

MINUTES OF A SPECIAL 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 12:00 P.M. ON WEDNESDAY, DECEMBER 13, 2006.

Mayor Benton called the meeting to order.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Edward Becht and R. Duke Nelson; City Manager Dennis Beach; and City Clerk Cassandra Steele. Those absent: Commissioners Rufus Alexander and Christine Coke; and City Attorney Robert Schwerer. (Assistant City Attorney Karen Emerson arrived at 12:45 p.m.)

The purpose of the Special Meeting was Public Hearing on transmittal of the proposed **Comprehensive Plan** to the State Land Planning Agency.

Mayor Benton said before he opens the Public Hearing, they are going to hear from staff and their consultants.

Mr. Matt Margotta, Director of Planning, said today they are going to receive a presentation on their draft Comprehensive Plan EAR-based Amendments Rewrite. The goal of today's meeting is to receive that presentation and have some discussion on it - this is a public hearing - and then transmit it to all the other agencies. This is a transmittal hearing where it goes out to certainly DCA, but South Water Management, FPUA, all these agencies they deal with in growth management, to get their comments back and then come up with a final draft for the adoption process. They are not at the adoption phase at all, but they need to get comments and get it out to all the other agencies so they can give their comments. This has been seen by the Planning Board in a special meeting on November 15th and they unanimously approved to move it forward for their consideration. He believes they have the Minutes of that meeting. If they have any questions, let him know. Today's presentation is about two hours long, but it is a lot of information. Ms. Tappen did an excellent job of summarizing things and he saw that helped the Planning Board get through the issues and also drove their questions. So feel free to ask questions as they go along. He basically wanted to break the ice and introduce Lorraine Tappen. She will give them a presentation and then introduce members of her staff as she needs to.

Ms. Lorraine Tappen, Senior Planner with Calvin, Giordano & Associates, Inc., said she is the Project Manager of the Comprehensive Plan Rewrite, which also fulfills the requirements of the City's EAR-based Amendments. (Ms. Tappen presented a slide show.) She is going to give a little background on the City's Comprehensive Plan. The original Comprehensive Plan was adopted in 1990. In 1996, the City completed an Evaluation & Appraisal Report which was found sufficient by the Department of Community Affairs. A few years later, the City did put together EAR-based amendments to the Comprehensive Plan and sent those off to DCA; however, final adoption of those amendments did not occur and the Comprehensive Plan remained out of compliance with Florida Statutes. The City is working hard in the past year or so to get the Comprehensive Plan back into compliance, adopting policies for school siting, and the port master plan in the past year. What is the reason for the rewrite? Basically the City wants to bring the Comprehensive Plan back into compliance with Florida Statutes and the Florida Administrative Code; update the goals, objectives and policies to current conditions; and adjust to a rapidly developing area. This City is feeling an immense development pressure from within its boundaries and from neighboring areas. Just the other day, the City of Port St. Lucie approved another 7,000 residential units west of I-95. In the northern part of the County, they have the upcoming new town of Cloud Grove. So this City is experiencing immense development pressure. A few other basic things about the Comprehensive Plan. Each element consists of two sections. One is the Data Inventory and Analysis. This is where they get intimate with the subject of each element. They look at the existing conditions and they analyze how those conditions will be affected by future development. Then each element also includes goals, objectives and policies which regulate land development and put together the urban form

as they know it on the ground. The Comprehensive Plan is governed by Chapter 163 of the Florida Statutes and 9J-5 of the Florida Administrative Code. Comprehensive Plan elements include future land use, transportation - which was formally called traffic circulation, infrastructure, conservation, coastal management, housing, recreation and open space, intergovernmental coordination, capital improvements, and concurrency management. The recreation and open space is actually an optional element. But cities like Fort Pierce which hold parks and recreation in high esteem usually include it in their Comprehensive Plan. The concurrency management element is a new element in the Comprehensive Plan which basically wraps up the management and monitoring of public facilities in the City. They held five public workshops in the spring; and in the workshops, they took notes on the citizens concerns and suggestions for the Comprehensive Plan. They tallied those up to understand the top issues of the residents. The most important issue for residents was residential density. In general, the residents were concerned that as Fort Pierce develops, they will lose the small town traditional Florida atmosphere. Traffic circulation, little by little the roads are getting congested. Parks and recreation, drainage and utilities, environmental issues, it is an extremely environmentally conscious and environmentally aware City. Neighborhood planning is extremely important to the folks. Redevelopment, historic preservation, design issues, intergovernmental coordination, and also economic development. They will get into the future land use element. The future land use element is basically a broad survey of the current land use patterns, natural land features, availability of public facilities, annexation and redevelopment plans, historic buildings and sites, and of course includes a set of goals, objectives, and policies. They will look at what is actually on the ground. Fort Pierce is a largely residential city. 33% of the total land area is made up of developed residential land uses. Commercial land uses make up 9%, institutional uses are about 13%. Institutional use also includes some of the public housing projects in the northern section of the city. Recreation and open space makes up 15%. There is still significant vacant lands within the city boundaries. About 10% of the total land area is still developable for residential land uses. Little by little, the City will begin to feel the impacts of the additional population. In 1990, Fort Pierce was the fastest growing city in the nation. But between 1990 and 2000 the real estate market changed, it was a bit slower in Florida. But with the dot-com crash came renewed interest and investment in real estate and little by little the City began to see a greater amount of development applications. In 2005, the population was 38,569 folks. By 2010, it is expected to jump up to 44,000 people. That 44,000 has been developed based upon vacant residential lands, the average household size, and development applications the City has received. By 2025, the population should reach about 63,000, which is also considered in a time when the City should reach build-out. So the goal of the future land use element was developed based upon the public workshops. The goal is: The City of Fort Pierce shall regulate land uses to maintain its traditional Florida small-town atmosphere with diverse cultural and outdoor activities while protecting the natural environment. They hope that this fits the City's vision and goals; and if not, they can make some adjustments. Here is the City's proposed future land use map. This is a very important map in the future land use element as it regulates the use on every parcel within the city. The City also expressed an interest in regulating the land use of future annexation areas and preserving the low density nature of those areas. In general, the land uses outside the City actually have a lower residential density than the existing land use designations in the Comprehensive Plan. This map was created to direct the land uses as areas are annexed into the City of Fort Pierce. Now they will take a look at some of the land uses. A lot of the County land use designations were pulled into the draft future land use element in order to accommodate those new properties that do go into the City. The ones in yellow (on the slide) are the new land use designations. The ones in green are from the existing 1990 Comprehensive Plan. Looking at the top one, the first one is residential/conservation. This is for properties where folks want to keep the natural land features, but possibly have a house on that property. Only one dwelling unit per five acres is allowed with only a maximum building coverage of 2% over the whole entire area. Residential estate allows only one dwelling unit an acre with a maximum building coverage of 25%. Residential suburban allows two dwelling units per acre with a maximum of 25%

building coverage. Another new one is residential urban, five dwelling units an acre with a maximum of 30% building coverage. Since 1990, the State requires that cities not only regulate density, but also intensity of a development. So that is why building coverage was added to the land use designations as well. These building coverages come from the County's Comprehensive Plan and also the City's Zoning Code. Low density residential remain the same. There has been an adjustment to the medium density residential Hutchinson Island land use category. The original density there was 11 dwelling units an acre. It was reduced to eight dwelling units an acre to match the South Beach Overlay District and the intention from the referendum that was passed years ago to bring down density in that area. That land use designation only affects the residential areas on Hutchinson Island, it does not affect the commercial land use properties. Two other new categories from the County - moderate density residential and medium high density residential. Another land use designation, it was actually already on the map, but it had no description in the future land use element; and that is, the medium density residential Hutchinson Island/commercial general. This is where the Harbor Isle development exists that has a residential density of 11 dwelling units an acre to match what is on the ground. In this designation, they have given it a percentage of land use mixes that would be allowed up to 20% commercial and 80% to 90% residential uses. This is also a state requirement that when they have a mixed use land use category that they specify the percentage of uses on those properties. Commercial land uses, two new commercial land uses are county commercial which has a maximum building coverage of 50%, provides for a broad variety of business activities including retail and service establishments, a minimum one acre lot size unless the property is added to another property with a commercial land use. Another new designation is the mixed use development. Basically these are land uses found along the highway interchanges. Keep in mind these new land uses, these ones in yellow, are primarily all now in the future annexation areas, not within the existing boundary. For example, this mixed use development, it is foreseen that there will be clusters of development near the highway with some urban design guidelines having a hierarchy of streets, focused on pedestrian activity, using community buildings and open spaces as focal points, and having not only vertical but horizontal mixes of uses. It includes a land use mix by percentage as well as required by the state. Other new uses, County industrial. And a new land use, heavy industrial. These are actually for uses within the southwestern section of the City. This is to accommodate some existing industrial uses which provide a more extensive environmental permitting than the light manufacturing or storage uses. Some of the uses that exist there now are concrete, chemicals, fertilizers, and so forth. Another new land use is institutional. This protects existing government properties, hospitals, the college from potential changes in their use. The recreational and conservational land uses are the same as in the 1990 Comprehensive Plan. What else is new in the Future Land Use Element? The City has indicated that they would like to update their Land Development Regulations to fit the new goals, objectives, and policies, and to be updated with the current development conditions.

Commissioner Becht said he was following her real good up until the point she got to the institutional, but he doesn't have institutional in his packet. So if they are going to transmit this, it might be beneficial for that to be in there. It looks like the way she has it paginated with the display is not the way it is paginated in his book. The institutional is at the bottom of that page and it is not in his packet.

Ms. Tappen said in hers it is on the top of Page 150.

Commissioner Becht said he is sorry, it was on the top of the page. He was looking for it at the bottom of the page.

Ms. Tappen said she did some creative rearranging for the presentation. She is glad he pointed that out. Other land development policies include buffering residential land uses, especially when they abut incompatible land uses. Density bonuses for significant contributions to public amenities. What this means is that if the developer provides public

amenities such as streets, street improvements, parks, other types of infrastructure over and above what is required with the site plan application, mitigation to maintain level of service or their impact fees, then they could actually develop a few extra residential units on their property. The City would also like to have an overlay district for the South Beach area. And also there was indication that there is a need for a special area planned in the Lincoln Park area and also create a Performing Arts Overlay District by March 2008.

Commissioner Becht said the South Beach Overlay District, they have truly not adopted that yet and they are not sure what form it is going to take when they do adopt it. Someone has included a policy that says they shall maintain a South Beach Overlay District in the land development code for northern South Hutchinson Island. He is not sure he supports that. He can support a South Beach Overlay District in some form as it will appear in ordinance form, but she has raised it to an entirely different level by including it in the Comp Plan - which may be the intent of some, but it is not his intent. He doesn't know how the Mayor wants to move forward, but this is a stumbling block for him recommending transmittal with that language in it.

Mayor Benton said he believe it is on their Agenda for Monday night and if it is passed...

Commissioner Becht said it is two different issues. The South Beach Overlay District will in all probability be adopted in some form or fashion as an Ordinance. His concern is that they have lots of ordinances that don't rise to the level of the Comp Plan policy. And this has raised the South Beach Overlay District from an ordinance to a policy. He cannot support that, particularly because he doesn't know what it is going to say.

Ms. Tappen said when she wrote that policy, she put it in with the assumption that the Overlay District would have been approved by the time this came to this meeting. She wonders if it would be more appropriate if they gave it a time frame - consider creation of a South Beach Overlay District by...

Commissioner Becht said he doesn't mind it being considered; but she has it shall maintain, which means they not only have to maintain it, but they have to adopt it. And right now they have no real world experience with a South Beach Overlay, so he doesn't know if it is going to work or not going to work in application. If it doesn't work in application as an ordinance, it's a three vote deal and it's gone, or modified. If it is in the policy, it's a six month tremendous amount of expense and work to get rid of it if he needs to get rid of it or if he needs to modify it in a substantial way. So he is just very uncomfortable in having a mandatory requirement that they maintain something they haven't drafted yet. So he is going to request that it be taken out of the policy, that the policy be eliminated. And that needs to be discussed.

Mayor Benton said they transmit this to DCA and DCA will send it back with their concerns. When the City sends it back again, if they have approved the Overlay and the Commission decides it should be included, they can add it then.

Ms. Tappen said that is true.

Mayor Benton said that would be his suggestion. Because he feels that if they do approve the overlay, this makes it law. An ordinance can be changed overnight. This would take more than that. And he thinks with what they went through, he thinks that was their intent, at least his, was to make this more than just a City ordinance that can be changed with two readings, that it be put in the Comp Plan. So he thinks they have to have that debate and he thinks that needs to take place starting Monday night again.

Commissioner Becht said they are going to vote to transmit today. So he is not going to vote to transmit if this is in it, is what he is saying.

Mayor Benton said right, he thinks they can take it out. But if they do approve this and that discussion will take place Monday, it can always be amended when the comments come back from DCA, when they send it back then.

Ms. Tappen said absolutely. The Comprehensive Plan does create a lot of projects for the City, but every single project the City is doing does not actually have to be in here. So they can take it out in the draft that actually goes to DCA if that is the preference. Then like the Mayor suggested, throw it back in if it does actually pass.

Commissioner Nelson said he is for taking it out now.

Mayor Benton said he thinks they are agreeable to that. He thinks what it is, if it is approved then they add it back later.

Ms. Tappen said okay. There is also interest in creating an overlay district for the Lincoln Park area in order to enhance the surrounding area around the Lincoln Theater which is now being refurbished and renovated. That overlay district would restrict uses to those that would be compatible to the theater such as additional theaters, amphitheaters, restaurants, retail, related businesses, and possibly some residential uses. And that could be done by March 2008.

Commissioner Nelson said let him ask a question relative to the Lincoln Park area. Are they restricted to making it a performing arts as opposed to a thriving business entity as well?

Ms. Tappen said the impression she got from the planning charrette that happened in the springtime was the folks in that area would like to emphasize the performing arts. It wouldn't be completely restricted to those uses; but in order to enhance the performing arts in that area and also complement the nearby Sunrise Theater, that some of the uses would be restricted to those. For example, they wouldn't have a carwash in that area or maybe some other uses that wouldn't draw folks in that would also be going to the theater.

Commissioner Nelson said he don't see performing arts having anything to do with a carwash. As a matter of fact, the people doing the carwash are probably not going to go to the theater. People who have the cars might go to the theater. But he would think in terms more of a business environment, the history of that area they had thriving stores there. A five & ten, pharmacies, they had a lot of businesses there that thrived in the area. Could they add a line or sentence in there relative to the resurrection of thriving businesses?

Ms. Tappen said absolutely, that would be a great part of the whole special area plan, that the existing businesses - especially those like the pharmacies, the five and dime type folks - which actually are already there, already creating some activity. Those folks, those businesses would be compatible and should stay. And they could add something in there that says a special area plan would include supporting existing businesses compatible with the area.

Commissioner Becht said he would be in favor of that.

Mayor Benton said he agrees.

Commissioner Nelson said okay.

Ms. Tappen said other policies include architectural guidelines by June 2008, and she believe these are already underway.

Mayor Benton said that should be in front of them at their next meeting, he believes.

Ms. Tappen said that is good, that is fast. The City already has an Art in Public Places program; but they have a policy in here that suggests also requiring the placement of public art works on development and redevelopment sites, or alternatively requiring a fee that could be used for public artwork in other areas of the City. The City would like to coordinate with the County on the Port of Fort Pierce Master Plan. Another policy is to have new development be required to have underground utilities. This is of course a natural reaction after some massive hurricanes in the area. Also, there is great interest in developing a Marine Industrial Zone along Taylor Creek. There is a policy in here suggesting a feasibility study to make sure that is compatible with the neighboring uses and to ensure navigability of Taylor Creek. Residents have suggested also developing green building standards. This has been given a deadline a bit further out in the future to January 2010 because this would require a major adjustment of the Building Department looking at not only the source of the building materials...

Commissioner Becht said he is going to interrupt here. He wanted to go specifically to Policy 1.1.16. It states the City should require all new subdivisions, residential and commercial developments to have underground telephone, etc. He wants her or Mr. Margotta to tell him that language covers all developmental processes - PUD's, PNRD's, site plans, etc. And if it does not, what is the rationale for not covering everything?

Mr. Margotta said the policy, the intent, is that they would then create ordinances, and have to go through a discussion to figure out the viability or feasibility of undergrounding things with every single site plan that comes along. He will tell them that not every instance is the right reason for undergrounding. Some things are subject to periodic flooding.

Commissioner Becht asked he would have another shot through the LDR's at capturing more stuff than just that?

Mr. Margotta said yes.

Ms. Tappen said absolutely.

Commissioner Becht said Policy 1.1.19, which is where they set out the LEED Green Buildings Rating System, he is trying to push that. County Commissioner Joe Smith at the County is trying to push it over there. What he and Mr. Smith had discussed was starting with public buildings. Buildings that are financed with... Buildings the City or the County is building in their city or what the State might be building in their City. He may have misunderstood Mr. Margotta, but he did not think in terms of making that applicable to public buildings that it was going to take four years to implement the LDR's for that.

Mr. Margotta said they can implement LDR's, it is not just that, it is the Building Code needs some tweaking or certainly a look through. It is going to take them a year just to deal with the Land Development Regulations. Concurrently they could be dealing with some building code issues, but the building code is a Florida Building Code, which means there are some other agencies involved in that review and change. It is speaking to he guesses some legislative changes or whatever else that might require the Florida Building Code to be changed. That is why he thinks 2010. They can require what they want to require for public buildings across the board.

Commissioner Becht said that is what he wanted to start with, to lead by example. So if they are going to build public buildings, they are going to build them in an environmentally friendly fashion. Then he thinks the public will see the benefit of it. They are also going to save the taxpayers money in operational costs. He is going to ask the question, do they really have to wait until January 2010 for them to incorporate standards for green buildings according to the LEED green building rating system? Is June 2008 a realistic target date for that?

Mr. Margotta said Land Development Regulation-wise, no.

Commissioner Becht said Policy 1.1.19 says: Incorporate standards for green buildings according to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System in the land development code by January 2010. That is what it currently says. He is asking him, can they accelerate that?

Commissioner Nelson asked is he suggesting that the public buildings be used as an example? For example, the Clerk of the Courts building go up right now?

Commissioner Becht said it would have, had they had an earlier shot at it. They would have mandated that it be built according to a green building, which as he understands it is that it is an environmentally-friendly building. It costs a little more to design and build, but it costs less to operate. It uses more reusable resources and that type thing. It is just an environmentally friendly building and he would like it to be part of their Comp Plan. And if they could do it before 2010, that is what he is asking.

Mayor Benton said it requires more windows and maybe the ability to turn the AC off now and then.

Commissioner Becht said LEED has a whole bunch of different things in it.

Mr. Margotta said looking at the general nature of the Comprehensive Plan, yes they can incorporate standards, but not fully incorporate or fully be up to date or covered by ordinances, it would take probably until 2010. He believes they need to go through a couple of iterations of implementing different standards. There are many chapters of their own municipal code that they are talking about, plus other agencies and that level of coordination. Yes, they will be able to take some steps by 2008. If they are looking at 2010, he would say that is a nice deadline to be fully incorporated.

Commissioner Becht said he can't argue with him, if that is how long he says its going to take.

Commissioner Nelson asked would that possibly address itself to utilities? He knows they talked about underground telephone poles and all that. But he is looking at the possibility of using grey water. Can they incorporate those type of things at this juncture?

Mayor Benton said he believes it will be later on in this.

Ms. Tappen said they should probably talk about that when they get to infrastructure and conservation. Those are possibilities within those elements.

Ms. Tappen said in addition, the City is active in economic development and they have a policy here to create a five year strategic economic development plan by July 2008. Annexation is a big issue for the City. They have a policy in the draft Future Land Use Element in order to develop a strategic annexation plan by December 2007. That strategic annexation plan should include fiscal impact analyses of providing the public facilities for newly annexed areas. The future land use designations of those areas to be annexed would be designated by the proposed Future Land Use map. And then evaluate newly annexed properties for historic value.

Commissioner Becht said during public comment, one or more attorneys are going to stand up and engage her or someone in a legal discussion. It will not be him that they engage in legal discussion. But they are going to talk about Policy 1.6.5 which talks about annexed properties receiving the land use designation according to the proposed future land use map. He thinks that map incorporates some County designations that currently exist but which may not exist in the future. And they have more criticism of this than just that. The

one he can remember and one that causes him some concern is the County changes its land use map twice a year. Why would the City not then be stuck with amending their land use map, Map 1.16, twice a year for those county properties that they designate according to the county land use map as the county changes it? It seems somewhat burdensome and perhaps inappropriate. Does she care to respond to that?

Ms. Tappen said she thinks that is a good point. Because if the County changes the land use designation, approves a site plan for that land use designation, then it gets pulled into the City, yes they might need to consider changing the future land use map. That is a possibility.

Commissioner Becht said he thinks they set themselves up where they have to.

Mr. Margotta said yes. He thinks they have to have a regular cycle of amending their Comprehensive Plan to update their land use map. Particularly they can annex as they go along.

Commissioner Becht said they are going to annex.

Mr. Margotta said but to change their Comprehensive Plan, that has to be on a six month cycle at a minimum. So he thinks just naturally the way they do business, they are going to have to make that part of how they update their map. Twenty annexations happen in the last six months, here they are, and this is how it is shown on the map.

Commissioner Becht said they have received at least one letter, maybe two letters, with some criticism of that. He didn't see any alternate solutions that were proposed by them. But maybe under public comments they can give them an alternate solution for that.

Mr. Tappen said most cities typically have two deadlines a year for land use amendments. So that could be incorporated as Mr. Margotta suggested, having a set of land use amendments go forward every six months in order to keep the map up to date.

Commissioner Becht said but he thought they had something in there that said they could amend whenever they wanted to, without the two a year limit. He thought he read something in there to that effect.

Ms. Tappen said she doesn't think that is in the Comprehensive Plan.

Mr. Margotta said only minor small scale annexations, less than 10 acres, they can do that. But if it is more than 10 acres - and they have many that come along that are more than 10 acres - those have to go through the amendment process.

Commissioner Becht said if he can find the language, he will bring it back up.

Ms. Tappen said also they have also included many of the goals, objectives, and policies from the Community Redevelopment Plan and the Future Land Use Element. In addition to those, they suggested that the City create downtown urban design guidelines by July 2008.

Basically these urban design guidelines would regulate the mass of the buildings - not just height - but also the setbacks in relationship of the buildings to parks and open spaces and the streets, windows, etc. Things that would enhance the downtown environment. There is also a policy that the City will coordinate with the FPRA, Main Street Fort Pierce, and the Lincoln Par Main Street. The City will provide a downtown parking garage. She hears that plans are already underway for a new parking garage near City Hall. Also, there is a policy to create a downtown parking management plan by January 2008. The parking management plan would include strategies for signage, wayfindings, and shared parking facilities in order to efficiently bring employees and visitors to the downtown area.

Mayor Benton asked do they have anything that picks out an area specifically and defines it as the court system area? They have an area downtown they are looking to expand the

court system and he thinks they should define that area, because he thinks they are going to be looking at the ability to go higher than existing heights they have now. He didn't see anything in there, but he thinks it would be very important for the future because they are looking to move across U.S. #1 possibly. He doesn't know what the rest of the Commissioners think, but he wants to keep that door open, he doesn't want to change anything in the Comp Plan later on.

Commissioner Becht said he thinks they can do everything they need to do through LDR's and perhaps it would be strengthened. But he likes the concept.

Ms. Tappen said they could add a policy to this transmittal draft which calls for development of a court system overlay district or even possibly they could reduce it to a feasibility study of a court system overlay district.

(Assistant City Attorney Karen Emerson arrived at the meeting at 12:45 p.m.)

Mayor Benton said he would just like to define one, because they are looking to expanding their existing court system. They have the federal courthouse coming across the street. They are looking to expand. They are having a charrette early on next year. They are looking across U.S. #1 where the courthouse is going, but also moving to 7th Street and Avenue D. He thinks they should define that area and that way they have something to fall back on if they have to.

Ms. Tappen said she thinks the best option would be to include it as a special area plan for a court system area. And then what they can do is, she can get from staff some basic boundaries of that area - from this street, to this street, to this street - and they can put that in as a policy.

Mayor Benton asked does everyone agree?

Commissioner Becht said he needs to think through that. At first blush, he likes the idea. But his concern is when he draws a line, on one side of it he encourages the judicial building or expansion; and on the other side, he makes it more difficult. He would have to think through that.

Mr. Margotta said he would recommend they not put it into a map form in this document. Policy-wise, if it is something they are interested in, lets go through the effort of finding where they want this. But if they draw a map in this Comprehensive Plan, much like the Future Land Use Map or something like that, they are kind of forming that very well in people's minds that that is where it is going to go. But if they go through a feasibility study or something else, they might find that it needs to go somewhere else; and now they are into Comp Plan amendments. As a policy, if they want to accomplish something like that, lets keep it at that level.

Mayor Benton asked is he saying maybe it should be done through the community redevelopment action plan maybe? That might be the route to go to find an area.

Mr. Margotta said implementing-wise. But as a Comp Plan, he thinks it better serves them as a policy statement text-wise that they want to identify a court system overlay district or conduct a special area management plan for the court system. Something along that line as a statement would be worthwhile.

Commissioner Becht said his concerns are map driven. Like the Mayor and Commissioner Nelson, he wants to do everything they can possibly to keep all judicial functions, at least a branch of those judicial functions, in Fort Pierce proper. But to define the area starts to cause him concern, because they might want to put some judicial function out on Avenue D. And if they have drawn a map, that might be a problem for them. At first blush, he likes the idea.

Mayor Benton said he wants to think about it. Commissioner Becht is a land use attorney and he is the expert. But to him, what he is trying to do is send a message to the County that their intent is to keep the majority of the court system here and they are willing to go to whatever extreme they have to in order to keep it here and this is the area they would like to concentrate it in.

Commissioner Becht said he would like for staff to report back to them on how that furthers that goal. He likes the goal, he just is not sure what they can do in the Comp Plan to further that goal.

Mayor Benton said he doesn't want to tie things up, he just wanted to bring it up. Because they do have a space needs group getting ready to meet in January and he would like come to the table with a defined area that they can do business.

Commissioner Becht said he had a further question on this particular section, Policy 1.7.3(3). And he thinks they dealt with it elsewhere in parks and open spaces. But the policy says they study opportunities for creation and enhancement of public open spaces, small community centers, amphitheaters, improved public access to waterfront. First off, he thinks grammatically she needs to put the word "and" in there somewhere. He is on Page 1-58. He would like to strengthen that. What she has is a generic, study opportunities. He doesn't know how they can strengthen that. He is constantly yelling about open spaces and he doesn't want to study them anymore, he wants to create them and he wants to maintain them.

Mayor Benton said he would agree.

Ms. Tappen said this came from the CRA plan - Goals, Objectives, and Policies.

Commissioner Becht said they could put a time line in there for Mr. Margotta because he loves time lines. They could have a time line for LDR's, for creation enhancement, maintenance, and the rest of her language. And that would be a time line that he would let Mr. Margotta have first stab at. What date would he like to have in there? And 2020 won't be good.

Mr. Margotta said after they go through an LDR change and assuming there is some sort of a zoning map change in there, they probably should be identifying some properties. A couple of things that go along with that is a land acquisition program and the programmatic side of running parks. That would be something that is probably past 2010 at least. To do the planning itself can happen certainly before 2010. But he believes to start implementing things and to acquire the property and so on, they are looking at 2010 plus. They are setting something up that is subject to impact fees.

Commissioner Becht said let him give him the words. The words he would like to have: Plan and implement the creation and enhancement of public open spaces, small community centers, amphitheaters, and improve public access to the waterfront with those LDR's to be adopted by...

Mr. Margotta said that could be part of their LDR update now.

Commissioner Becht said he didn't think it was going to take beyond 2010.

Mr. Margotta said he is thinking of the programmatic side of getting that thing going.

Commissioner Becht said he is on a smaller step than he is, just the first step getting the LDR's.

Mr. Margotta said that could be incorporated in the LDR update that they plan to accomplish by 2007.

Commissioner Becht said he will give him until June 2008.

Commissioner Nelson said all right.

Commissioner Becht said he just wants someone moving on it so they can grab that public space where they can.

Ms. Tappen said she wanted to make a note that really these kind of facilities typically aren't regulated in the LDR's. But also in the parks and recreation element, they have a parks master plan which could include a special CRA focus.

Commissioner Becht said she hasn't been here during all the meetings. What he is wanting to do, public open spaces. What he really wants is the public access to waterfront. And that could be done without actually acquiring it. They can acquire it through the developmental process where someone comes in for a certain type of development and incident to that development are required to give them public access to waterfront. That is not going to take buying land, it is incident to the development. They have had discussions at workshops, they had discussions during several developments that have come through, including Mr. Bernstein's, who he doesn't think he is here today, but he is represented here today. He is not picking on his development, he has had discussion with Ashton de Peyster and other folks that have waterfront property about it. He wants public access to waterfront and he doesn't think he is alone with that.

