to anything that is viable that he brings to them.

Commissioner Sessions said he would be willing to volunteer to put it as an agenda item to explore the possibilities, to bring it to the Commission at a later date.

Mayor Benton said he suggests this be a workshop item. They have been through this for 16 years now. When Doug Anderson was the St. Lucie County Administrator for the Port, he went with him several times to many Ports Council meetings throughout Florida, trying to bring resources back here. It always fell by the wayside because they needed the support of the property owner, who led them to believe they did, but it didn't materialize. It would take an hour to go through what they tried to do that didn't materialize for various reasons after a lot of effort. He thinks the County should be involved too, because the County is the Port Authority. The County Administrator would be the Port Director. So he thinks a Workshop is a good idea, invite all of them.

Commissioner Coke said they should also invite the property owner, because he is their biggest stumbling block. She is sure just like each and every one of them, she has spent hundreds of hours talking to Mr. Bell about various projects. She finally got to the point when people say they are going to do this or that at the Port, she tells them if they have spoken with Mr. Bell, that is great; but when they have Mr. Bell's signature on

a piece of paper, come back and see her, then she will spend time with them.

Commissioner Alexander said along his campaign trail, he went to the longshoremen and assured them they will not sit and wait, they will be proactive. He may have just been speaking for himself, but he wanted to let them know that is what his intent is. He did see Mr. Bell present tonight. He was assured Mr. Bell would be present tonight, because he is concerned about the City of Fort Pierce. But he also is looking forward to some apologies for what was said toward him, which he does not blame him. But to see him and those longshoremen here, they are trying to tell them something, they need jobs here in the City of Fort Pierce.

Mayor Benton said Mr. Bell has some apologies due to some of them up here too. It goes both ways.

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Commissioner Coke said earlier they approved the Group Health Insurance. Just so no one thinks they dropped the ball, they divided up the work and took care of the immediate need, which was a new health insurance policy. But they intend to move forward with examining the possibility of a **Health Clinic** for employees. They have some facts and figures, and will be meeting on that.

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Mayor Benton said he was lucky to happen into a group of veterans, SEALs, on Veteran's Day weekend at Little Jim Bridge Fish Camp. There were about 40 retired Navy SEALs, a lot of them staying in motor homes out there. They spent the weekend there for the program at the SEAL Museum. Then they had a dinner Saturday night at Little Jim honoring four veterans that were SEALs from the original base here in Fort Pierce. They each got a Key to the City. He wants to thank Chief Watson for introducing him to most of the SEALs, it was a great group of people. They will be there again next year. It is amazing the veterans that hang out over there and the stories they tell.

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Mayor Benton said Coffee with the Mayor is Friday at 8:00 a.m. in Old City Hall.

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There will be a Special Meeting of the City Commission on Wednesday, November 18, 2009, beginning at 12:00 Noon in the City Hall, 3rd Floor Conference Room, 100 North U.S. #1, Fort Pierce, Florida, to Canvass the Returns of the Municipal Run-Off Election held on November 17, 2009.

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There being no further business, Mayor Benton declared the meeting adjourned at 8:50 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER