

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 17, 2008.

Mayor Benton called the meeting to order.

Chaplain David Thompson gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, and Reginald Sessions; City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: Commissioner Christine Coke.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, and unanimously carried, to excuse Commissioner Coke from this meeting.

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

Letter from David Reed, Florida Cracker Trail Association, Inc., thanking Michelle Kubitschek, City Clerk's Executive Assistant, for her support.

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**Mr. Tommy Nguyen**, 3224 South U.S. #1, said he just opened a restaurant down by Days Inn. He put a sign up for public to know they are there. Their restaurant is about 200 feet back from the main street. When they didn't put a sign up, they didn't have no customers. So they put a sign up there on Saturday, they got cited for the big sign. He had professionally made sign and put it up. Then he sees the neighbor next door has the same sign, the Savannah Landing, so he thought it would be okay to leave it there.

Mayor Benton said they have certain guidelines for business signs. The other one might be some type of real estate sign. Give the City Manager a call tomorrow and he can direct him toward staff who can set him in the right direction. But they have to have signs that go by code. They will work with him on that.

City Manager Recor said contact his office - David Recor in the City Manager's Office. He will put him in touch with the correct Department Head who can give him the information he is looking for.

**Mr. Tony Barnes**, 3501 Juan Ortiz Circle, said he is here tonight on behalf of 18 young men (Fort Pierce Greyhounds) who will be competing this coming Saturday at 3:00 p.m. over in North Fort Meyers for a Junior Midget Southeastern Regional Championship. Last Saturday they defeated Miami New Birth Saints 28 to 0. They have to travel over. There are only 32 teams left in the United States that are playing in their division. Hopefully they can win against Tampa Carrollwood on Saturday in North Fort Meyers and then go to Orlando and beat a team from either Tallahassee or in the northern part of Georgia. Their dilemma is, their League has told them they will not have enough money for them to travel over on Friday to prepare for a 3:00 p.m. game on Saturday. He thinks it would be remiss if their young men had to get up at 6:00 o'clock in the morning to get on a bus to go over and play for a championship game at 3:00 o'clock in the afternoon. There are five coaches who are City of Fort Pierce employees - himself, Nick Mimms who is the Deputy Director of Public Works, Steve McBride who is a Rehab Specialist, Derrick Johnson who works in the Public Works Department, and Jackie Bea who is an Inspector with the City of Fort Pierce. They have dedicated their time to these young men. They want to have an ample opportunity to represent Fort Pierce. This is the first time the Treasure Coast has ever had a team go this far. This is the first time a team from the City of Fort Pierce will be represented. The League came before them and they asked them to change their name and they did change their name, so they are officially the Fort Pierce Greyhounds. He would like to ask that they donate \$500 for their trip to North Fort Meyers and donate another \$500 when they go over to Orlando to play for the Southeast Regional Championship. They think they have a very good chance. If they win that ball game, then

they are in the Super Bowl. There are 32 teams left playing in the whole United States. They desperately need their financial contribution.

Commissioner Becht said there is almost a quorum of County Commissioners here in the audience if Mr. Barnes wants to make a pitch to them.

Mr. Barnes said he would like for them to match that if at all possible. He just doesn't think it would be fair to put these young men who work so hard on a bus early Saturday morning and go over and give all that they have, when they can rest and do their preparation on Friday and get up Saturday morning and do their final preparations and go in and win this ball game. They have future Gators, future Seminoles, and future Hurricanes right here in Fort Pierce. They do have Pre-Scholastic All Americans on this football team also. Their overall GPA is just under 3.0, it is 2.98. They do have three that will be going on to a big ceremony when they have the national event who are on this particular team. They do work hard. They could not be here tonight because on Mondays they have study hall and then they had to go practice.

Mayor Benton said it wouldn't be appropriate under Comments from the Public. But at the end of the meeting, when they have discussion amongst the Commission, they will let him know how they feel.

**Mr. Bobby Hutchinson**, 3207 South U.S. #1, said he is here representing Sears. When they first opened the store eight months ago, they used to park their tractors out by the roadside - far enough away from the road where it didn't hinder the traffic and off the sidewalk so they didn't obstruct the sidewalk in case anybody was walking by or riding their bicycle. It seemed the only way people knew they were there were from their tractors. They would come in and say they saw the tractors on the side of the road. The City told them they couldn't park their tractors there. As a result, they saw a significant decrease in business because the plaza they are in with the marquee with the sign that says Sears, the hedges - which he really doesn't consider hedges, those are more like trees - are as high as the sign. So when Sears went to the City to request that they add a bigger sign on top of the marquee, they were denied. So they had a professional sign made that they stuck in the ground. Obviously once again, that is no good, they were cited for that. As a final effort, they went and had an A-frame made and they were just doing it on Saturday and Sunday. The first Saturday they put it out there, somebody came from the City and cited them and said take it down. They would like to stay in Fort Pierce. They have been there eight months. Even today he worked and people say they don't even know they are back here, because they do sit behind the Long John Silvers. That is their only way to let people know. The tractors are a sign. They are looking for the City's help. He not personally, but someone has spoken to the City. From what he was told, they have to follow the permits, they can't put the signs out. They are not going to stay alive too much longer.

Mayor Benton said there are certain sign permits. He would imagine the shrubbery is hiding the sign at the plaza, isn't his landlord willing to either remove it or at least...?

Mr. Hutchinson said yes, the landlord is willing to remove it, he is willing to work with them. But he sent him here, because in order to remove it, the City has requested he plant something else. He is willing to work with them because he doesn't want to see them leave the building.

Mayor Benton said neither do they. The City is willing to work with him. Mr. Carlin will give him his card and he might want to get with Mr. Recor. Call his office and they can resolve this problem. He will take a look at it himself personally. They do not want to chase a business out of Fort Pierce.

Mr. Hutchinson said it is 3207 South U.S. #1, one block south of Edwards Road. It is behind Long John Silvers and across from the DMV.

Commissioner Alexander said that is two weeks of advertising.

**Ms. Marcia Baker** said she lives on Seaway Drive. She is here to comment on Item #27, the request for an extension to the Site Plan for Ocean Park Condominium (at 901-1101 South Ocean Drive). She has never met Mr. Kodsi, nor does she have any kind of connection with this project. However, she would like to strongly urge the approval of the extension. In this City they have been inundated with fly-by-night speculators who are using OPM (Other People's Money), have trashed whole sections of the City, artificially inflated property values, cost the City hundreds of thousands of dollars, and left boarded up, weed infested, fire hazard, foreclosed ruins behind in their wake while they go on to other states or countries to get new victims. Still others have flipped properties to obtain fake high appraisals and then try to get the City to bail them out at the inflated dollars. Still others have presented new plans built on nothing more than promises and hope or hype. It is therefore a great pleasure to see Mr. Kodsi's long record of responsible development and investment, plus prompt paying of his property taxes within Fort Pierce and St. Lucie County, as well as an impeccable record in Brevard County and Palm Beach County. His commitment to this project is obvious and documented, and should be rewarded and encouraged with the utmost amount of cooperation the City can give him. In fact, unless it is against the rules, she would suggest a two-year extension instead of only one year. As the current economic downturn will probably last much longer than a year, it would save everyone time and effort and dollars if a two-year extension were allowed instead of having to go through this again next year.

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Commissioner Becht said at this time he would like to see if there is a willingness to move the agenda around a little bit. They have Items #15 to #22 (Annexation Ordinance Nos. L-53 through L-60) which he thinks they have almost a full contingent of County Staff present for. He would hate to see the County shut down merely because they are here for this.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to adjust the Agenda so that Items #15 through #22, Annexation Ordinance Nos. L-53 through L-60, are moved up on the Agenda.

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

City Clerk Steele said it is her understanding that they want to postpone these and there is no point in her reading them.

Commissioner Becht said that is correct.

City Clerk Steele asked do they want to make a motion to postpone?

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to postpone second reading of Ordinance Nos. L-53 through L-60 until the City Commission meeting on December 15, 2008.

Mayor Benton said to explain to everyone, the Research Park basically makes the other annexations contiguous, so when they take that off the plate, they have to postpone every one.

Commissioner Becht said he thinks all of the City Commissioners have communicated with the County Commissioners. What they are trying to do is work this out without lawyers and lawsuits and all sorts of other negative things happening. So they are working together to try to make this happen and they need more time to get it finished.

Those voting in favor of the motion were: Commissioners Alexander, Becht, 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 by Reverend Sharon Britcher, **The Mustard Seed**, to erect tents for outdoor food service and worship for the 19th Annual Community Thanksgiving Feast at 909 Avenue B; said property zoned C-3, General Commercial Zone.

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

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve a Temporary Use for Reverend Sharon Britcher, The Mustard Seed, to erect tents for outdoor food service and worship for the 19th Annual Community Thanksgiving Feast at 909 Avenue B.

Mayor Benton said as Chairman for the second year, he does appreciate the Commission and the FPRA working with Mustard Seed and all the churches and literally hundreds of volunteers. Last year they fed over 7,000 people on Thanksgiving, over 1,000 on Orange Avenue and 10th Street. All they need to do is get it mowed and get the St. Anastasia Building looking a little bit better and cleaned up.

Commissioner Alexander said they were out there today taking care of that.

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

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The next item on the Agenda was Public Hearing on Application for **Certificate of Public Convenience & Necessity** submitted by Frank Cova of Vitalcare Connection, Inc. to operate five (5) vans from 728 North 6th Street, for non-emergency transportation for medicaid patients.

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.

Commissioner Sessions said he was hoping the applicant would come forward. Mr. Cova is applying for a Certificate to provide services to medicaid patients free of charge. Did anybody contact their mass transportation system, the Council on Aging, to see if in fact there was any fiscal impact on them, or see whether or not they wanted to have some input on this particular proposed transportation system?

Mayor Benton said if the applicant is not here, they could postpone it and request the applicant to show up to answer some questions.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to postpone action of the Application for Certificate of Public Convenience & Necessity submitted by Frank Cova of Vitalcare Connection, Inc. to the December 1st City Commission meeting.

Commissioner Alexander said they are talking about parking five vans in a residential area on North 6th Street. He doesn't recall in that area where there would be a paved parking lot.

Mayor Benton said he would like to have a Staff Report on this, with parking for that many vans.

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

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The next item on the Agenda was Public Hearing on Application for **Waiver of Distance** submitted by Thomas Weisser to obtain a 2-COP license to sell beer and wine for consumption on premises in the **P.P. Cobb General Store & Restaurant** at 100 Avenue A; said property zoned PUR, Planned Unit Redevelopment Zone.

Mr. Paul Williams, Urban Forester, said the applicant is requesting a 2-COP license to serve beer and wine for consumption on premises. The establishment is located within 1,600 feet of five other establishments. The restaurant is in Historic Downtown Fort Pierce in the P.P. Cobb Building. The establishment is in the PUR, Planned Unit Redevelopment Zoning District. The properties to the north, west, and east are also in the PUR Zoning District. The property to the south is in the C-4, Central Commercial Zoning District. This is the front view of the establishment and this view shows the view from the front looking toward the river. This floor plan shows the tables, kitchen, and restroom layout. Property owner notifications were mailed to property owners within 500 feet. 44 notifications were mailed. As of today 15 responses have been received - 14 approved and 1 opposed. At their September 9, 2008 meeting, the Planning Board voted unanimously to recommend approval of the Waiver of Distance with conditions, which have been addressed. All affected Departments have reviewed the proposed Waiver of Distance and have approved it based on it meeting the requirements of the City Code. As the proposed establishment does not appear to adversely affect community health, safety, or general welfare and meets the requirements of the Code, Staff recommends approval of the Waiver of Distance for a 2-COP alcohol beverage license.

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

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve the Waiver of Distance submitted by Thomas Weisser to obtain a 2-COP license to sell beer and wine for consumption on premises in the P.P. Cobb General Store & Restaurant at 100 Avenue A.

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

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The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by Carl Kurtgis, Jr. to convert a single-family residence into the **Treasure Coast Bible Assembly Church** at 4146 Edwards Road; said property zoned E-3, Residential Single- Family Zone.

Ms. Diann Ploetz, Planning Administration Assistant, said in accordance with Section 22-23.2(c)(1) of the City Code, the applicant is requesting approval for Conditional Use to convert a 1,216 square foot single-family house into a church with no new construction. The subject property is located at 4146 Edwards Road, which is on the north side of Edwards Road and northwest of Selvitz Road. The property is zoned E-3, Residential Single-Family Density, with a Future Land Use designation of RU, Residential Urban. The property adjacent to the east is zoned R-1, Single Family Low Density, and RL, Low Density Land Use. The properties to the north and south are unincorporated with County designations of AG-1 and RU. The properties to the west are unincorporated with County

designations of RS-3 and RU. The interior of the building will consist of an entryway, sanctuary with fixed seating for 70 people, one small classroom, and two restrooms. The exterior of the building will not be altered and is consistent with the surrounding buildings. A total of 26 parking spaces will be provided - 13 will be paved and 13 will be stabilized parking in accordance with Section 22-60(b)(6) of the City Code, which requires that 50% of the required parking for church facilities be paved. Due to the small width of the property, a variance was granted by the Engineering Department to allow the driveway connection to be located in the center of the property to achieve appropriate side lot clearance. The project will generate 37 A.M. trips and 3 P.M. trips. Based on the predicted weekday traffic, the proposed project will have a minimum affect on the adjacent roadway. The site consists of 5 oak trees, 4 palm trees, 11 pine trees, and 3 evergreens in the existing landscaping. Additional landscaping will consist of 17 Live Oaks, 8 Laurel Oaks, 3 Sabal Palms, 7 Mahogany, and plantings of Green and Silver Buttonwood, Silverhorn, Holly, Cocoplum, and Japanese Yew. The existing and proposed landscaping complies with Section 22-187 of the City Code. A total of 18 notifications for Conditional Use were mailed to property owners located within 500 feet of the property. As of today a total of four responses have been received - two approved and two disapproved. All affected departments have reviewed the proposed conditional use and have approved it based on it meeting the requirements of the City Code. At the October 14, 2008 Planning Board meeting, the Board voted unanimously to recommend approval of the Conditional Use. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends approval of the Conditional Use.

Commissioner Becht asked can the Engineering Department tell him how wide Edwards Road is in front of this property? Do they need to pick up any additional right-of-way from this applicant?

Ms. Tracy Telle, Assistant City Engineer, said Edwards Road is a County Road. The right-of-way width through there, she is not 100% sure, but she thinks it is about an 80 foot to 100 foot right-of-way width. It is two-lane paved with a right-turn lane onto Selvitz Road.

Commissioner Becht said without knowing the answer to that question, his concern is that he wants entitlements from the City and this where they would have the ability to request the right-of-way. This is at or close to the intersection; and turn lanes, decel lanes, and everything else might need to be created. He is concerned that they might be missing an opportunity here if that question can't be effectively answered. And if she doesn't know the width of the road there, then he doesn't know that she can answer the question tonight.

Ms. Telle said the County has reviewed this also. Typically on County Roads if they desire additional right-of-way for future improvements, they will require that at time of site plan review.

Mr. David Carlin, Interim Assistant Director of Planning, said it appears based on the survey they have that there is 33 feet to the center line of Edwards Road from the property line. So assuming that is correct, they didn't dimensionalize the entire right-of-way width here, but the assumption would be that would be a 66-foot right-of-way if this in fact is correct.

Commissioner Becht said which doesn't meet County standards, because they want 80 feet in the western part of the County. This is going to be a problem later on. He doesn't want to speak for how they are thinking in the County Engineering Department, but if there is only 33 feet of right-of-way on the north side, that doesn't meet their minimum standards when they put in the bike path and the sidewalk and the drainage. They are not asking, they are demanding 80-foot right-of-way in the western part of the County.

Ms. Telle said that is correct. That is a collector road through there.

Commissioner Becht said it is a pretty major road now much less later.

Mr. Carlin said based on his math, that would translate into approximately 7 feet of right-of-way on either side of Edwards Road to meet that 80-foot requirement.

Commissioner Becht said right. And that would be minimal, in his opinion, because this is close to the intersection. His concern is that this close to the intersection they may want to put in a right-hand decel and other things. But he doesn't want to deny this on false information or inaccurate information. It is the applicant's survey that his company put in, right?

Mr. Carlin said that is correct.

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

**Ms. Michele Marcorelle**, 4120 Edwards Road, said she owns the property bordering just east of the church facility. She is opposed to this because of the traffic that is on Edwards Road and Selvitz Road at that intersection. She can't even make a left out of her driveway anymore at that intersection. The noise factor, they get trucks and the Tropicana trucks and the Walmart trucks going through there. This would just add to all that dilemma of noise and traffic. The lots are very narrow. They are going to be right on top of her house. She is opposed to this church.

Commissioner Sessions asked where is she in proximity to the proposed site, what distance?

Ms. Marcorelle asked to the actual structure? Probably about 35 feet.

Mayor Benton asked her property is to the...?

Ms. Marcorelle said east. She doesn't really know the number of feet. She is just guessing.

Mr. Carlin said he would like to point out, after looking at this plan in a little bit more detail, in the lower righthand portion of the property boundary is a line. Based on the plan, it is a right-of-way dedication of 27 feet. So the applicant is proposing to dedicate 27 feet according to this plan.

**Mr. Dan Burkhardt**, 2133 Johnston Road, said they are trying to stay within the guidelines of what the City has for that area. They have gone through the Planning Board, which unanimously accepted their proposal. This whole area is changing. More than likely there are people who are selling their properties because it is going to eventually be a wider road, it is going to be a commercial area. There are several properties on that road that are already for sale. Their building, they are going to stay within the existing structure, it is 52 feet on that plan from their property line and Ms. Marcorelle's house is another 25 feet from her property line. The City has requested of them to put a nice landscape buffer in between each of the properties. They are not trying to cause problems. They will only meet there three times a week. Eventually that property on the east of Ms. Marcorelle is going to sell. And that is going to be something else that the City has to consider. That is probably 3 acres. That house is actually closer than this house, the area they are going to eventually turn into a church.

Commissioner Sessions asked what type of buffer is he putting in place between them?

Mr. Burkhardt said the City requested particular landscaping. They met all the requirements. They don't have a buffer. If the City requests a fence, they will put a fence, if that makes a difference. But as far as meeting once at night, 7:30 until 9:00 on a Wednesday, and a Saturday afternoon from 3:00 to 5:00, he doesn't think Chief Baldwin will ever hear a complaint in the neighborhood from them making problems. The other

thing is that the City Police actually went through the plans and approved their lighting plan. Their lighting scheme is all going to be through the City. They are going to hook up to the City water and City sewer. Everything is in accordance to what the City wants. This is a conditional use.

Commissioner Alexander asked the depiction of this little cigar shaped portion, what is the future use of that?

Mr. Burkhardt said that belonged to the Miller family, he believes all three or four plots in that area. Mr. & Mrs. Miller owned the one plot they are in. There is a 10-foot right-of-way that goes behind that property to the east that they still own. That is what that is showing over to the 3 acres that is for sale by the Bustin family.

Commissioner Alexander asked what is the purpose?

Mr. Burkhardt said it is just something she wanted to be able to go over to her other property without going on that one piece of property, so she kept 10-foot of right-of-way.

Commissioner Alexander asked is that inclusive of his putting any type of buffer back there in that area?

Mr. Burkhardt said that 10-foot right of way is just a small strip of property that is between their east neighbor and their north neighbor which is a nine-acre tree farm.

Commissioner Alexander asked is he going to do any type of landscaping to that?

Mr. Burkhardt said he does not believe so. It is in their plans to just stay within their square.

Commissioner Alexander said that is within their square. It is an odd shaped square, but a rectangular...

Mr. Burkhardt said it actually ends off to the east property line that goes straight to the north. So that 10-foot driveway area that probably costs them an extra \$1,000 just to get surveyed in that she wanted to keep, when they bought the property they didn't really realize it as such, but that is what it is for.

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

Commissioner Alexander said he would approve.

Commissioner Becht said he thinks they are missing an opportunity here. Mr. Burkhardt offered to put a fence up. And they have a lady who has objected. She talked about the proximity. He doesn't know how far it is from her house. But if Mr. Burkhardt offered to put a fence up, he is wondering if they would agree that there will be no use of the property on that spur that runs out east. He thinks consistent with what was said, there is no intention to use that. And they ask him to put an appropriate fence negotiated with Staff on his eastern property line.

Commissioner Alexander said a fence with the landscaping.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to approve the Conditional Use submitted by Carl Kurtgis, Jr. to convert a single-family residence into the Treasure Coast Bible Assembly Church at 4146 Edwards Road, with the following conditions: (1) No use of the spur property running east/west on the north property line; and (2) Include an appropriate fence with landscaping, as negotiated with City Staff, running north/south of the east property line.

Commissioner Becht said just trying to be good neighbors. They know the expression - good fences make good neighbors.

Mayor Benton said it helps buffer the sound too.

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

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The next item on the Agenda was Public Hearing on Application for **Conditional Use** submitted by Daniel & Stephanie Deiulio to allow a professional establishment - **Accounting Office** - in an existing building at 908 Sunrise Boulevard; said property zoned R-4, Medium Density Residential Zone.

Mr. Duane Yazzie, Development Review Planner, said in accordance to Section 22-27(c)(11) of the City Code, the applicant is requesting the review and approval for a Conditional Use to allow a professional establishment in an R-4 zoning district. The property is located at 908 Sunrise Boulevard. The parcel is approximately .35 acres. The zoning for the property is R-4, Medium Density Residential. The properties to the northeast, east, and south are also R-4. The property directly to the west is R-2, Single Family Intermediate Density. On June 26, 2008, the applicant went before the Board of Adjustment to seek a variance. The variance granted was to reduce the driveway width to 12 feet and reduce the landscape strip along the northeast to be 6 feet. In addition, reduce the landscape strip along the right-of-way to be 8-1/2 feet. The proposed parking area will be brick pavers and will be separated for employees and patrons. The rear parking will be for employees, whereas the front parking will be for customers. The customer parking will also include a handicap parking stall. At the rear of the building is a ramp proposed to allow for handicap accessibility. Other improvements will be a retention pond located at the back of the building. In addition to the improvements, a total of 25 trees will be planted on the property as well as various shrubs. The landscaping improvements will serve both as visual enhancement and a buffer to residents. Additional lighting will also enhance visibility within the parking lot. A traffic statement conducted by Culpepper & Terpening found that a facility of this type will generate a minimal amount of traffic; therefore, no mitigation is required. Pursuant to Section 22-143(b) of the City Code, property owners within 500 feet must be notified. As of today, 13 responses were received - 9 approved, 4 opposed. The Planning Board at their October 14th meeting voted unanimously to approve the Conditional Use. As the Conditional Use generally meets requirements of the City Code and all affected Departments have reviewed the submittal and have approved the proposed conditional use based on it meeting the requirements of the City Code, Staff recommends approval of the conditional use.

Commissioner Alexander asked did he see the setback off Sunrise Boulevard being eight feet? What is the setback on that property?

Mr. Yazzie said the landscape strip allowed for a variance for the reduced landscape strip of 8-1/2 feet. That is not the setback.

Commissioner Alexander asked what is the setback from Sunrise Boulevard itself?

Mr. Yazzie said it is 25 feet.

Commissioner Alexander asked 25 feet from the property line to Sunrise Boulevard?