Commissioner Becht said he would like for the LDR's to be put in place where the developer knows what is expected of him at the time he files his permitting. Is 2008 reasonable?

Mr. Margotta said he is already on record for updating their LDR's by 2007. That kind of language and subjects can be part of that whole process and he doesn't see any reason why they wouldn't make it part of that process, if that is what they would like.

Commissioner Becht said lets find out if he is alone.

Mayor Benton said he is not alone, he agrees 100%.

Commissioner Nelson said yes.

Mr. Margotta said please re-look at this when they talk about parks and recreation later on as far as developing a park and recreation open space type of plan. There is a subplanning effort there.

Commissioner Becht said he sees it incident to that, but it is not the same thing. The public access to waterfront would actually be across private property and it would connect in length through the linear system of walkways, pedestrian ways, bike ways, public areas. But the public access to waterfront would be semi-public and semi-private.

Ms. Tappen said the City is extremely interested in neighborhood planning. Currently the City has the neighborhood enhancement action team which incorporates Planning, Solid Waste, Engineering, the Police, and other departments, and they will be in charge of conducting special area plans which was suggested by the neighborhood and districts plan.

Commissioner Becht said he knows he is driving her crazy; and as she gets into other parts of this, he focused on those things that were interesting to him, and he is sure Commissioner Nelson will drive her crazy on the other ones. Policy 1.7.6, and maybe this is dealt with, but he didn't see it really hammered on in her transportation element. It says the City will continue its efforts to provide downtown parking garages that will support

commerce within the downtown region. Where, if at all, does she emphasize the need to coordinate parking garages with public transportation?

Ms. Tappen said she is not sure if they have that.

Commissioner Becht asked is there any tie-in to coordinate the public transportation?

Ms. Lisa Colmenares, Director of Transportation Planning with Calvin, Giordano & Associates, Inc., said what they have is transportation demand management strategies. What that does, that ties all the modes of transportation including parking, pedestrian, bicycle, all the modes of transportation, but they call it transportation demand management strategies.

Commissioner Becht said that would include coordinating public transportation with parking garages.

Ms. Colmenares said public transportation is included, yes.

Ms. Tappen said in the Future Land Use Element they have included criteria for the special area plans to include public participation, an inventory of the land uses and public facilities, in the neighborhood or district goals, objectives, and policies for economic development and public safety, and capital improvements for that particular neighborhood or district. Some of the areas the City suggested that are in need of a special area plan are Avenue D, Downtown, Edgartown, River's Edge, South Beach, and Lincoln Park. They might consider, they can still leave South Beach on there, she guesses they will have to think about that one. Is that appropriate to keep in at this point?

Mayor Benton said once they adopt the overlay he thinks it covers that area.

Commissioner Becht said it says South Beach District and that is fine by him. It doesn't specifically reference the South Beach Overlay, which is what gives him a little heartburn today.

Ms. Tappen said the City is extremely active in historic preservation. The City keeps an inventory of nearly 1,000 historic and archaeological sites and has about a dozen sites on the National Register of Historic Places. The policies include maintain the inventory of historic sites, encourage renovation and adaptive reuse, provide grants and promote maintenance of historic sites, require that new construction in historic areas fit the vernacular architecture of the district or neighborhood, or if it doesn't fit the vernacular architecture, ensure that it is at least compatible, and promote awareness of historic preservation through the schools, the Chamber of Commerce, and any advertising for attracting tourists to Fort Pierce. Another note about the Future Land Use element, it was brought to her attention earlier that there was a suggestion at the Planning Board meeting that they add a policy from the original Future Land Use element regarding the Port of Fort Pierce Master Plan. She had added it as Policy 1.17.7 and that policy reads: The City should encourage efficient and effective use of the Port of Fort Pierce which should be developed according to a well thought Master Plan. And from the Planning Board meeting it was suggested that policy be added, yet modified to read: The City should encourage efficient and effective use of the Port of Fort Pierce consistent with the Port of Fort Pierce Master Plan. Either way, she thinks it is fine as an addition to the Future Land Use Element. She will turn to Ms. Colmenares.

Ms. Colmenares said moving on to the Transportation Element. All local governments are required by the Florida Administration Code and Florida Statutes to prepare and adopt a transportation element which is consistent with the rules in the statutory requirements. The City of Fort Pierce Transportation Element plans for a safe, efficient, and coordinated multimodal transportation system which is coordinated with the St. Lucie County

transportation element. St. Lucie MPO's long-range transportation plan, and FDOT's plans. In other words, they coordinate with the County and all the interstate facilities. The Transportation Element is basically divided in two main sections as per the Florida Administrative Code requirements. They have the Data, Inventory, and Analysis report and the Goals, Objectives, and Policies which set the overall guidelines for transportation planning. The Data, Inventory, and Analysis section has the existing transportation system and transportation needs analysis which includes the existing level of service, the relationships between the land use and the transportation system, and an analysis of the planned capital improvements as it pertains to the transportation network. The System 2030 and the Future Transportation Needs Analysis is consistent with MPO's analysis for the Future 2030 and the forecast for MPO's network and an assessment of the future needs for the City and the future growth areas. Included with in the plan they also have the public transportation system. They have fixed route buses throughout the City. They have a total of three routes and a pretty good coverage within the system, which they will look at a map. They have demand response services, which is a paratransit or on-call transit services for transportation disadvantaged or non-fixed route services, and they have trolley systems or expansion circulative services. The transit level of service is measured by based on headways and services which is based on the frequency of the service available during an hour, which is basically how many times the bus arrives at a specific bus stop. And basically right now, it is at a Level of Service D. They also have a different measure, which is Level of Service E, which is based on how many hours they have the service operating within the City during the daytime. Right now they have it operating 11 hours during the day. On this map they can see the coverage within the City which is the dark yellow and they can see for the three routes. The main route is the yellow one that goes along U.S. #1. They also have Route 2 which goes along Okeechobee Road and Orange Avenue. And they also have a third route which goes on the north end of the City and also goes to the expansion area planned for the City, the northern area. They have reasonably good service along the major routes and arterials throughout the City of Fort Pierce. They also have the bicycle and pedestrian facilities map, which they also have to make sure that they have a safe and interconnected sidewalk and bike bath near the school areas which are major generators and also the hospitals and also main shopping centers. Areas of main pedestrian and traffic areas, they want to have pedestrian connectivity and bicycle connectivity. They have been looking at that and also looking at what MPO and FDOT are looking at. They have a pretty good network system in the downtown area. Fort Pierce has been very good at interconnecting the pedestrian system within the downtown area. Here they have the existing port, rail, and clear air zones - they can see the port facilities, the railroad facilities areas, and the protection areas created surrounding the airport. All these areas where they meet at I-95 actually form a triangle. They are not in close proximity of each other, but they have a potential growth in the area and they would need to look at this and possibly plan for in the next Comprehensive Plan. The next slide depicts the existing SIS (Strategic Intermodal System) facilities in St. Lucie County. They have the different truck corridors. And the main designated ones right now are the Florida Turnpike and I-95 and an emerging one is State Road 70, which has a significant amount of truck traffic on there already. They have the Florida East Coast Railroad. They have on the west side of St. Lucie County the South Central Florida Express Railroad. That is not a designated one but it is an emerging one. Their waterways which serve their goods is the Atlantic Intracoastal Waterway, which is designated. The next map shows the existing levels of service. The major deficiencies identified in the plan are along U.S. #1, south of the downtown area to almost U.S. #1. Currently there are studies underway between 25th Street and U.S. #1 and Midway Road, which is another deficient road, and the design project with anticipated construction for Midway Road from the Turnpike to 25th Street. On U.S. #1 there is a study being done by the FDOT. Other committed roadway projects are Jenkins Road, Kings Highway, and the widening of I-95, and Midway Road as well, which are included in MPO's plan. There are also other ways which are not roadway widenings which would make the system more efficient. They are constrained due to right-of-way or environmental concerns and that is why they do congestion management corridors. And they have creative ideas and means to improve their levels of service on those roads - U.S.

#1, Oleander Avenue, State Road A-1-A, Virginia Avenue, 25th Street, and 13th Street - like signal improvements, operational improvements, transit improvements, pedestrian improvements, bicycle improvements. And these are all included in MPO's and FDOT's plans and they have also incorporated them into the Transportation Element.

Commissioner Becht said he was fortunate enough to ask Stefan Matthes with Culpepper and Terpening to review the transportation element. She has a list of roads here on the designated congestion management corridors. As he looks at her maps, a thought occurred to him that she is missing Jenkins Road on the list. And Jenkins Road has a distinct possibility of becoming a major north/south artery from at least Midway Road to maybe connecting with Kings Highway. He for one would like to add Jenkins Road to the list. The other one he would like to discuss is St. Lucie Boulevard or Airport Road, which has a distinct possibility and should be developed as a major east/west corridor connecting I-95 and the Turnpike to their airport, which they call an International Airport but does not have a direct link to I-95. At least in their Comp Plan he would like to articulate their desire that the airport that will eventually be annexed into the City have a direct link to I-95. And also he would like to get as much attention focused on Jenkins Road as they can. They are already annexing properties on Jenkins Road and inheriting problems that are going to come about with Jenkins Road. He would like to add those two roads to the list.

Mayor Benton said he would agree. And he would also like to add another one that wasn't addressed here. The area on Okeechobee Road between Jenkins Road and the Florida Turnpike is one of the most congested areas in the four county area. He thinks there are plans of doing some work on that road, but he believes that is the worst level.

Commissioner Nelson said it is in the SIS program however and it is being addressed now.

Mayor Benton said but he thinks it should be officially on that list, as well as Jenkins Road.

Commissioner Nelson said he agrees. What about Kings Highway?

Commissioner Becht said Kings Highway, he is happy to let the County push that one because they are pushing that one, and they are going to need the City's help in pushing that one. He is less worried about Kings Highway getting improved than he is St. Lucie Boulevard. Because the County is going to take care of Kings Highway.

Mayor Benton said he agrees.

Commissioner Becht said Commissioner Nelson sits on the MPO. Is there any plan to do anything to connect the airport to I-95?

Commissioner Nelson said yes.

Commissioner Becht asked in his lifetime?

Commissioner Nelson said yes, he thinks so. He is not going to die pretty soon though.

Mayor Benton said he was going to address St. Lucie Boulevard and Airport Road in the future land use objective there also.

Commissioner Becht said so Jenkins Road, please add it. Airport Road, add it. And Okeechobee Road between what sections?

Mayor Benton said Jenkins Road to the Florida Turnpike.

Commissioner Becht asked should they extend west of the Turnpike?

Mayor Benton said probably could, but most everybody is getting on or off the Turnpike or I-95. But in the future it could be the main route across the State of Florida, or Okeechobee anyway.

Commissioner Becht said then say just to the Turnpike. If Commissioner Nelson feels it helps him on the MPO to have Kings Highway on this list, then he has no problem with adding it.

Commissioner Nelson said he thinks it would. He thinks it would show some degree of concern the City has and some cooperative spirit working with the Research Park and that is going on in that area.

Commissioner Becht said so be it. Add it.

Mayor Benton said he agrees.

Ms. Colmenares said she thinks them for their comments. She believes that on the next slide she was going to show that King's Highway was included for the future, not priority 1, but priority 2, 3, and 4. But if it is the desire of the Commission to move it forward and have it as a more immediate need, they could most certainly look at that and have it a more immediate need, because they do have Kings Highway but more in the future.

Mayor Benton said in unity with the County, he thinks it would be the right thing to do.

Ms. Colmenares said that would be very appropriate since the idea is to work with the other agencies and with staff on all these roadway projects. The next slide depicts all the projected levels of service. The best is Level of Service A, and the worst would be Level of Service F, which is total gridlock. The main concerns were U.S. #1 and Midway Road and Kings Highway, which is consistent with the comments they just had. And they will continue to work with City staff and the agencies to address these levels of service.

Commissioner Becht said level of service standards, he asked Stefan Matthes to look at that. He suggested that he ask her about the methodology for level of service standards. The annual average daily traffic count as distinguished from PM count, because he thinks they are shifting them to or keeping them on the PM hour count. Let him just get all of it out. He would like to know why they are choosing one or the other? And can they use both? What is the downside using both? So that if it fails on either methodology, that any development on that road will now have to bring it up so that it is not failing. The other thing he discussed with Mr. Matthes was on the minor and major arterial roads. Currently they are set for a Level of Service D. There was some discussion between them that they might want considering lowering that, particularly if they are going with a methodology of the PM peak hour. Because if they use the PM peak hour, they could be spending not millions but billions of dollars to four-lane roads for a two hour, four day a week problem. He would like her comments on that and Mr. Margotta's as well.

Ms. Colmenares said basically most municipalities use the PM peak hour level of service in their Comp Plan, just the PM peak hour, because they generally design for the highest hour of demand which is the PM peak hour of service which is the highest hour of demand and they design all their facilities for the PM peak hour. That is why they have it consistent with their Comp Plan in the Transportation Element for the PM peak hour. And this is the way they also look at concurrency for transportation for the PM peak hour. However, if they choose to have both methodologies, they will look at their daily traffic and then they would look at their PM peak hour traffic. But it has to be consistent with the way they measure their concurrency and the way they measure also their transportation PM peak hour.

Commissioner Becht asked what is the downside from her perspective as a planner on using both methodologies?

Ms. Colmenares said she doesn't think it would be a problem, but they would still have their PM peak hour.

Commissioner Becht said he is saying, lets use it and the other. And if the traffic report they get for that particular development shows the impact causes the road to slide into a failing condition, then under either methodology they then have to address the concern that is created by that development. It seems to him that is a better way of making sure that the development pays for its real impacts.

Ms. Colmenares said if it is the desire of the Commission to have both the daily traffic as well and the PM peak hour traffic, that would be appropriate. Some municipalities use the AM peak hour and the PM peak hour. They use both, they use two methodologies. They use AM peak hour trips and the PM peak hour trips. And they could use the daily trips and also use the PM peak hour trips.

Commissioner Becht said he is looking for recommendations from staff on what they think best strengthens the City to make sure the developers and developments actually pay for the real impact on the community. And they don't slide under the bar, so to speak, because they are using a methodology that is more lax on that particular development.

Mr. Margotta said the PM peak hour to him is certainly seems to be planning for peak situations, and they are planning for higher intensity use of the streets and so on. But if they plan for PM peak hour, they are going to plan for AADT (Average Annual Daily Traffic). He has never heard of a situation where the AADT exceeds the PM peak hour. What he would caution them to look at is, that it is consistent data, and if they have the correct base line data for the concurrency management system which they are going to find out about later. He would prefer them to stick with PM peak hour.

Commissioner Becht asked what about sliding the standard for minor and majors down a notch, from D to E. How does he feel about that?

Mr. Margotta said this would be the first community that he has worked in where E was a acceptable standard. It has a big effect on certainly the number of lanes, the amount of facilities.

Commissioner Becht said he is not for inferior development. He just doesn't want an unnecessary or unforeseen consequence that they put the bar too high. And what Mr. Margotta is telling him is that D is not too high.

Mr. Margotta said just from his experience of moving around in Fort Pierce and not having any data in front him to really support that, he thinks a lot of their road system actually works very well. Where it fails, it fails big time. And to say D, that would be bringing it up to where it probably needs to be. To plan for E, yes it costs less, it costs less to the developer, but...

Commissioner Becht said he is okay then. Fine, lets leave it be where it is.

Ms. Colmenares said there are many signal system and operation improvements to the entire network. System improvements, transit improvements like they have premium transit suggested along U.S. #1 as an express service which connects the different municipalities within the county. They also have bicycle and pedestrian improvements added to the roadway, different types of improvements they will see. In the future transit needs, they have a reduction of the peak hour headway so they have more frequent buses come into their transit stops. Expanding weekend and evening services on all routes so they will have more coverage during the day. Multimodal transportation hubs, fixed route service on Midway Road and Glades Cut-off Road, premium transit services along U.S. #1, the

creation of a Regional Transportation Authority, and commuter/van pool program. On the future bicycle and pedestrian projects - for example on Midway Road, Angle Road, Jenkins Road, U.S. #1, Kings Highway, Selvitz Road - they have bike and pedestrian improvements also included on these roadway segments. And some of them are just bike and pedestrian projects like on 25th Street, Virginia Avenue, Delaware Avenue, Indian River Drive, Okeechobee Road, Orange Avenue. The second portion of the presentation deals with the Goals, Objectives, and Policies of the Comprehensive Plan Transportation Element. One of the goals is that the City will provide a multimodal transportation system to all residents within the City limits to provide a safe, convenient, and efficient method of mobility of people and goods. The adopted level of service standards they have right now are during the PM peak hour. And for all roads they have a Level of Service D for State, County and City roads. Some of the policy to support this goal are the intergovernmental coordination, capital improvements on the transportation network, a concurrency management system which has already been created, and the transportation system will have to support their established levels of service in their transportation element, and interconnected system within their areas of expansion. Ms. Tappen will touch later upon the concurrency management element. Another policy would be to evaluate their future land use patterns to maintain the required transportation requirements concurrent with future development needs. Some of this which is very important is their transportation demand management strategies within their downtown areas, also within their planned unit developments, and making sure they have a interconnected pedestrian system that the transit connects with their parking areas and all those different things, they have shared parking agreements, they have shared parking areas and things like that. Consistency with land use changes and coordination with future land use element. They also have the objective to support the preservation of the historic districts. In other words, this would be to protect the historic district with multimodal and creative ideas for pedestrian/bicycle networks and urban design elements for amenities that support transportation that have the history of the City of Fort Pierce within them. They also have the maintenance of the existing transportation system, the improvement of the regional access to the City of Fort Pierce, and provide a secure transportation system for residents, businesses, and visitors within the roads that comprise the strategic intermodal system. This one is a very important one and it is to plan for the future. So the City shall provide a right-of-way plan consistent with its future land use element and the future needs of the City. Provide a right-of-way plan for the different types of roads to preserve it. So when a developer comes in, they would have the right-of-way requirements to plan for the future. The last objective she will talk about is to maintain a safe and efficient transportation system to access and use the port routes and ensure the capacity on the roadways within the system of the port area, to maintain all the levels of service on the roadways within and surrounding the port, and monitor all the truck growth within the port transportation network and monitor future development impact on the port access.

Mayor Benton said that is the one he has an issue with. As far as Policy 2.2.2, Page 2-70, somehow they need to incorporate there that any trucks going in and out of the port go and come through St. Lucie Boulevard, they head north instead of driving through Fort Pierce. They have had a problem with that in the past when the port was mainly citrus. People used to stop by their homes with their trucks and the trucks would tie up the roads. When they are dealing with containers, or they heard an application for a rock use at the port last week, hundreds of trucks can't drive through U.S. #1 and downtown Fort Pierce. They need to leave to the north and hit either I-95 or something if they are leaving the area. But they don't need those trucks on local roads and he thinks that language needs to be in there.

City Manager Beach asked on that subject, was the egress and ingress addressed relating to the port in this Comp Plan? There was an U.S. #1 flyover that was designed maybe eight or ten years ago that takes or puts a direct route off U.S. #1 into the port. He does not see that in the map system or in the discussion here. Was that part of the...?

Ms. Colmenares said they basically looked at the most recent plans and what was in MPO's and FDOT's plans. But they would certainly be glad to look at that plan and incorporate it into the final.