Mr. Yazzie said that is the setback requirement.

Commissioner Alexander said maybe he is asking the wrong question. The property line to Sunrise Boulevard, is that on-street parking in front of that property?

Mr. Yazzie said yes.

Commissioner Alexander asked so if there is any expansion of Sunrise Boulevard - they just did the roundabout and extensive work there - they are not requiring any setback on that property line?

Mr. Yazzie said the Engineering Department did approve of this conditional use and took into account the off-street parking, as well as the Planning Department took into account the parking that was going to be allowed for the customers and the employees.

Commissioner Alexander said if the rest of the Commissioners are satisfied with it. Are they never going to consider doing any work on Sunrise Boulevard? They will have to take the on-street parking away from them, then they won't have any suffice. Is there a required number of parking spaces for the public?

Mr. Yazzie said this Conditional Use was reviewed on the type of use that it will be used as and the parking is self-contained. It is just an additional amount of parking that is on-street on Sunrise Boulevard.

Commissioner Alexander asked so he includes parking on Sunrise Boulevard?

Mr. Yazzie said no. Just the use itself on the property.

Commissioner Alexander asked does it meet the requirements of the parking for the public? He only saw two parking spaces. One for handicapped?

Mr. David Carlin, Interim Assistant Director of Planning, said there is parking in the rear as well as in the front. What Mr. Yazzie indicated is that the customers would be parking in the front area and the back would be used for employees and additional customer parking if need be.

Commissioner Alexander asked it is only depicting two in the front for the public?

Mr. Carlin said the parking that is depicted on the plans that is on the property will be used specifically for customers who intend to visit this particular establishment. Off-street parking can be used exclusively by the public or anyone who also chooses to visit this establishment.

Commissioner Sessions asked what is that building to the east?

Mayor Benton said that is Parkview Baptist Church.

Commissioner Becht said it was an old doctor's office.

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

**Mr. Dave Sowerby** said he is here on behalf of the applicants. There are actually five parking spaces that are on the property. Code only requires four, so they have exceeded code on that.

Commissioner Becht asked did he ever go to Dr. Cassimally's office, which is where the church is now?

Mr. Sowerby said he never did. That does bring up a good point he would like to make. The church has been very supportive of this. The church sent a nice letter when they were in for their variance, supporting that. He hasn't checked to see who has supported this one. But the church is the predominant neighbor and is the one that is going to be most affected by this and they have been very supportive.

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

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to approve the Conditional Use submitted by Daniel & Stephanie Deulio to allow a professional establishment - accounting office - in an existing building at 908 Sunrise Boulevard.

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

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The next item on the Agenda was Public Hearing on Applications for the **Conditional Use & Site Plan Review** submitted by Jimmie Foster for construction of **Halls Memorial Church of God in Christ** at 1810 Avenue C; said property zoned R-3, Single Family Moderate Density Zone.

Mr. Duane Yazzie, Development Review Planner, said in accordance with Section 22-58 of the City Code, the applicant is requesting a review and approval of a Site Plan and Conditional Use to construct a 2,560 square foot church. The property is located at 1810 Avenue C. The property consists of a combination of four lots to total .51 acres. The zoning for the property is R-3, Single Family Moderate Density. The surrounding zoning is R-3 to the west as well as to the east. To the north the zoning is R-4, Medium Density Residential. To the south the zoning consists of R-4 and R-3. The orientation of the proposed church will be placed to the eastern portion of the parcel and will be set back 25 feet in accordance with the design review. The entrance to the parking lot will be to the southwest. The two-way driveway will be 26 feet wide and allow unrestricted turning movements. The parking will consist of 25 spaces total. The parking includes one designated handicapped space located near the entrance. Eleven of those spaces will be grass in accordance with Section 22-60(b)(6) of the City Code, which allows for up to 50% of church parking spaces to consist of grass. This will be placed to the western portion of the property. To the immediate north is the Moore's Creek Canal. The proposed landscaping will consist of 26 new trees and the removal of one tree that will be in conflict with the dry retention area. However the removal of one tree will be mitigated for with the preservation of one tree located to the west. Other trees will be relocated and preserved, therefore no mitigation is required. The traffic statement generated by Culpepper & Terpening found that the facility will be of low impact and will not require mitigation. The building consists of stucco finish with vertical and horizontal expansion joints. At the entrance will be a canopy which allows shelter as members enter the building. In addition, many arched windows are used to give natural lighting to the facility. An addition to the facade will be decorative light fixtures at the entrance. The floor plan to the church shows 75 fixed seats, a pulpit for speaking, and in addition, various rooms consisting of a pastor's study, storage area, and near the entrance will be a church office. Pursuant to Section 22-143(b), the property owners within 500 feet must be notified. As of today, 13 responses were received - 12 approved and 1 opposed. In accordance with the City Code, the design review submittal included photographs of architectural buildings that serve as a precedent for the proposed building. Included with the photographs are existing homes that exhibit a similar style to the proposed church. The Planning Board at their October 14th meeting voted unanimously to approve the Site Plan and Conditional Use. As the proposed Site Plan and Conditional Use generally meets the requirements of the City Code, Staff recommends approval of the Site Plan and Conditional Use.

Commissioner Becht asked would he show the view of this that shows the Moore's Creek Project? How does this project integrate into the Moore's Creek work that they are spending their money on? That isn't a topographical view, so he doesn't know what the slope is on the canal and how steep it is there. He doesn't want to come across as

obsessed with pedestrian walkways; but he doesn't know if they have room on the canal right-of-way for a pedestrian walkway or if they should be asking it from the applicant.

Ms. Tracy Telle, Assistant City Engineer, said this section of Moore's Creek is not within the limits of their proposed Linear Park, from 15th Street east. She thinks this is 17th Street.

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said it is appropriate that they would think of including Moore's Creek in their consideration today. They are presently underway with Phase I of the Moore's Creek development that will take place from 7th Street to 15th Street. This is just west of that. It is anticipated if they are successful with Moore's Creek that they will continue to the west with an additional phase. They will have to get monies identified for that and they don't have a time frame yet. So it would be appropriate to think about that now, because he is sure it will come up in the future. But it won't be part of the phase they are about to build.

Commissioner Becht asked what would be appropriate considerations to allow this applicant to go forward? What is it they might need to integrate the use of his property into an extension of the Moore's Creek project?

Mr. Ward said without a topographic map, it is impossible to have an opinion on that at this point. He doesn't know how steep the bank is right immediately behind the church site. Generally it is pretty steep, it tends to be a pretty sharp grade on that section.

Commissioner Alexander said this section of Moore's Creek, from what he is looking at, there is ample enough room to have a walkway. What is the footage from that area?

Mr. Carlin said they will put up an aerial photo that gives the perspective of Moore's Creek so they can have a better idea exactly what they are dealing with.

Mr. Ward said it is his understanding that the engineer for the church project is here if they have questions for him.

Commissioner Alexander asked if they have to put any type of scenery route through there, they can put some type of railing along that canal to keep anyone out of there? It doesn't seem like this church has enough property to give anything on the back side and he doesn't see much on the front side. The area is off 17th Street, which is a side road, Avenue C is a side road, there is no traffic in and out of there. How much space is it from their property line? Is there a City right-of-way along that canal?

Mr. Carlin said according to the plan, on the boundary and topographic survey provided by the applicant's consultant, from the property line to the top of the bank it appears to be approximately 20 feet give or take that runs parallel to the rear of the property. That is what is showing here on this survey that was provided by the applicant's representatives.

Commissioner Alexander said so there is plenty of room.

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

**Ms. Marcia Baker** said she watched the Planning Board meeting and saw there was approval of the application. She was very surprised to hear this was approved as it was a butler building, a pre-fab metal building. She had remembered that there was a moratorium at one time on metal buildings over 10 foot high that was addressed some four years ago. She has the Minutes from that meeting where it was taken off so the Farmer's Market could go forward with their buildings. It was her impression at that meeting four years ago, and as a coincidence Commissioner Becht, when he made the motion to approve it, said he hates to have the position of going against the advice of counsel, but he is going to go ahead and make the motion anyway. So he made the motion to exclude the State-owned land in the Farmer's Market from the moratorium on metal buildings. It was her

understanding at that meeting four years ago and subsequent that metal buildings over 10 feet high would not be allowed in the City. Doing a little research on it, she finds that in order for a pre-fab building of any kind to be allowed it has to meet the requirements of the manufactured modular buildings program of the codes and standard office, meeting all the wind requirement and so forth. She went to the butler building website and found that there were only four buildings in all of Florida that were on the Butler Building website and they all had masonry or brick wall systems. The one down in Port St. Lucie has a masonry wall system over the basic Butler structure. The one in Lady Lake, which is a bank building, has a brick wall system. And the other one, a bank in Leesburg, also has masonry. This building is supposed to have stucco over what? If it is over metal, it wouldn't meet the requirements that she understands from the building code or the ban in the City of metal buildings. She has no objection to the church as such. But she is concerned that a precedent is being set to allow prefab metal buildings to be used for whatever purposes. As she had understood from four years ago, after they had that debacle with that storage facility collapsing, that metal buildings do not meet the wind codes for the State of Florida, much less for a coastal county. She emailed to the Planning Department after the Planning Board meeting her concerns about this and she has had no response, so she is bringing it up again.

**Mr. John Foster** said he is the project architect. A number of metal buildings have been built in the City in the past four years. A number of metal buildings have been approved, both site plan and construction and Certificates of Occupancy within the City in the past four years. There is a marine store that has just been finished on North 2nd Street, for example. Additionally, metal buildings do meet the wind code. The City itself owns a number of them. They have just finished constructing four rather large hangers out at the airport that are not architecturally significant, but they do meet the 140 mile an hour exposure sea wind code requirement. This is not a modular building. It is a pre-engineered metal building. It is correct that Butler does manufacture these buildings. This is not a Butler building however, it is another brand. The entire building itself was donated by the manufacturer to the church and is pretty much the only reason that they will be able to go ahead with this project. Without its use, they are probably not going to be able to build the building. They are making a request. The Planning Board and the Design Review did approve this unanimously. In addition, as pointed out to Commissioner Alexander's question, he believes there is approximately 15 to 20 feet of pretty much dead flat area between the property line and the top of the bank at Moore's Creek.

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

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to approve the Conditional Use & Site Plan submitted by Jimmie Foster 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, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted by IDI, Inc. for construction of a 141,200 square foot Warehouse to be known as **Crossroads Commerce Park Building A** in the Commerce Park south of Okeechobee Road and between I-95 and the Florida Turnpike; said property zoned CP-1, Commercial Parkway Zone.