City Manager Beach said that is an important element of this and it should be in there.

Mayor Benton said that is where he was aiming with this, because that was the intent years ago was a flyover heading north to Airport Road or St. Lucie Boulevard, which would encompass the airport industrial uses and get them right out to I-95 or Kings Highway. He would also ask that they address that in Policy 2.10.2 on Page 274, to monitor truck growth within the port. And also when it comes to rail traffic in the port area, anything coming and going should go to the north. Right now they are climbing through trains downtown that are parked because the railroad has a yard down to the south. But any expansion of rail service because of activity in the port could really tie up downtown and basically draw everything to a standstill. So he thinks they need to address that. Because as it is now, it only takes four or five cars out here on Orange Avenue or Avenue A, which happens several times a day and it draws downtown to standstill. It happens at lunch time and it happens at 4:00 and 5:00 o'clock. They have to deal with those peak hours. He knows that was one of the issues why they didn't want that coal power plant, because of the amount of coal that could be brought through and the train traffic. Somehow if they can address that as a concern, he would appreciate it. Would everyone agree?

Commissioner Becht said yes, he would like to emphasize the flyover and add that they are going to monitor the rail traffic at the port.

Commissioner Nelson said he would agree. He questions whether or not this includes traffic signals. They have a dire need for some of those at strategic locations.

Commissioner Becht said he thinks at a policy level, they are just talking about stating a preference in a policy that they want to monitor the truck traffic, they want to monitor the rail traffic; and they want to emphasize as a general policy consideration that they would like to have the flyover built as soon as reasonably possible. He thinks to do more than that in the Comp Plan... He thinks the place to actually talk about the signalization would be in LDR's or in actual plans when they have the data in.

Commissioner Nelson said he doesn't know where it goes. It is just something that they talk about a flyover; and of course, that might in some instances substitute for a traffic signal. When they think about one, they should think about the other.

Mayor Benton said it might even have language that with any kind of expansion to the services provided by the port, they should require this flyover to be done. Because any expansions, they are going to tie up traffic downtown.

Commissioner Becht said he is kind of uncomfortable mandating that in the Comp Plan. They can do that incident to any development order.

Mr. Margotta said if that is a capital improvement the City wants to see, then that would be appropriate for an impact fee contribution. But that is a fairly large expense and takes a lot more planning. Specifically to say a flyover. What they are really getting at is some sort of direct connection to the north. And he doesn't know whether that gets accomplished through a flyover, he can't necessarily imagine anything else. But as a general policy, they are trying to direct the traffic going from the port heads out of the City downtown area. That is what it sounds like to him. That would be a policy that he thinks would be appropriate to stay there.

Commissioner Becht said well said.

Mayor Benton said maybe is should just say any type of significant increase in port activity. He is not trying to promote port activity, but who knows down the road 10 years from now. But he thinks a flyover is very important to whatever happens over there because of truck traffic. They have dealt with the truck traffic in the last couple of years rebuilding Fort Pierce after the two hurricanes and they know what it is like.

Commissioner Becht asked could she take him to the stated goal that it has the City of Fort Pierce expressing an interest in encouraging use of public transportation by its citizens? Because he couldn't find it. He doesn't know if they are going to have three of them up here that is going to want that. But what he is looking for is a somewhat clear statement that says the City of Fort Pierce is interested in encouraging citizen use of public transportation. And if they can get that statement in the Comprehensive Plan, then eventually they can do stuff through the LDR's that will support that. But he doesn't think she has that clear of a statement in the Comp Plan. But if Commissioner Nelson doesn't like that idea, then she doesn't need to look for it.

Commissioner Nelson said he thinks it is a good idea, he thinks they should have that.

Ms. Tappen said if they don't have that explicitly, then they can add it.

Ms. Colmenares said they don't have that explicitly that a resident... Does he want it to require a specific route?

Commissioner Becht said no. All he is looking for is, in the Comp Plan that it is the policy of the City of Fort Pierce to encourage its citizens and its land development regulations to encourage or assist citizen use of public transportation. That is all he is looking for. Because then they could add teeth to it through the LDR's. Is the Mayor in accord with that? What he is looking for is a clear statement that they are going to encourage public transportation.

Mayor Benton said he would agree.

Ms. Colmenares said the goal says promote multimodal transportation system. But they could add a policy to promote public transit.

Commissioner Becht said that is what he is looking for.

Mayor Benton said they are trying to fill their trolley up.

Commissioner Becht said it is that, and it is for getting fewer cars downtown, and doing the multimodal thing they are talking about.

Ms. Colmenares said okay.

Mr. Patrick Figurella, Engineer and Project Manager with Calvin, Giordano, and Associates, Inc., said he is going to be presenting the Infrastructure Element this afternoon. The Infrastructure Element consists of the sanitary sewer, the solid waste, drainage, potable water, natural groundwater aquifer recharge, a look at the long term water supply and level of service standards, and of course goals, objectives and policies. The sanitary sewer system serves 63 square miles. The service is provided by Fort Pierce Utilities Authority. Sewage is treated at the island water reclamation facility which was constructed in 1956; and it was expanded twice, in 1982 and 1984. It has a maximum permitted daily flow of 14.92 mgd (million gallons per day). It has sufficient capacity to last the extent of its useful life and determination of treatment process that utilizes deep well injection to dispose of treated effluent. One of the issues that the FPUA has to deal with historically is infiltration and inflow (I&I) is an ongoing maintenance issue, although recently FPUA has undergone a process to radically reduce that and they have completed that and are now

just maintaining more on a maintenance level. FPUA does plan to construct a new mainland water reclamation facility within the next 20 years. So at the end of life for the island water reclamation facility, they will construct a new one on the mainland and close down the one on the island.

Mayor Benton said for the record, that facility on the mainland that FPUA has set a goal of last year it was 10 years to close that plant and relocate it. So whether they make that... Hopefully they will get some grant money. But it is still their goal, to remove that facility from the island. And now it is nine years. He just wanted to make sure they cleared that up, that their goal is to move it before 2025.

City Manager Beach asked is that a stated policy in the Comp Plan?
Mayor Benton said he read it somewhere, he couldn't tell him where.

Mr. Figurella said in the body of the evaluation in Fort Pierce Utilities Authority's Master Plan they have stated to them they intend to construct a new mainland water reclamation facility and decommission the island water reclamation facility within the next 10 to 20 years.

City Manager Beach asked is he saying within the next 10 to 20?

Mr. Figurella said that was the statement from FPUA, yes.

Mayor Benton said he is jumping way ahead because they are talking infrastructure, but where he found that was on Page 5-16 where it specifically said FPUA forecasts decommissioning date of the plant on South Hutchinson Island in the year 2025, this projection is based on the useful life of the plant. He just wanted to make sure it was reflected in there as 2015 should be the date.

Ms. Tappen asked is he looking at the Coastal Management Element there or the Infrastructure Element?

Mayor Benton said it could be Coastal Management. It should be in both. He just wanted to make sure.

Ms. Tappen said it says FPUA forecasts a decommissioning date of the plant on South Hutchinson Island in the year 2025.

Mayor Benton said that should be 2015. They are not going to get additional time.

Mr. Figurella said they shall strike the 20 year portion from that statement. This is a map of the sanitary sewer collection system. The water reclamation facility is shown on the map as well as the force mains and gravity mains that feed it. That is a map of the island water reclamation facility. They can see the various and sundry at least a visual representation of the treatment processes which they will not need to get into unless they really want to. In terms of solid waste, solid waste is currently taken to the St. Lucie County bailing and recycling facility on Glades Cut-Off Road.

City Manager Beach said he is not sure where in the document they should include it; but what does it say about water reuse, about gray water? Is that addressed somewhere in that document?

Mr. Figurella said that is in fact in the potable water portion. After potable water and natural ground water and aquifer recharge. In terms of long term water supply, the South Florida Water Management District's Upper East Coast Water Supply Plan identifies a couple of alternative water supply sources. One of them is desalinization of brackish groundwater and the other one is use of reclaimed water for irrigation and other non-potable uses.

City Manager Beach asked do they have a statement in policy in the Comp Plan that will be a policy of the City?

Mr. Figurella said he is not sure if reuse is in fact stated as a policy because it is very capital intensive. No infrastructure exists at for it at the moment. When the new water reclamation facility is constructed, new essentially parallel water mains would have to be constructed going to either industrial process or irrigation type uses, which can be done and they can include it as a policy.

City Manager Beach said his understanding is, that is the current intent of the Fort Pierce Utilities Authority and the community in compliance with South Florida Water Management District request that they design a gray water distribution system as part of the expansion of the utility.

Commissioner Becht said that is certainly his intent. He appreciates him pointing out the capital costs of making such a system viable. But the information he has is that the capital cost of making that viable is probably less than the cost of creating additional potable water that is currently being used for irrigation purposes when gray reclaimed water can do the same thing. So they increase the life span of their existing potable water resources by spending the money now to lay the pipe to use reclaimed water where they can. It extends the useful life of all the potable water resources they have if they just have the wisdom to try and start to lay pipe now.

Mr. Figurella said he thinks the way to do that is modify Policy 3.14.2, which says: In order to protect and conserve the Floridan Aquifer, the City and FPUA shall investigate utilization of alternate potable water sources to supplement and broaden its future water supply sources. These potential sources could include aquifer storage and recovery wells, desalinization, capture and storage of excess stormwater currently lost to tide, and other technologies... They need to explicitly write - reuse for irrigation - in this policy.

Commissioner Becht said that is going to make this fly a little faster through SFWMD when they look at it, he can promise that.

Commissioner Nelson asked would that cover both gray water and treated wastewater. There is a distinction between the two.

Mr. Figurella said they use treated wastewater, whereas gray water is non-treated wastewater from a non-sewage source.

Commissioner Nelson asked the gray water primarily is coming out of their washing machine, things of this nature?

Mr. Figurella said right. The only way to capture it would be if they were to have a new industrial generator of water, because they would have to replumb a house in order to... A house would have to be designed in a different way to have a separate gray water and black water outlet; and then they would have to have a separate collection system for gray water which...

Commissioner Nelson said what he is trying to get at is whether or not their policy is going to be such that they are looking forward to the day when they can use both to maximize a potential for using the water that is treated coming out of the toilet versus the water that is treated coming out of the washing machine. One is gray and the one is treated.

Mr. Figurella said it would possible in buildings that have been designed for the green code. It would have to be a new building per the green building codes that have an actual gray

water collection system. It could be put in the policy. But it would have to be a new developed area and it would have to coincide with the green building codes.

Commissioner Nelson said he indicated that it would be fairly costly and he is prone to agree with him. But they have two major developments right now in their City - one is Harbour Isle and the other is Ocean Village or South Pointe in that area - that facilities of that type might be interested in it because it would reduce the cost of operating those type facilities. If they had a policy that could create an environment that would make it happen, despite the fact they are going to have that exorbitant cost and it is a fairly nice piece of change to do it.

Commissioner Becht said he doesn't have a problem to adding it to that string of things they are going to encourage. And they will figure out how to make it happen at the right time. It is an ambitious goal, but this is where they are stating their goals.

Commissioner Nelson said that is good enough for him.

Mayor Benton said the reason it hasn't been done at Harbour Isle is the expense, the developer didn't want to pay for it.

Mr. Figurella said some national park service projects feature gray water recovery, especially in their more remote locations.

City Manager Beach said he may be showing his technical lack of keeping up with what is going on, but gray water is typically that effluent that comes from the wastewater treatment facilities after it goes through the treatment process. It is actually very high quality water and that is what is used for irrigation purposes.

Commissioner Becht said they got two different definitions.

City Manager Beach said he hears the two different definitions. What he is saying is that his understanding of it has always been... In fact, the Utilities Authority is designing this process into their new wastewater treatment facility as part of the power plant development out there. They are going to be providing gray water to the power plant for cooling purposes. These are technical issues that he thinks are manageable, this discussion needs to take place in the Comp Plan, and he thinks South Florida Water Management District can give them more professional guidance on this.

Mayor Benton said the unfortunate thing - and he learned this from the Utilities Authority - he thought once that water cooled the power plant that they could water yards with it, but they can't. That is why they are building the deep water injection well. So he doesn't know how much water from those power plants out there in that wastewater plant will be used for watering grass. Unfortunately he doesn't know what it is going to touch in that power plant, but for some reason they can't use it for both.

Mr. Figurella said it picks up a lot of metals leaching directly out of the pipes that it is running in.

Mayor Benton said he is used to nuclear where that doesn't happen.

Mr. Figurella said so they shall amend Policy 3.14.2 to specifically include reuse water and perhaps they should add in gray water where technically feasible.

Mayor Benton said he would agree to that language.

Commissioner Becht said yes.

Commissioner Nelson said yes.

Mr. Figurella said if they were to get a gray water system in, there would be a lot of interest in it throughout the country because there just aren't that many of them yet. He believes they were at solid waste. Solid waste is taken to the St. Lucie County Bailing and Recycling Facility on Glades Cutoff Road. Residential collection exceeds 24,000 tons annually from 12,000 residences. Commercial collection exceeds 17,000 tons annually from 1,340 customers. Recycling is currently provided under contract by Waste Pro. And at this time the landfill has sufficient capacity until 2044 for Class 1 solid waste and 2020 for construction and demolition debris, assuming 50% recycling rates. That information was provided by Solid Waste. That is irrespective of the new incinerator. He should say pre-incinerator.

Mayor Benton said and the proposed power plant possibly.

Mr. Figurella said the drainage system, outfalls are provided by Moore's Creek, Taylor Creek, Five Mile Creek, and of course the Indian River Lagoon. The City can be broken down into seven drainage basins; and those are the Moore's Creek Canal Basin which drains through Moore's Creek, Avenue Q and N 12th Street drainage basin which drains through Taylor Creek, the Georgia Avenue/Peterson Road Canal basin which drains into Five Mile Creek, Virginia Avenue Canal Basin west which also drains into Five Mile Creek, Virginia Avenue Canal Basin east which drains into the Lagoon, the Indian Hills Basin which drains into the Lagoon, and of course Hutchinson Island Basin which drains into the Lagoon or directly into the ocean depending in which side they are on. The system only really experiences minor flooding during large storm events which are primarily due to debris clogging the system, not a capacity issue. The City does not have a large drainage problem as it were. On to potable water. Of course the service is provided by Fort Pierce Utilities Authority. The service area encompasses 61 square miles and more than 15,400 customers. The Henry A. Gahn water treatment plant was constructed in 1960 as a lime softening plant. The reverse osmosis plant was completed in 2002 to add capacity. There is a total permitted capacity of 14.6 mgd. Water supply is drawn from 40 surficial aquifer wells averaging between 90-feet and 130-feet in depth, and nine Floridan aquifer wells between 800-feet and 900-feet in depth. There are 9.6 million gallons of water storage provided at both the plant and three repump stations throughout the network. This is a map of the water distribution system showing the distribution mains. This is a map showing the locations of the water storage tanks and their various capacities. They can see there are three storage areas at the treatment plant, a storage tank at Jaycee Park repump and Savannah Road repump, and of course the South Hutchinson Island repump station. The water supply wells are identified on this map and they are primarily running north and south and east and west into two different well fields - the 25th Street well field and the Lawnwood well field. Natural groundwater aquifer recharge. Surficial aquifer, which is where the primary source of water is drawn from FPUA, is a shallow aquifer. It is naturally recharged by rainfall and it is therefore very susceptible to surface contamination. The newer wells are drawn from the Floridan Aquifer which is much deeper. It is located below an upper confining layer and is therefore not as susceptible to groundwater contamination. South Florida Water Management District has not identified any natural recharge areas for the Floridan Aquifer located within the City limits. Long term water supply. The increased demand on FPUA's wells is going to lead to saltwater intrusion. When the withdrawal rate increases, it removes the freshwater and allows the saltwater to intrude to the well heads. And of course in South Florida Water Management District's Upper East Coast Water Supply Plan, they have identified two primary sources of alternate water supply. One is the desalinization of brackish groundwater and the second is the use of reclaimed water for irrigation and other non-potable uses. The level of service standards identified in the Comprehensive Plan for sanitary sewer, 240 gpd per equivalent residential connection. For solid waste, LOS is 300 tons per day of Class 1 and 300 tons per day of construction and demolition debris. For drainage, the 25-year 3-day storm calculations for any new site shall be done on a pre-development versus post-development runoff basis. The new storm

sewer systems shall be designed to convey a 5-year 1-day storm event. And the canal system is designed to convey a 3-year 1-day storm event. The potable water LOS is 300 gpd per equivalent residential connection and equivalent residential connection is essentially 3-1/2 persons. Some of the selected goals, objectives, and policies. A goal is to ensure the provision of high quality, healthful, effective, reliable, efficient, environmentally sound, and necessary services for coordinated sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer recharge to City residents and visitors. Sanitary sewer, the primary objective is sanitary sewer facilities shall be designed, constructed, maintained, and operated in a manner that protects the functions and quality of ground and surface waters, natural groundwater recharge, and natural drainage features. One of the policies is the City and FPUA shall monitor the general operation of its sanitary sewer service to assure that no less than the minimum acceptable level of service standards are being provided. Such a monitoring program shall provide recommendations for needed capital improvement commitments in the Schedule of Capital Improvements, which is located within the body of the report. Solid waste, one of the objectives is for the City to coordinate with St. Lucie County to continue to conserve its reserve in the existing solid waste disposal facilities by continuing to recycle at least 30% of the sold waste stream and by increasing the recycling of the five state designated materials to at least 50% for each state designated material by 2020, where technically feasible. And that shall be the City's policy. The City shall continue to maintain or expand its recycling education program as a means to help reduce the waste stream. For drainage, one of the objectives is the stormwater management facilities shall be designed in accordance with South Florida Water Management District criteria. The policy, the impact of the construction and operation of stormwater management facilities and support services on adjacent natural resources shall be considered in accordance with SFWMD regulations during the siting of new stormwater management facilities and the expansion of or increase in capacity of stormwater management facilities. Potable water, one of the objectives is potable water facilities shall be designed, constructed, maintained, and operated in such a manner as to provide the functions of natural groundwater recharge areas and natural drainage features and not exacerbate saltwater intrusion. The policy of the design for the construction, operation, and maintenance of new or expanded potable water facilities shall consider the short-term and long-term impacts to natural groundwater recharge areas, wetlands, surface and groundwater levels, and exacerbation of saltwater intrusion. The design shall also consider whether or not the construction, operation, and maintenance will harm the aquifer system. Adverse impacts of construction, operation, and maintenance shall be avoided or at least minimized. For natural groundwater aquifer recharge, the objective is to manage the natural groundwater aquifer recharge conditions in a safe, effective, and reliable manner as required by current design standards and codes. Under the policy, provide improve groundwater recharge by requiring all new construction projects to meet or exceed the City of Fort Pierce site development technical regulations and stormwater management requirements. That is the end of the Infrastructure Element.