Mr. Duane Yazzie, Development Review Planner, said in accordance with Section 22-58 of the City Code, the applicant is requesting review and approval of a Site Plan to construct a 141,200 square foot warehouse. The property is located south of Okeechobee Road and is situated between I-95 and the Florida Turnpike. The property is zoned CP-1, Commercial Parkway. To the north is also CP-1, with the exception to the northwest which is

unincorporated St. Lucie County. To the east is I-95 and a small parcel of unincorporated St. Lucie County. To the west is the Florida Turnpike and to the south is also unincorporated St. Lucie County. The parcel consists of 132.41 acres; however, the development will consist of approximately 20 acres which will occur to the eastern portion of the parcel along I-95. In addition, a proposed dry and wet detention pond will be added to capture stormwater runoff. The detention areas will be located just north of the conservation easement line. Future connectivity for westward development has been planned with a 60 foot stub-out located near the entrance of the proposed development. Vehicles entering the facility will be by way of Crossroads Parkway. The parking will consist of approximately 236 spaces and the loading area for the warehouse which will be to the west of the building for tractor/trailer vehicles. Landscaping will surround the property along its border, and various shrubs and trees will be placed within the property for aesthetics. Building A will consist of a flat roof that will be approximately 38-1/2 feet in height with additional parapets extending to 41-1/2 feet. The facade will be a two-tone stucco finish that incorporates a grid pattern for visual sight breaks. In addition, art-deco projections will accentuate the tall impact tinted green window features. The proposed development will incorporate a dry-detention area and a wet detention area. This will be located to the southwest of the development area. The wet detention area will capture stormwater runoff from Building A and then filter to a secondary detention area. Ultimately this filtered runoff will discharge to the south. The detention areas will also include 10-foot landscape strips. A conservation easement has been set aside with the Developer and South Florida Water Management District. This conservation easement is approximately 47.75 acres. In addition, Ten Mile Creek runs through the easement. Although the property that is to be developed has existing trees, the developer is utilizing the trees located in the conservation easement to offset mitigation as required by Section 22-194. The tree mitigation is as follows: 3,782 inches of oaks and pines, 53 palm trees are to be removed from the proposed development, whereas within the conservation easement a total of 4,157 inches of oaks and pines are utilized for mitigation. In addition, 63 palm trees will also be used against the City's tree mitigation ordinance. In addition to the conservation easement, the developer has proposed a 20-foot easement to the south of Ten Mile Creek for possible use for the public. The logistics will have to be worked out with South Florida Water Management District as to the acquisition of the 20-foot easement to the City. The traffic analysis determined that the project will impact a 1.5 mile radius from the proposed project; therefore, a percentage of trips would be expected to traverse through the unimproved section of Crossroads Parkway. Contributions for off-site improvements in the amount of \$782.55 were proposed for this section of roadway. In addition, St. Lucie County Growth Management District has notified the applicant of road impact fees in the amount of \$65,940 for the intersection of Orange Avenue and Kings Highway. The developer has formulated a Developer's Agreement to pay the \$782.55 for improvements to Crossroads Parkway and an amount of \$65,940.40 has been included within this agreement to pay road impact fees to that intersection of Kings Highway and Orange Avenue. As the proposed Site Plan meets the requirements of the City Code, Staff recommends approval of the Site Plan.

Mayor Benton said for the record, he met with the applicant on a couple of occasions.

Commissioner Becht said ditto.

Commissioner Sessions said yes, he has too.

Commissioner Alexander said yes.

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

**Ms. Cynthia Angelos** said she is here on behalf of the applicant. They have worked diligently for a long time with both the Commissioners and Staff to get to this point. Both the Commission and Staff has been fabulous to work with. This is their first building of a

warehouse/distributorship project that at buildout will be about 1.2 million square feet. They are very excited about this project. Her client has other projects within the State as well as outside of the State. They anticipate this is going to provide 1,200 to 1,500 jobs to the area. This is being processed as the Site Plan for the first building. This particular building is about 141,000 square feet. Other tenants at similar facilities that her client owns are such as American Express, major pharmaceutical companies, and major retail distributors. They anticipate that would be the same type of tenant at this location. This might be the only LEED certified project in the City, which is very progressive for an industrial type building, essentially that is green. She wanted to state for the record with regards to the property on which there is a conservation easement held by South Florida Water Management District, it is about 47 acres. The developer is confirming that they are willing to convey that either to the City, or if the City so directs to the County, after the final Site Plan on the entire site has been approved, if that is so desired. Additionally, confirming that which was discussed by Staff, the developer is agreeing at this time that they will convey a 20-foot pedestrian easement south of the creek, once the same is approved by South Florida Water Management District. At present it is not allowed in the easement itself; but she knows Staff has been working with SFWMD to obtain that agreement. They do have all of their team here if there are any questions.

Commissioner Becht said he wants to thank Ms. Angelos and her clients for working with the City. When do they think they will be breaking ground?

**Mr. Gregory Toepp**, IDI Inc., Lake Mary, Florida, said they are looking tentatively probably right around January or February of next year to break ground, as long as they get the appropriate approvals.

Commissioner Becht asked what is the smallest bay they have if somebody were interested in contacting them?

Mr. Toepp said it is set up for probably right around five tenants right now. Their bays are 210 feet deep on the long part and 160 feet on the short part, so probably right around 20,000 to 30,000 square feet roughly for the smallest tenant they would like to bring in.

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

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, to approve the Site Plan submitted by IDI, Inc. for construction of a 141,200 square foot Warehouse to be known as Crossroads Commerce Park Building A in the Commerce Park south of Okeechobee Road and between I-95 and the Florida Turnpike.

Mayor Benton said he usually doesn't make speeches, but there is something he wants to say tonight. He thinks Commissioner Sessions was on the Commission when a certain church here in town... He knows Mayor Enns would have appreciated this becoming a reality. Because at one point a church (St. Andrews) was planning on building a school on this site and the City thought it was a bad location and was not a good place for a lot of buses to be dealing with the traffic out there. The City ended up in court over that. In the long run the church benefitted on selling this property. And now they are looking at somewhere between 1,200 and 1,500 jobs at buildout and a distribution center that he thinks they are all going to be proud of. So it was a win/win for everybody. It was having that vision years ago, but at the time they did take some heat from their church.

Commissioner Sessions said he has one more interesting observation. She is a little lady, but she has five big fingers standing up when the Greyhounds were soliciting for public funds (under Comments from the Public). It appeared she was offering \$500 to the Greyhounds and that was Attorney Cynthia Angelos. Is he correct?

Ms. Angelos said yes.

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

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The next item on the Agenda was Public Hearing on Developer's Agreement with Industrial Developments International, Inc. for **Crossroads Commerce Park Building A Project**.

Mr. Duane Yazzie said this is the second part of the IDI Inc. application, this is the Development Agreement for the Site Plan. In accordance with Section 22-218(d) of the City Code, the applicant is proposing to enter into a Developer's Agreement with the City of Fort Pierce. This agreement shall be heard by two Public Hearings as required by Florida Statutes 163.3220. The agreement outlines the necessary contributions to satisfy concurrency. The applicant will pay an offsite contribution to Crossroads Parkway in the amount of \$782.55. The applicant will pay \$65,940.40 in road impact fees to the intersection of Orange Avenue and Kings Highway. This agreement is consistent with Florida Statutes 163.3231, which states that the Site Plan and Developer's Agreement was consistent with the Comprehensive Plan and the Land Development Regulations. As such, Staff recommends approval of the Developer's Agreement.

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.

City Attorney Schwerer said just one technical issue. They have two Public Hearings on this Agreement. And it is not uncommon that sometimes agreements can come back to them with different terms, although not substantially modified once legal reviews it, once their Site Plan has been approved. He only has two questions of the applicant. Ms. Angelos addressed the easement issue and also addressed the conservation easement. Can she send proposed language for the Agreement to include those items as well?

**Ms. Cynthia Angelos** said yes.

City Attorney Schwerer said he just wanted to make sure when they do approve it tonight that it has some discussion of the other two issues in there.

Commissioner Becht asked was Mr. Schwerer asking about the pedestrian easement?

City Attorney Schwerer said he is asking for language to be put in the Developer's Agreement that addresses that. The actual easement document itself, they have. It is just getting that into the Developer's Agreement.

Mr. David Carlin, Interim Assistant Director of Planning, asked is that contingent upon South Florida Water Management District's approval?

City Attorney Schwerer said yes. They will be sending some language that will address that.

Motion was made by Commissioner Sessions, seconded by Commissioner Becht, to approve the Developer's Agreement with Industrial Developments International, Inc. for Crossroads Commerce Park Building A Project.

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

City Clerk Steele said in case it wasn't clear, the second Public Hearing on the Developer's Agreement will be December 1st.

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The next item on the Agenda was Public Hearing on Developer's Agreement with Cornerstone Fort Pierce Development LLC for **Newberry Fields Shopping Center** at 2721-2785 South Jenkins Road.

City Clerk Steele said this is the second Public Hearing on this Developer's Agreement.

Mr. David Carlin, Interim Assistant Director of Planning, said there is no presentation on this, they should all be pretty familiar with the Developer's Agreement that was provided to them at the first Public Hearing. They did receive a revised updated agreement three days ago. There was a typographical error and the dates were also inserted into the actual Developer's Agreement for final signature by all parties. Those are the only two changes that were made. The City Attorney's Office has also reviewed those changes.

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

**Mr. Paul D'Arelli** said on behalf of the applicant, he thanks the Commission for their consideration of the Development Agreement. For clarification, they mentioned at the end of the Public Hearing on the Site Plan that they were going to be coming back in the future with an additional short agreement that is in connection with their desire for future expansion of the shopping center. They will be seeking a binding letter from the State that the project wouldn't need to go through a DRI Review. In connection with that, they will be bringing a short agreement back. They have been working with Staff on that and hope to get that back before the Commission on the December 1st meeting as well as their final item.

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

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, to approve the Development Agreement with Cornerstone Fort Pierce Development LLC for Newberry Fields Shopping Center at 2721-2785 South Jenkins Road.

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

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The next item on the Agenda was Interim Assistant Director of Planning to advise of approval of a **Minor Replat** for three parcels (located on the southwest corner of Jenkins Road and Okeechobee Road) into two parcels for location of Target Stores at **Newberry Fields**. (Owned by: Cornerstone Fort Pierce Development LLC and ECHO Real Estate Services Company)

Mr. Duane Yazzie, Development Review Planner, said in accordance with Section 18-6 of the City Code, the Director of Development may approve a Minor Replat. However, the City Commission shall be so advised of the Administrative Approval. The property is located between Jenkins Road and I-95, and to the south of Okeechobee Road. The property is zoned C-3, General Commercial. To the north is C-3. To the south is R-2, Single Family Residential. To the west is I-95. To the east is a mixture of R-4, Medium Density Residential, E-3, Residential Single Family, and unincorporated St. Lucie County, and R-2, Single Family Intermediate Density. The lot consists of three parcels which the applicant proposes to split into two lots. The first lot consists of 42.124 acres whereas the second lot consists of 9.05 acres. As all affected Departments have reviewed and approved the proposed Minor Replat, as the Minor Replat is consistent with City Codes, Staff hereby notifies the City Commission of the administrative approval of the Minor Replat.

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Ordinance No. L-61 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 22 OF THE CITY CODE OF ORDINANCES, ADOPTING **IMPACT FEES** RELATED TO PARKS AND RECREATION FACILITIES, GOVERNMENT BUILDING FACILITIES, SOLID WASTE FACILITIES, STORMWATER FACILITIES, AND TRANSPORTATION FACILITIES; PROVIDING FOR ADOPTION OF A METHODOLOGY REPORT, SHORT TITLE, POLICY AND PURPOSE, FINDINGS, INTERPRETATION, EFFECT ON OTHER REGULATIONS, DEFINITIONS, APPLICABILITY, COLLECTION OF IMPACT FEES, INDIVIDUAL ASSESSMENTS, OFFSETS, USE OF FEES, IMPACT FEE ACCOUNTS, REFUNDS, UPDATES AND INFLATIONARY ADJUSTMENTS, APPEALS, AND FEE SCHEDULES; AND PROVIDING FOR CONFLICT; SEVERABILITY, INCLUSION IN THE CITY CODE, AND AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Ms. Erica Ehly, Comprehensive Planner, said they had a presentation last meeting regarding this, so she is here to answer any questions.

Mayor Benton said for the record, they approved 60%.

Ms. Ehly said they approved to implement impact fees at the 60% rate of the total.

Commissioner Becht said unfortunately he was not able to stay at that meeting. He had wanted to talk about maybe passing this and then immediately turning around and imposing a moratorium. But the consensus was to do 60% of the fees?

City Manager Recor said then to revisit the implementation after a year.

Commissioner Becht asked will it be implemented immediately at the 60% rate?

Ms. Ehly said the impact fees will go into effect 90 days from tonight if it is approved at the 60% rate.