Ms. Sandra Lee, Director of Environmental Planning with Calvin, Giordano and Associates, Inc., said she will be giving them a brief overview of information in the Conservation Element and in the Coastal Management Element. The purpose of the Conservation Element is to promote the conservation, use, and protection of natural resources in the City. This establishes the supporting framework for this element. It is important to understand that Fort Pierce is a coastal community, it is composed of a barrier island, the estuarine lagoon, and the mainland component. The City is one of the oldest in the state. And at this time, a large portion of the City is urban in nature. However, a variety of the historic native vegetative communities still exist throughout the City. Those include the coastal dunes, scrubs, prairies, hammocks, pinelands, and wetlands. Although most of these natural habitats have been greatly fragmented and disrupted due to development or the encroachment of invasive exotic species. The bulk of the City - 8,619 acres - is developed or disturbed. There is approximately 3,500 acres of open water and 3,500 acres of native vegetative communities. A dominant feature of the City is the Indian River

Lagoon. It lies between the barrier island and the coastal ridge. Overall this is a linear system that extends more than a third of Florida's East Coast, it is over 155 miles from Ponce de Leon Inlet in Volusia County, south to Jupiter Inlet in Palm Beach County. The combination of fresh and salt water wetlands, sea grass, mangrove communities - these provide valuable coverage, foraging, and reproductive habitats for many fish and wildlife species. Approximately 3,000 acres of open water and 180 acres of mangrove and salt marsh habitat of the Indian River Lagoon is within the City. About 10% of all saltmarshes in Florida do occur within the Indian River Lagoon. The saltmarshes in the lagoon are different than in any other Florida estuary because of its unique latitude gradient, the climatic conditions, the wave action, the topographic changes. The Indian River Lagoon is located in a zone where tropical and temperate flora and fauna meet. This results in a greater species diversity than in any other North American estuary. Due to its distinct characteristics of this system, portions of the Indian River Lagoon have been designated as aquatic preserves. The hydrologic regime of the Indian River Lagoon, it has been heavily influenced over the years by human activity. The Fort Pierce Inlet, part of the federal Fort Pierce Navigation Project, was initially dredged in the 1930's, deepened in 1996. Since 1978 maintenance dredging of the entrance channel has been conducted on a biannual basis with disposal of the beach compatible dredge materials on the adjacent downdrift beach south of the inlet. Construction of the spur jetty attached to the South Jetty was completed in 1997. And the County's only deep port is located in the City. Construction of the north and south bridges as well as maintenance of the intracoastal have all impacted the Indian River Lagoon. The coastal dune system of the barrier island is utilized for nesting of federally listed loggerhead, green, hawksbill, and leatherback sea turtles. Hutchinson Island is recognized as one of the major nesting beaches in South Florida. There is 2.7 miles of ocean beachfront along Hutchinson Island within the City. The federally listed southeastern beach mouse which is restricted to sea oat dunes was formerly abundant from Volusia County to Broward County. This species is now restricted to scattered localities within Indian River and St. Lucie Counties. Many shore birds use beaches in South Florida for nesting or wintering or both. Florida is the main wintering ground of the federally threatened piping plover which breeds in North America and is found along the beaches here. Due to the desirability of beachfront real estate, the pressures to develop along the coastal dune system are enormous. Regulations can avoid or limit detrimental impacts to the dunes and the strand ecosystems and the listed species that utilize it. This can be accomplished through setback criteria prohibiting direct disturbance of the dune system, avoidance of placement of physical obstructions on the beach, and avoidance of direct lighting of beaches during nesting season. Random pedestrian access across dune systems can be discouraged and reduced by utilizing designated accessways between land uses and beach areas. The removal and maintenance of invasive and exotic vegetation can be required as well as criteria to ensure appropriate revegetation. Trapping and relocation predatory animals such as racoons may also be considered where practicable. And on public coastal lands, effective exotic vegetation control measures with viable replanting plans can be implemented to keep native vegetative communities intact. The elevations within the City range from sea level to 45-feet. Due to the relatively flat topography of the mainland portion of the City, erosion is typically not a problem. However the barrier island is by nature a migrating system and is subject to erosion especially during storm events. Significant beach erosion occurred in 2004 with the landfall of two major hurricanes in St. Lucie County. The critically eroded beaches in Florida, the 2006 update that was produced by Florida DEP - The Beaches and Coastal Systems Report - it identified 9.4 miles of critically eroded and 7.9 miles of non-critically eroded beaches in St. Lucie County. Within the City, the 2.3 miles of Fort Pierce beach extending south from the Fort Pierce Inlet is recognized as critically eroded. However the City is a part of the ongoing beach renourishment program that is authorized by the Army Corps of Engineers. Within the mainland component of the City, a unique freshwater ecosystem is located in the shallow catchment between the Atlantic ridge and the western uplands. A large portion of this habitat is under public ownership, it is referred to as the Savannahs. The Savannahs leisure recreational area located within the City is utilized as an outdoor recreational area providing camping, boating, fishing, and picnic

facilities. The area covers 467 acres. It contains five distinct biological communities including pine flatwoods, wet prairie, marsh, lake, and scrub. With the goal to educate as well as recreate, the area provides interpretive trails on both land and water. Listed and other animal species depend on the native vegetative communities. Widely recognized are the manatees, marine turtles, beach lavender, beach star. However, there are 36 listed wildlife species and 28 threatened and endangered plants which can occur within the City. Effective maintenance and management strategies to preserve and protect sensitive habitats and resources can readily be implemented through public ownership. Currently the City, the Heathcote Botanical Gardens Board of Directors, and St. Lucie County are in the process of planning the development of a regional botanical park that will include the Savannahs as an environmental educational component. At this time there is approximately 950 acres of publicly-owned recreation and open space land within the City affording conservation opportunities. Addressing conservation strategies such as land acquisition and oversight of implementing best management policies are the strategies that are available to them. Significant land acquisition has occurred in the south Indian River Lagoon watershed in recent years. South Florida Water Management District has partnered with state, federal and local governments to acquire properties for preservation, restoration, stormwater treatment systems. Both Martin and St. Lucie Counties have held successful referendums to raise funds for public acquisition of environmentally sensitive lands. Continued land acquisition, coordination with the Indian River Lagoon Surface Water Improvements & Management program and all the organizations conducting IRL research and monitoring, continued beach renourishment, continued beach and dune protection programs, monitoring the port and inlet maintenance for best management practices, and implementation of effective invasive exotic control measures are all effective conservation strategies that they have available to them and are reflected in the policies within the plan. With that, they can move on to the Coastal Management Element if there are no questions at that time.

Ms. Lee said the purpose of the Coastal Management Element is to protect human life, limit public expenditures in areas that are subject to destruction by natural disaster, and to plan for and where appropriate restrict development activities where such activities would damage or destroy coastal resources. This is the framework established as a basis for the coastal element. It is important to note that the Coastal Management Element focuses on a defined coastal planning area or the coastal area - which for Fort Pierce is the Florida East Coast Railway as the western boundary and the remaining boundaries follow the easternmost municipal limits. Within the coastal planning area, there are 1,839 parcels and approximately 1,900 acres. Recreation and open space comprises 37%. Vacant land comprises 11%. Residential comprises 31%. And other uses which are composed of commercial, educational, institutional, and industrial comprise 21%. The Fort Pierce Redevelopment Agency was formed in 1982. The current Community Redevelopment Agency Plan was adopted in 2001 and most recently updated in 2004. One of the program objectives in the CRA Plan is to acquire beachfront properties in order to enlarge the public parks open space, public parking, and beach access. As they will note, a majority of the coastal area falls within the CRA. It provides the Agency opportunities to identify environmentally suitable waterfront areas; recommend strategies for preserving such areas for water-dependant and water-related uses consistent with estimated needs; identify strategies for encouraging appropriate mixed use development that includes waster-dependant and water-related uses that are compatible with existing land uses; analyze any conflicts and priority of the existing shoreline uses and develop strategies for reducing or eliminating such conflicts; develop strategies to protect existing waterfront sites that exhibit unique community character or identified as historic resources; and ensure public access facilities at the adopted level of service. The list of locations available to the public to access beach or shoreline is provided on the slide. And it is important to note that, although not open to general public, docking facilities developed in conjunction with waterfront residential communities also provides marine access to those residential communities. Public access is addressed in a little bit more detail in the Parks and Recreation Element. Within the coastal area open space comprises 36%, marine

commercial comprises 3%, industrial comprises 12%, commercial and professional comprise 6%, the mixed use residential commercial use on Hutchinson Island comprises 9%, and residential comprises the remaining 34%. As designated, 15% is allocated for marine commercial and the port, and 15% is allocated for various commercial which will support water-dependent and water-related uses, reducing conflicts for those uses. Fort Pierce is one of the oldest cities on the east coast of Florida, with numerous historic resources. Most of the historic resources are not located within the coastal area. However, there are 111 structures, one bridge, and 13 archaeological sites within the coastal area. To recognize and protect the historic resources, the City has established a Historic Preservation Officer and Board, and established Historic Districts within the City. The Edgartown and the River's Edge historic districts fall within the coastal area and most of the downtown district falls within the coastal area. In regard to natural disaster planning, within the City there is very limited potential for impacts from wildfires or sinkholes which can be problematic within other parts of the county. The most significant natural disaster threat the City needs to plan for is the event of a hurricane. Records from 1870 through 2005 indicate 23 hurricanes have passed within 40 miles of the City. In 2004, Hurricanes Jeanne and Frances both made landfall in St. Lucie County, causing extensive damage within the City. The City was last affected by Hurricane Wilma in October of 2005, which passed south of the City. The coastal high hazard area, which means the evacuation zone for a Category 1 hurricane, is identified on this slide. Required goals within this plan direct uses away and limit uses within the coastal high hazard area and ensure redevelopment follows regulatory techniques for hazard mitigation. With each new hurricane season, the cities and counties of the Treasure Coast region remain vulnerable to the threat of hurricanes. The region must be prepared to evacuate highly vulnerable populations on critical routes, often concurrently with northbound and westbound evacuees from southeast Florida. In this region, evacuees may find evacuation impacted by concurrent evacuees from Monroe, Miami-Dade, and Broward Counties. There is local public shelter capacity and inland hotels available. There are limited route choices to leave the