Commissioner Becht said he apologizes to them all, but he truly had to leave the last meeting. He wants to have this impact fee ordinance approved. A lot of work went into it. He would like to have it in the wings. His concern is adopting it even at a 60% level might have an unintended chilling effect. So he doesn't know if they move forward at the 60% level if they have the ability... He guesses they do have the ability at any time to come back and impose a moratorium.

Mayor Benton said the reason they were looking at 60%, that still kept them below the communities all around them. They figured if everybody else is collecting them, at least Fort Pierce was maybe a little more invitable because theirs were lower than Port St. Lucie, Vero Beach, and Stuart.

Commissioner Becht said okay, he doesn't want to reinvent the wheel.

Mayor Benton declared a Public Hearing on Ordinance No. L-61 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 Alexander, that Ordinance No. L-61 be passed on second and final reading.

Mayor Benton asked is that at 60%?

Commissioner Sessions said yes.

Those voting in favor of the passage of Ordinance No. L-61 on second and final reading were: Commissioners Alexander, Sessions, and Benton. Those opposed: Commissioner Becht.

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Ordinance No. L-62 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING** A PORTION OF THE RIGHT-OF-WAY FOR **ATLANTIC AVENUE** WHICH RUNS EAST/WEST BETWEEN U.S. HIGHWAY #1 AND SOUTH 5TH STREET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mr. David Carlin, Interim Assistant Director of Planning, said this was previously discussed at the last meeting. If they have any questions, he would be glad to answer them.

Mayor Benton said this is the last step they need to get construction underway for the Federal Courthouse.

Mr. Carlin said that will be happening, based on the information provided by GSA, hopefully before the end of the year.

Mayor Benton declared a Public Hearing on Ordinance No. L-62 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-62 be passed on second and final reading.

Mayor Benton said he spoke to the head of the Southeast Department of GSA today to give him the details of the call he got last week from Senator Martinez office saying that the protest had been dropped. It appears that the organization that looks at the protest has basically denied the protest, but the organization or the firm has ten days in which to appeal that. So they have until the end of next week to hear if there is going to be an appeal by one of the contractors who had qualified. They hope not. GSA hopes not. The contractor that has been hired is still doing some work, so they are looking to have a groundbreaking by the end of the month. He was told that if he does appeal it, they would go right to Washington to the Secretary of GSA and ask him to rule on it. So hopefully by the end of the year, they will have this underway. It has been a long time.

Those voting in favor of the passage of Ordinance No. L-62 on second and final reading were: Commissioners Alexander, Becht, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-63 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING CHAPTER 22, ARTICLE III, BY ADDING SECTION 22-34.1 TO CREATE A HEAVY INDUSTRIAL (I-3) ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Ms. Erica Ehly, Comprehensive Planner, said this proposed ordinance is being initiated to provide consistency between the zoning districts specified in the City Code and those zoning districts utilized in the County for the purposes of annexation and to ensure compatibility with the future land use designations in the Comprehensive Plan. This proposed ordinance specifically addresses the uses allowed in the County's Heavy Industrial Zoning District. Although the Comprehensive Plan identifies two Industrial Future Land Use designations that allow for the uses identified in this district, the City Code does

not include a Zoning District compatible with the County Zoning District. Currently the City Code contains I-1 and I-2 zoning classifications that allow for a variety of commercial and industrial uses similar to those included in the County's Heavy Industrial zoning classification; however, they are limited by intensity and location. Additionally, all the uses allowed in the County are not identified within these zoning classifications. Consequently when a property is assigned a Heavy Industrial zoning classification or an Industrial Future Land Use designation in the County and is annexed into the City, the City Code does not offer a zoning classification that protects the property owner rights as to the uses allowed in the County. The proposed ordinance will create the I-3 zoning district to include those uses as specified in the County Code and will be consistent with all sections of the City Code to minimize potential non-conformities and irregularities upon annexation. This slide identifies examples of the additional uses allowed in the City Code as a result of this ordinance. As no inconsistencies have been identified between the proposed ordinance and the Comprehensive Plan or Chapter 22 of the City Code, Staff recommends approval for the proposed ordinance amending City Code to establish the I-3 Zoning District.

Commissioner Sessions asked the City itself has never embarked on having such a zoning district, is he correct?

Ms. Ehly said that is correct.

Commissioner Sessions said in essence, she is doing this because of her projections with regards to annexation and she wants it to be cohesive to what is out in the County. Is that pretty much the reason why?

Ms. Ehly said that is one part of it. The other part of it is, when they adopted the Comprehensive Plan in 2007, they incorporated land use designations which anticipate they will have heavy industrial land uses at some point in the City; but they don't have a zoning classification that would implement that land use.

Commissioner Becht said actually with this ordinance, he had hoped they could wait until the consultant came back with their amended LDR's. But through the annexation process they had several property owners who objected to the annexation until they could come in with what they thought was compatible or consistent zonings. So City Staff, with the assistance of some private attorneys - and he doesn't know that they want to be acknowledged or not - came up with this, which he thinks just mostly mirrors what is available in the County to these folks so they think they have the advantage of this in the County. That is going to allow the annexations to proceed. Will the annexations now be able to proceed before the end of the year?

Ms. Ehly said there are three particular parcels that are waiting for this ordinance on Glades Cut Off Road.

City Clerk Steele said those are scheduled for the December 1st meeting.

Commissioner Becht said there were a couple on Glades Road, but he thought there were some also on Orange Avenue.

Ms. Ehly said she thinks there is one on Orange Avenue, he is correct. Then there are two other parcels on Orange Avenue that are waiting for the Light Industrial amendment that will be going before the Planning Board in December.

Commissioner Becht said it is a little late for them. He thanks her for her work in getting this done timely.

Commissioner Alexander said he saw a difference in the height on the building. If they are trying to mirror the County, why 65 feet versus 80 feet?

Ms. Ehly said that is actually the two future land use designations they have in the Comprehensive Plan. They have one that is Heavy Industrial and one that is County Industrial. The County Industrial Land Use was put in the Comprehensive Plan anticipating their aggressive annexation policy, that they would have a land use that would be compatible to the County's land use designation of Industrial.

Commissioner Alexander asked is she calling it compatible with the County Industrial?

Ms. Ehly said their Future Land Use designation is called County Industrial. The City has two Industrial Land Uses. Both of those are the City's. Certainly they can amend it if the Commission so chooses to change the title of it.

Commissioner Becht said as they go through the LDR rewrites, they might want to address some of that. But he is just happy they are getting it done now.

Mayor Benton declared a Public Hearing on Ordinance No. L-63 in session and asked if anyone in the audience wished to be heard.

**Ms. Cynthia Angelos** said she wanted to point out, she thought this was a good opportunity because they are doing it in this fashion and the entire LDR rewrites have not been done yet. They are meeting the deadline of December 1st for various reasons. It does still create just a couple of problems with those properties that are being annexed inasmuch as the Code currently doesn't address Heavy Industrial. So hence there is no parking, for instance, for Heavy Industrial. Another example is, there are sections in the Code that addresses fencing that are consistent with the Heavy Industrial use. So what she has proposed to Mr. Schwerer is a very simple annexation agreement to go with those annexations as they relate to those properties to essentially say that with regards just really to those items - landscaping, parking, and signage - that any inconsistencies may remain on those properties. She thinks the Code later will address those when the LDR's are amended.

Seeing no one further 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-63 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-63 on first reading were: Commissioners Alexander, Becht, Sessions, and Benton. Those opposed: None.

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The next item on the Agenda was Mr. Kevin McCoy, Group Three Development LLC, request one year extension to Site Plan for **Summerwind Townhomes** to be located on the east side of Jenkins Road across from Graham Road.

**Mr. Scott McCoy**, Group Three Development LLC, said they are here to request a year's extension on their Site Plan. They are not happy with that request, they would much prefer to be building it at this time. But the economic situation in the country and obviously the real estate market being what it is, their hands are tied at this point. They have done everything they could up to this point to keep the project moving along. They have submitted for their building permits. That has been stalled because they need to make changes. They are committed to this project. They want to see it through. They haven't cut and run. They haven't put the property up for sale. They are just asking for another year. Hopefully the economy will turn around and they can keep this thing moving forward.

Commissioner Becht asked were there any conditions for this Site Plan that could be met independent of starting construction - dedication of right-of-way, contributions to any funds, or anything like that he may have missed?

Mr. McCoy said everything that was requested, they have complied with. There was a dedication of 20 feet in front of the property. That has been done. They worked that out with the City Attorney.

Commissioner Becht asked there were no monetary contributions on this project?

Mr. David Carlin, Interim Assistant Director of Planning, said he is not aware of any contributions that were provided as part of this particular development. The applicant's representative is correct, they did complete the dedication for 20 feet of right-of-way along Jenkins Road. That this plan did have several extensions previously for this. It did not fall under Design Review Guidelines or concurrency requirements. He did want to point that out, because they all did spend a considerable amount of time, energy, and effort passing these ordinances, and this has not been constructed yet. So those ordinances are in effect. But this particular development was submitted to the Department in early 2006.

Commissioner Sessions asked how many extensions have been granted?

Mr. Carlin said an extension was granted on April 16, 2007, November 19, 2007, and June 2, 2007. That would be three. Tonight would be four.

Mayor Benton asked how many units in this development?

Mr. Carlin said 174-unit townhome development.

Mayor Benton said this is across the street, basically right on the intersection of Graham Road and Jenkins Road. And unlike the argument they had with Newberry Fields at the last meeting where the County wanted \$150,000 for an intersection literally a half mile away or more, they have an intersection out front and they are not donating toward any improvements for that intersection in the future. True?

Mr. McCoy said they don't have an intersection there. They are next to the school. The closest intersection is Okeechobee Road.

Mayor Benton said they have Graham Road right there. One day that will be an intersection, it is a three-way. Basically today they would have had to have made a donation toward improvements to Jenkins Road. The County approved a lot of developments along Jenkins Road and he doesn't know what commitments the County got out of those. But that is why they are doing business differently today. That was two years ago. He believes he opposed this development at that time thinking they could get something better that close to a school.

Mr. McCoy said they did also agree to provide turning lanes for the school once the project gets going, as well as a 10-foot easement to Fort Pierce Utilities Authority down the side of their property. They want to build the project. They are here, they are committed to the City. Their hands unfortunately are tied. He knows they have asked for several extensions, but they had no choice because lending has dried up completely. As soon as that eases up, they are ready to go again.

Mayor Benton said they understand the market. But also understand they didn't have guidelines in the past that basically made developers make these improvements or contribute to these improvements to the roads, which the public was paying for before. Now they are looking at impact fees which they just approved (Ordinance No. L-61) to offset the costs to the residents who have been here for a long time. He thinks they have come a long way and it has taken them a couple of years. But in his opinion, letting them wait until there is a market by giving them an extension each year basically gives them a Site Plan that could be ten years old one day when the market comes back. He has said

this before and he will say it again, they could do better than this development in his opinion.

Commissioner Alexander asked on that property, it looks like it has been prepped for...?

Mayor Benton said it used to be orange groves. He thinks there was an old structure they took down on that property. But it is basically just sitting there waiting for the market to come back, like everything on Jenkins Road.

Commissioner Alexander said he is not one to impose a hardship with the economy as it is. These gentlemen have done what the City has asked.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to approve the request by Group Three Development LLC for a one year extension to the Site Plan for Summerwind Townhomes to be located on the east side of Jenkins Road across from Graham Road.

Commissioner Becht said he wants to go on record that typically he doesn't like to do this, particularly when this is the third or fourth time. Their past donation of 20 feet on Jenkins Road to him is valuable consideration for the extension. He wants Mr. McCoy to know that had he not done that, had he said he will do that next time, then he would not be voting in favor of the extension. If he comes back in a year, if the Commissioners are going to extend his entitlements, then he needs something from him. If the economy doesn't improve - and he is not sure it will improve in the next twelve months - but before he comes back a year from now and asks for another extension, he thinks he needs to hire a lawyer to tell him if he can modify the Site Plan to make the impact fees applicable to this project going forward. He was thinking about asking that for tonight, but he is not going to do it tonight. But if he comes back next year, he will be voting against the extension unless something valuable comes across the dias.

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

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The next item on the Agenda was Mr. Stefan Matthes, on behalf of Tricon Development Inc., request one-year extension to 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).

**Mr. Stefan Matthews**, Culpepper & Terpening, 2980 South 25th Street, said he is here representing Tricon Development's extension request for one year for the Ocean Park Development. The project was before the Commission approximately a year ago. After a lot of redesign efforts with Staff as well at the Commission's level requesting some changes to be done, they granted Site Plan approval. Market conditions, as well as the current roadway construction that is ongoing in front of A1A, has made it pretty much impossible to move forward with the project. So the owners are asking for a one-year extension of the Site Plan, even though they would be very happy if they went along with Ms. Baker's suggestion of two years, that would be fine and dandy with them.

Commissioner Becht said he doesn't like these extensions. He sees with interest Mr. Matthes submitted a letter to the City identifying certain things they had done. One of which was his client has already dedicated 25 feet of right of way for Crestview Drive?

Mr. Matthes said the project did that prior to this Site Plan.

Commissioner Becht asked they paid for the extension of potable water and sanitary sewer? There is reference that the project will provide an additional 5-foot easement. Why do they have to wait on that?

Mr. Matthes said he doesn't think they have to wait on that.

Commissioner Becht asked is he in a position to obligate his client tonight to that?

Mr. Matthes said he is in a position to let him know that they need to write a sketch and description for him so he can submit that to the City.

Commissioner Alexander asked do they need that in a motion?

Commissioner Becht said if somebody will make that a condition of the extension.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to approve request by Tricon Development Inc. for a one-year extension to the Site Plan for Ocean Park Condominium, with the condition that the project will provide an additional 5-foot easement and construct a sidewalk for the entire extent of the development, including areas that are not developable, along the western half of the property.

City Clerk Steele asked where is the 5-foot easement?

Commissioner Becht said what she has asked is a legitimate question. It is a 5-foot easement, but where is it?

Mr. Matthes said the 5-foot easement is on the south end of the property from State Road A1A back to where the mangroves begin. It was for the ability to put a sidewalk off the right-of-way and on the property itself to provide public access.

Mayor Benton said this developer worked with Staff for several years and did really work with that Site Plan to get something they could all agree to and work with the South Beach Overlay District. This is the first extension.

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

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Mayor Benton said this isn't on the Agenda, but earlier (under Comments from the Public) Mr. Barnes had made a request. He is wondering if they should take that up under Miscellaneous Reports & Requests?

Commissioner Sessions said they got a donation (\$500 from Cynthia Angelos).

Mayor Benton said Mr. Barnes had asked for two donations and he believes her donation covered one.

City Clerk Steele asked what about the County?

Commissioner Becht said actually he thinks there were other donations that were made.

Commissioner Alexander said that would help to feed them.

Mr. Stephen Matthes said he donated \$100.

Mayor Benton said they are almost there, they have \$600 now.

Commissioner Alexander said he would make a motion to give them \$500. At least they would have something extra to...

Mayor Benton asked up to \$500? They have \$600 donated. They only need \$400.

Commissioner Alexander said \$500 is what they requested. That would be his motion.

Commissioner Becht asked from where?

Commissioner Alexander said from the City Manager's office.

Mayor Benton asked are these young people advertising for this community?

City Manager Recor said those are Public Fund dollars in advertising.

Mayor Benton said they have advertising money. If these people are out there promoting and advertising for their community, advertising their young people...

Commissioner Alexander said they give a minimum of \$1,000 for advertising. Are they going to do that?

Mayor Benton said they can do \$500. That is what he said his motion was. But that is the account they can draw it from.

Commissioner Alexander asked he wants him to change his motion?

Mayor Benton said no, he is just identifying the account.

Commissioner Alexander said no. If they are going to do advertising money, he thinks it is no more than fair that they get \$1,000. They travel all over this State and they haven't asked for a dime. He gets tired of them being part of Port St. Lucie because Fort Pierce doesn't do anything for their young people. They can go to Port St. Lucie, but they can't come here.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to approve \$1,000 donation for advertisement for the St. Lucie County Youth Football Organization / Fort Pierce Greyhound Team.

Mayor Benton said he would support the \$500. They asked for \$1,000 and \$600 was donated. He is just going to explain why he is not going to support the motion. The \$500 he would have supported.

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

City Clerk Steele said she will have Mr. Barnes fill out an application for Public Funds, so at least it will be signed and on the record, if that is agreeable with the Commissioners. That way it will be aboveboard.

Commissioner Alexander said yes.

City Manager Recor said he will advise Mr. Barnes of the proper procedure as well.

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The next item on the Agenda was Commissioner Becht discussion regarding **Storm Shutter Regulations** within the City limits.

Commissioner Becht said he was handed this Ordinance by Commissioner Cooper of Port St. Lucie. They apparently have adopted something like it or similar to it. He talked with Chief Parrish and he was not sure what he had been handed. He told him there had been last minute revisions to the Port St. Lucie ordinance dealing with storm shutters and storm shutters staying up. The storm shutters staying up indefinitely is a health and safety issue. He is not sure how they address it. This ordinance attempts to address it. He is not sure if it addresses it the correct way. The problem is for instance, with some folks this is a second home for them, they will go back home up north or wherever and they will leave the storm shutters all the season they are not here. With the storm shutters up, if there is a fire

in the house, the fire fighters who actually are trying to put the fire out don't know if there is anybody inside the house; and it exacerbates their situation with not being able to know if somebody is in there because there is not a window to break to get in, and if they do get in, it is extremely difficult and life threatening trying to get out a different window depending on which way the fire progresses in the house. So it is a fire safety issue that the Fire District doesn't have the ability to specifically address at this point. He was hoping they could get some intelligent discussion going back and forth on whether they want to try to deal with it in the City of Fort Pierce. He thinks Staff had several very good questions in the material they got.

Commissioner Sessions said he is not saying it is an appropriate way to do it, but a lot of individuals, especially in this area, are using these shutters to protect against vagrants and burglars and having their properties vandalized. He just doesn't know if it is a significant enough problem in their area that would warrant governmental intrusion to the point that they want to get an ordinance and penalize people if they don't take these storm shutters down. Just from his observations, he doesn't see that significant of a problem within this City. Maybe someone else does. But he doesn't think it warrants governmental intrusion trying to impose penalties with regards to storm shutters.

Mr. Marc Meyers, Building Official, said currently they do enforce the requirements for life safety. If there is a home that is occupied, they are not permitted to cover their means of egress, the main door as well as every sleeping room. They have not had any issues. When people are living in a home and they notify them that they have an issue with life safety, they are very quick in most cases to respond and make sure the shutters or the plywood is removed so it doesn't create a problem for the occupants as well as the firefighters.

Commissioner Alexander asked is this a seasonal thing? They have senior citizens who are not able to afford to have them taken up and down during hurricane season, and it has been proven to them, they had two walk down their throats in a matter of a couple of days. So in this day and age with the economy, he just has a problem putting an unnecessary burden on them. He thinks it is a good idea to be concerned about it. But when he is reading the paragraph concerning 407-409 North 2nd Street and the Days Inn, they need to separate some of these. When he says Days Inn, he is not here to give anyone undue favoritism. But when he is looking at certain properties that they haven't done anything about, then they tell him 407-409 North 2nd Street, the City is the one who erected those. He thought that was a shamble when he saw it. If they as a City are going to impose things, they surely should start with themselves. When they do something as what they did on 407 North 2nd Street, that is eyesore. If they are going to do something, they should do it, he is thinking make it look at least presentable and then take them down when necessary. Maybe he is confused.

Commissioner Becht said he thinks he has the point. Maybe it is just education. Maybe it is just letting everybody know if they leave the shutters up and there is a fire in their home or their structure, they could be contributing to a firefighter getting hurt or your own demise or a guest in your house. There are also complications - and he is not qualified to talk about all of them - but the heat factor with the structure enclosed with the shutters, it can turn a minor kitchen fire into a total structure fire. Maybe education is the way to go and maybe the ordinance is overreaching. He wanted to bring it up for discussion. This meeting gets run on TV and there will be some education because of that.

Mayor Benton said he agrees. He sees several homes where people who are gone for the summer board up their house or put the shutters up. It sends a message also that they are gone. All it takes is the removal of a couple of the boards and it is very easy to break into the house. The neighbors can't see the activity inside the house because it is closed up, they can have everything in the house with nobody's knowledge. He thinks it has its pros and cons. He just thinks it would be a nightmare to try to enforce it throughout the City,

because he knows there are a lot of them now. As insurance companies give them a better deal for getting these shutters, people are just putting them up.

Mr. Meyers said it is problematic too if someone does shutter up their home or plywood it and go north for the summer and somebody happens to use the place for a long weekend, they are going to take the front door shutter off and perhaps one other shutter, but they are not going to take them all down, and they can be there for a week. How do they enforce that? How do they police that? It is just problematic trying to enforce something like this.

Mayor Benton said he wouldn't mind having language that would require folks to remove them after hurricane season ends. He knows people are up north and gone most of the year, especially the condos out on the beach. If they go down to Jensen Beach, they can see those are all closed up for the whole summer. That would be a nightmare. It kind of sends the wrong message when they are left up year around. He guesses education is the route to go. They will leave it at that. Maybe the Fire District will help them out with a video they can run on the City and County TV channels.

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The next item on the Agenda was Interim Assistant Director of Planning to advise of approval of a **Minor Amendment** to the Site Plan for **Portofino Landings** to be located on McNeil Road Extension, north of Okeechobee Road.

Mr. Duane Yazzie, Development Review Planner, said in accordance with 22-58(i) of the City Code, minor amendments may be approved by the Director of Planning; however, the City Commission shall be advised of the administrative approval. The Site Plan is located north of Okeechobee Road and to the east and west side of McNeil Road. The property is zoned C-3, General Commercial. To the north C-3 and R-4, Medium Density Residential. To the east and south is C-3. To the west is unincorporated St. Lucie County. The history behind this project included the Site Plan approval on September 6, 2005. In addition, on November 20, 2006, the Commission approved Portofino Landings becoming a Community Development District. On July 16, 2007, the property was approved for a Preliminary Plat by the City Commission. Tonight the applicant proposes minor changes to the property by changing footprints of buildings which will allow more open space. Two buildings were introduced to the project. One was a 12-unit and the other was a 16-unit. Both buildings are more compact and require less area. In addition, the Minor Amendment proposes a second clubhouse, which is located to the west of McNeil Road. To the east of McNeil Road, a leasing office is also proposed. Additional parking is added; but it should be noted that the impervious amount actually decreased by .06%. How more open space was achieved is where the buildings are located. Where the proposed clubhouse is located, a 12-unit building was removed. This area was approved for six buildings; however, the applicant has proposed three 12-unit buildings. Other features of improvements are a sidewalk along McNeil Road and along the eastern entrance. Gates and a card reader were also implemented into the Minor Amendment. In addition, the applicant and St. Lucie County have agreed to the dedication of Swain Road within one year of the Minor Amendment approval. As all affected departments have reviewed and approved the Minor Amendment, Staff is procedurally advising the City Commission of the Administrative Approval of the Minor Amendment.

Commissioner Becht asked did he understand him to say there are going to be fewer buildings in there under what he calls a Minor Amendment?

Mr. Yazzie said the trade-off on the buildings is being introduced as a compact 12-unit building and a new 16-unit building is being implemented.

Commissioner Becht said a simple question, yes or no. Are they eliminating buildings?

Mr. Yazzie said yes, they are.

Commissioner Becht said then his interpretation of a minor amendment and his own interpretation of a minor amendment are at odds. Because if they are eliminating buildings, even if the number of units is the same, he considers that a major amendment that ought to be brought back to the Commission. They talked about this at the last meeting where they disagree. Is there a codification of what constitutes minor?

City Manager Recor said there are some standards in the ordinance. They can review those. He thinks it is based on the number of units.

Commissioner Becht said this is a redo. If the Commission approved something that was designed a certain way and it had a certain number of buildings and they weren't clustering the units in one building or two buildings but were spread out over a bunch of different buildings, and the Planning Director has made a determination, it sounds to him like he is getting into policy and changing what the Commission approved and calling it a minor amendment.

City Manager Recor said respectfully, their decisions are based on the four criteria that constitute a minor amendment that are outlined in the LDR's. Mr. Carlin can review those.

Commissioner Becht said he doesn't want to bore anybody with that. But as they go through the LDR Rewrite, he has to tell them this is a major amendment.

City Manager Recor said he understands his point. He absolutely understands what he is saying.

Commissioner Becht said so as they go through the LDR Rewrite, if Mr. Recor would make sure a note is made to make that list of what is minor and what is not minor a little more extensive. He thinks they got away with bloody murder.

Mr. David Carlin, Interim Assistant Director of Planning, said they will certainly make note of that in regards to the modifications for any kind of minor amendment and will also address the site plan phasing that continually comes up as well.

Commissioner Becht said he really wants Staff to have the flexibility for truly minor amendments. But when they are moving buildings around, not a foot here or a foot there, but they are totally eliminating buildings, that is a major amendment. He understands staff is saying that under the Code they are allowed to make this determination. But he thinks it is a mistake and he wishes it hadn't been done.

Commissioner Alexander said he was trying to listen and think at the same time. He is confusing himself. The last paragraph, did he say they were eliminating gates?

Mr. Yazzie said no. There are proposals to add gates and a card reader.

Commissioner Alexander asked what kind of gates is he speaking of?

Mr. Yazzie said the applicant is certainly here to elaborate on that.

**Mr. Larry Abbo**, Prime Home Builders, 4651 Sheridan Street in Fort Lauderdale, said in answer to the buildings, he just wants to share with them that they have been...

Commissioner Alexander said he can address his question first.

Mr. Abbo said of course he can. He was just going to take them in order. He appreciates the opportunity to do so. As to the gates, the original application did not have gates.

Commissioner Alexander asked what type of gates?

Mr. Abbo said they are decorative, a black aluminum gate.

Commissioner Alexander asked is he saying they are adding a gated community?

Mr. Abbo said a gated component, yes.

Commissioner Alexander asked do they not have no gated communities in the City of Fort Pierce?

Mr. Carlin said there is nothing in the City Code that prevents anyone from placing a gate per code.

Commissioner Alexander said the Commissioners said they will not have gated communities in this City.

Mr. Carlin said he believes the applicants are aware of that.

Mr. Abbo said they are in unfortunately a difficult situation because their residents see that their two neighboring communities nearby, one being Treasure Cay and the other one Sabal Chase, both of them have gates. For that reason they are seeing Portofino Landings as a less secure community. He shares in the thought that does not necessarily make it more or less secure, but there is a certain perception that exists and they are at an unfortunate disadvantage. They do have residents who come in all the time telling them that.

Commissioner Alexander said he understands his dilemma, but he is addressing Staff. Because if it is a gated community, then they could have private roads, right? He doesn't know how much it cost them during the hurricane season to go into some of those gated communities and clean up. He thought they were not allowing any gated communities in the City of Fort Pierce?

Mayor Benton said they don't have any rules against them. He knows it has been a hidden policy that they weren't thrilled with them.

Commissioner Alexander said he knows they were coming into his community, into his district, and he has said they weren't going to have any gated communities. Now all of a sudden because it is in another community, they are going to have a gated community? He is not in agreement with that.

City Attorney Schwerer said he wanted to give the Commission the rule of law under this. He thinks it might save some discussion.

Commissioner Becht said before he does that, what Mr. Abbo is telling them is he has a problem with the character of this development because it is not gated. Is that correct?

Mr. Abbo said yes. They have a certain complaint from the residents that they don't have the same design characteristics of some neighboring communities.

Commissioner Becht said so he is changing the character so it is gated.

Mr. Abbo said they are trying to fulfill the request of the residents. They believe it is what is being asked of them.

Commissioner Becht said the problem he has is that Mr. Abbo just confirmed his opinion that he has changed the character of development, which is not a minor site plan amendment. He has gone from ungated to gated. He appreciates the economic drive for that. Mr. Abbo is getting caught between the decision that ought to be made by this Commission and their Staff trying to streamline it or help him out or for whatever reasons. He just thinks this Commission ought to make the decision. He is not saying it shouldn't

have been granted; but he thinks this is the body who makes that type of decision, because he has changed the character of the development.

City Attorney Schwerer said he wanted to point out one thing. The administrative approval of the minor amendment is before the Commission for their review. While it is here, the Commission certainly can make its own decision that such amendment is not minor but is major and therefore must go through a different review process. Let him just read the code. The minor amendment shall not: (1) Change the use or character of the development; (2) Increase the overall coverage or height of structures by more than 10%; (3) Reduce the approved open space or increase the impervious surface by more than 10%; or (4) Increase density or the total number of dwelling units, or the intensity of the development. If any one of those factors are found to exist - for instance, change the use or character of the development - the Commission always reserves the right to deem this a major amendment. It says in the code that all such minor amendments shall not become effective until a completed application form and filing fee has been received by the Director of Development; and the Director shall advise the City Commission of his administrative approval at the earliest practical opportunity; and such determination shall then become effective unless the City Commission thereupon finds that the proposed amendment is substantial, not minor in nature, whereupon the amendment shall then be reviewed by the same procedure required for original approval as set forth in this section. So they can find tonight, based on what they have heard, that this amendment is substantial and not minor in nature, and simply require it to go back through the standard review process and come back to the Commission for their decision. That is something within their purview they can do tonight if they find it is substantial and not minor.

Commissioner Becht said he believes this Site Plan has been modified in a minor way before. He thought the project was approved, but maybe it is not this particular part of it. There was a part that was supposed to be a live/workforce and he thought that component got eliminated, if he is not mistaken. That was done, if he recalls correctly, by a minor amendment.

Mr. Carlin said the applicant can tell them exactly what live/work unit arrangement is. He is not aware of what the floor plans specified in terms of live/work.

Commissioner Becht said it may predate Mr. Carlin. He wants to portray an attitude of working with the developer, he really does. What Mr. Abbo is getting caught in tonight is that this is the second time in a month that they have had... He doesn't want to neuter Staff, because he needs them and he needs them to make affirmative decisions without fear of always getting second-guessed by the Commission. But staff made a minor site plan approval about a month ago and it seemed to him to be a little on the aggressive side of minor. Tonight, in his opinion, this crosses the line of what is minor. His response back to Mr. Abbo is, whatever he is doing may make this a better project. His problem with that is, who makes the decision? And it is far easier for the applicant to take the decision to staff for a minor site plan amendment than it is to plug back into the process. Because if they plug this back in the process, where does it go back in? That is a real question, not a rhetorical question.

Mr. Carlin said it would require a major site plan review, which would be Planning Board and City Commission. There would be resubmittal of plans and re-evaluating the project as a whole. This was a conditional use and site plan application.

Commissioner Becht asked they have already done the site plan, so that is not any additional work, right?

City Manager Recor said but if there have been changes in the Code, i.e. the kind of changes that would have affected the two previous plans that were extended, Staff would have the opportunity to go back and review concurrency, design, etc.

Mr. Carlin said this plan was done in 2005. This plan was approved not meeting the requirements of Code, it was under-parked. Somehow this plan made it through the system. It was not parked properly. As part of the modifications, the applicant worked with Staff to bring up this revised plan. It shows the additional parking and additional landscaping. So there were enhancements done to improve it, to bring it up to today's standards.

Mr. Abbo said there is also more spacing between buildings that met current fire codes. They have been through a multi-month process with this, trying to meet with all of staff's requirements. Just to answer Commissioner Alexander's concerns about the maintenance of the roadways inside, the Community Development District in this particular case would be responsible for the maintenance if there were gates and they were to approve such a thing. But the result of those modifications that were required of them for the additional parking and for the additional spacing between buildings is what caused the concentration of the units into some of the buildings, so they could meet with the current requirements. That is exactly how they got here.

Commissioner Becht said that kind of goes to his point. It is not that he is objecting to the end product, he is just objecting to that decision being made by Staff. But as he is beginning to hear, if they plug him back into the process, he doesn't know if it can come out this end with any semblance of what they have now. Mr. Abbo is a developer, he actually is ready to pour concrete and do real building.

Mr. Abbo said yes, which frankly differentiates them from any others in the development position these days. This is a community that is already well into construction. They have already completed 132 homes within this community. So the character has to be preserved as originally planned. The character of the community has to flow, the curb appeal of the units. The roadways are already in place as approved. These changes truly are, if they look in comparison from the original plans to the current...

Commissioner Becht said the roads are a nightmare. Mr. Abbo comes after the fact. But the roads are a nightmare because some developer bent the road off so he could bridge it and it only benefitted his property. That is not Mr. Abbo's problem, it wasn't him.

Mr. Abbo said they don't have those issues in their community. He will share with them that as a result of the current application, they are now dedicating the Swain Road right-of-way, which they had set aside but had not been asked to dedicate that. They are dedicating through this process. These are important contributions. But this is a very important thing for them because of the timing. If they had to go through the extensive process now, after being through an extensive process with Staff trying to meet all of their requirements to get to a positive recommendation, unfortunately that would really cause them a big problem with their financing.

Commissioner Becht said hearing the additional details that Staff has given them, it sounds to him that they have come up with an intelligent compromise to a big problem. He is going to compliment Mr. Abbo for working with Staff. Later, as they do the LDR Rewrites, they do need to address what is and is not a minor site plan amendment. But it sounds to him like they have intelligently dealt with problems that were not known to him when he was getting upset about who made the decision.

Mr. Carlin said when they review these, there is an open-ended spectrum of that minor amendment process. The changing of the character and use of the development, that is not defined in the code. So Staff has to make a determination as to what the character and change would be. When they looked at it, the building are still there, they are changing a few units here and there; but it is not like they are changing it from a residential complex to something else, whether it is a church or whether it is a non-profit type of operation. That would be a change in character and use of the development, in his opinion. So when he looked at this, he had to take into account the entire situation. They already have

construction underway. Buildings are already up there. This is to continue on the construction and get those permits coming in and try to work with the applicant to facilitate it within the confines of the code.

Commissioner Alexander said he doesn't want to be a thorn in their side, but his concern is public funds. He knows once it is a gated community, those are private roads. Is he right?

City Attorney Schwerer said those roads are private now, otherwise they wouldn't be able to gate it.

Commissioner Alexander said all Staff would have to say is they are already private.

City Attorney Schwerer said the roads are already private, they belong to the CDD.

Commissioner Alexander asked if a hurricane came in here as it did the last time, then they don't have to worry about going on that property period, right?

Mayor Benton said they changed their codes so if they have to, they could. He knows there was an issue about payment from FEMA.

Mr. Abbo said the Community Development District would be responsible for making any repairs or maintenance. It is stated as their purpose.

City Clerk Steele said they are talking about debris removal.

City Attorney Schwerer said hurricane debris, yes. The City has addressed that.

Commissioner Alexander said if it has already been addressed, then he is fine.

Commissioner Becht said what Commissioner Alexander is wisely pointing out is that they had a problem with the first hurricane and maybe even the second hurricane where FEMA would not reimburse them for debris removal behind the gates. He thought by the time Hurricane Wilma came around that FEMA had changed their regulations and had actually compensated them for the debris removal behind the private gates.

City Manager Recor said they did.

Mayor Benton said also, they changed their codes to address that.

Mr. Abbo said he would like to offer one additional thing as to the gates, if they don't mind.

Commissioner Alexander said no, he is fine with it. Mr. Abbo can prolong it if he wants.

Mr. Abbo said anything he can answer for them, he is here to help.

Mr. Carlin said if Commissioner Alexander wants gates to be implemented in the LDR's, they will go ahead and look at that issue, if that is something the Commission desires.

Commissioner Alexander said no.

Mayor Benton said he thinks it is a change of the character when they put a gate up. He remembers a certain development in the County where they changed the square footage of homes and they all got 500 phone calls. If the developer was doing that, he would have a real problem.

Commissioner Becht said he doesn't have a problem with the Minor Amendment because of their explanations and the additional problems that were solved for the City in the way they initially approved it, which may not have been exactly consistent with their codes. So he is happy they had a Minor Amendment done and he doesn't have a problem with it.

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

Commissioner Alexander said he would like Item 30a (Keep America Beautiful Grant) removed for discussion.

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

b. Approve Blanket Purchase Order for Public Works Department Fleet Maintenance Division for FY 2008-2009 to **Total Truck Parts** in an amount not to exceed \$16,000 for Miscellaneous Repair Parts.

c. Approve purchase of John Deere Precisioncut **Fairway Mower** for the Indian Hills Golf Course from John Deere Company in the amount of \$41,456.25. (Piggyback Hernando County School District)

d. Approve **Sovereignty Submerged Land Lease** with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for modification to increase square footage and reflect current structures at the City Marina.

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The next item considered was Item 30a, which had previously been removed from the Consent Agenda: Approve Grant Agreement with the Florida Department of Transportation FY 2009 Keep America Beautiful Grant Systems in the amount of \$13,714.28 for the **Keep Fort Pierce Beautiful Program**.

Commissioner Alexander asked Keep Fort Pierce Beautiful Program is something the City has a line item on every year as far as supporting it?

Mayor Benton said he believes so, in the budget.

Commissioner Alexander said this is going to be additional grant money. He had a question posed to him. They were doing a clean-up on Avenue D and requested Keep Fort Pierce Beautiful money for the clean-up and they were denied that. He wanted to know why. Can Mr. Recor answer that?

City Manager Recor said no, he can't.

Commissioner Alexander asked is there a reason why it would be denied?

City Manager Recor said he thinks the Keep Fort Pierce Beautiful Board has been re-established and any request for funding would go before that Board. So there would be an explanation, he can't provide it to him this evening, but he will find out.

Commissioner Alexander said but he was understanding it was a staff denial, whoever is the head of staff denied it. He just wants to know the definition of Keep Fort Pierce Beautiful and what area it covers. Is it just a certain area?

Mayor Benton said it is the whole City.

City Manager Recor said he will look into it and follow up.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve Grant Agreement with the Florida Department of Transportation FY 2009 Keep America Beautiful Grant Systems in the amount of \$13,714.28 for the **Keep Fort Pierce Beautiful Program**.

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

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Commissioner Alexander said he hopes he is not the only one who received a letter concerning their **sign ordinance**. It came before him along with a couple of people about difficulties they are having with the City of Fort Pierce about signage for their place of business, when they can go across the street or go a block down the road. It is nothing they haven't told him that he hasn't seen for himself. They see the same signage that has been there day after day after day.

Mayor Benton said the letter came because he got a phone call from a couple of business owners and the Chamber of Commerce and the Fort Pierce Area Council brought it up for discussion. After the hurricanes they approved changing the signs to the monument signs and they were giving people a five-year window in which to replace their signs if need be. Because the economy has done what it has done... They can look at Bill Shultz Chevrolet, for instance. To replace those signs would cost over \$100,000. He asked for that letter so they could readdress that maybe and extend that time frame.

Commissioner Alexander said that is what his request is, that maybe they can readjust that. He had individuals who complained on South U.S. #1. He asked the new hotel gentleman and he said he was denied to put one of those extended 80-foot... He wanted to know, is he not within that area?

City Manager Recor said they provided an aerial that showed that overlay zone. Did he not receive that?

Commissioner Alexander said he did.

City Manager Recor said he thinks the hotel was just outside of it for that increased sign height. But he will double check.

Commissioner Alexander said he wants to make sense of it. If they allow businesses to come in and they are only a matter of feet...

City Manager Recor said unfortunately that line falls on a piece of paper somewhere.

Commissioner Alexander said he knows. But what he is saying, they are the policy makers and they made that policy to allow that corridor to become only what they are expecting it to be. That is what they came in and then when they are denied. They can't see the hotel from I-95 or from the Turnpike. He is not here to put anyone out of business. They need to revisit some of these things to make it... The economy now is in the doghouse. Mr. Recor is going to check on that and get back with him? He did receive it.

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Commissioner Alexander said he had a concern about 16th Street and Avenue D where a gentleman went in there. He understands this is on City Attorney Schwerer's desk. Do they recall that two story building that was on the **condemnation** list to be torn down in 24 hours and they addressed the person who wanted to redevelop that property on 16th Street and Avenue D? Are they all familiar with that property? It had a big Re-Elect the Mayor sign right in front of it.

Mayor Benton asked does he mean the one who has been sitting there vacant since they put a fortune in rebuilding it? Just another one of their Code Enforcement nightmares. He doesn't understand why it has not been rented out.

Commissioner Alexander asked who signed off on it? That is what his concern is. It is a vacant property. After a while it is going to be vandalized and it is going to look to be an eyesore.

Mayor Benton said it is Jasper Dempsey's property.

City Manager Recor asked what is the question? He knows the property they are talking about.

Mayor Benton said they can't legislate people to open their property. What they have to do is legislate to maintain them. Right now the grass is about knee high.

Commissioner Alexander asked why is it they can't get a C.O. on that?

Mayor Benton said he would imagine he has a C.O., he just hasn't opened the doors.

Commissioner Alexander said he requested a follow-up on that and they told him it was in the City Attorney's office.

Mr. Marc Meyers, Building Official, said he is pretty sure they have a C.O. Mr. Dempsey has been having problems with the Fire Department.

Commissioner Alexander asked why would he have a problem with the Fire Department if the City signed off on it?

Mr. Meyers said the building has been inspected and approved. The Fire Department is saying they want access from the front through the front gate and out the back for their fire trucks, is his understanding of what the problem is.

Commissioner Alexander said Mr. Meyers has been up to that property. What kind of rear entrance is there?

Mr. Meyers said the Building Department has approved it.

Commissioner Alexander asked how can the Fire District come now and say they disapprove if the City has signed off on the site plan?

Commissioner Becht asked was it a site plan or a building plan?

Mr. Meyers said it is under 4,000 feet, so he doesn't know if there was a Site Plan approval or not.

Commissioner Alexander said okay, he will go to the Fire District. But he heard it was on Mr. Schwerer's desk.

City Attorney Schwerer said that is their favorite excuse when they don't want to track it down. And it is often not warranted.

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City Manager Recor said on a related note regarding **signs**, the two gentlemen who spoke under Comments from the Public this evening he thinks is a pretty good indication of the effectiveness of their weekend Code Enforcement.

Commissioner Alexander said that is not a joking matter.

City Manager Recor said he is not joking.

Commissioner Alexander said he says that because they are running businesses out of the City of Fort Pierce. No matter how they look at it, they are running business out of Fort Pierce. As long as he has been a Commissioner, he has heard they are not business friendly.

City Manager Recor said those signs are not permitted.

Commissioner Alexander asked what is permitted?

City Manager Recor said a free standing sign that the landlord can provide to identify the tenants in a shopping center.

Commissioner Alexander said he understands they are not allowed to do that. He is through with it, because he is not going to let them run his blood pressure up tonight.

Commissioner Becht said the problem with the signs and other issues there are symptomatic of the U.S. #1 construction work, which he is led to believe at least some parts will be done in December. It is just dramatically impacting their local merchants with access. Some people won't even go on U.S. #1 right now because of all that construction.

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Commissioner Becht said he wanted to explain to the public why they pulled the **Annexation Ordinances** (Ordinance Nos. L-53 through L-60). This City Commission is interacting with the County Commission in trying to work through a myriad of issues that arise with the Research Park, which is a gem for the County and the Treasure Coast. There are perceptions at the County Commission level that the annexations may impact that Research Park. The City has a legitimate goal in proceeding with their annexations and they are trying to balance the County's goal of preserving their Research Park with the City's need to expand. So that work is proceeding and hopefully it will get resolved before the end of the year.

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Mayor Benton said they heard they are not business-friendly in Fort Pierce. But tonight they just approved **Newberry Fields**, which is a new shopping center. There were a lot of issues with the County concurrency, but they sped through those and approved that development. When it comes to the Commerce Park and the Industrial Park, they came in to see them with some changes; and he had City Staff running up and down the stairs to get this advertised for tonight. That was one reason why both the applicant and the attorney said thank you for all the work they did to get this here so they could get started quick. For the folks who say they are not business friendly, they bent over backwards. He wants to thank Staff and the City Clerk and the Planning Department because they brought in some letters at the last minute and staff really had to struggle to get that in the paper.

City Manager Recor said 380,000 square feet of retail development. That is the largest development in Fort Pierce. And another 140,000 square feet of industrial warehouse in the Commerce Park.

Mayor Benton said with a build-out of over one million square feet and over 1,200 to 1,500 jobs. The economy is not slowing these people down, they are going to start in January. That is one of the biggest items they have had in front of them in years.

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Mayor Benton said he wanted to say to the folks who have been accosted by a certain person working for **Sam's Club** who has come in and said the reason why Sam's Club is not in Fort Pierce is because they wouldn't provide them with City water or allow them to build a gas station on South U.S. #1, that is an out and out lie. That has been brought to the attention of many business people in Fort Pierce. He guesses Sam's Club has a salesperson selling cards who has told some business people this. He just wanted to let folks know that Fort Pierce bent over backwards also to keep Sam's Club here. He spent a lot of time with them. They will be back one day.

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Mayor Benton said the **beach erosion**, he is sure Mr. Hood has seen it. Before they move forward at the Jetty Park, they need to find out when they are going to put sand back on the beach over there; because he thinks they have about a month or two left and the ocean will be meeting the road as they pull into the South Jetty. Any improvements they might want to do on the west end of the property, until they know... Mr. Anderson told him they would

know in December, he is meeting with the Army Corps of Engineers. But it is leaving very quickly and it has already taken away some of that vegetation they put on the beach.

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Mayor Benton said one of their major businesses and biggest businesses in Fort Pierce, they are fighting to keep them here and working with them. **Orchid Island Juice Company** has an obstacle called the FDA (Food & Drug Administration). For some reason FDA doesn't like fresh juice, they like pasteurized juice. FDA is out there to put Orchid Island out of business. Orchid Island is the only fresh orange juice and grapefruit juice on the market today. He is asking the public if they would write their Congressmen and Senators saying keep Orchid Island, because it put Fort Pierce on the map. Right now they are under attack for the second year in a row and FDA is trying to put them out of business. They can't afford to lose them.

City Manager Recor said the Legislation that would put them out of business requires all products be pasteurized.

Mayor Benton said Orchid Island is the only one who can say they are fresh juice from the Treasure Coast. They are real proud of that.

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Thursday & Friday, November 27 & 28, 2008, is Thanksgiving Holiday in the City of Fort Pierce. All City administrative offices - with the exception of the Police Department Public Safety Services, the City Marina, and the Indian Hills Golf Course - will be closed. There will be no residential curbside garbage and/or trash collection during the holidays.

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There being no further business, Mayor Benton declared the meeting adjourned at 9:15 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER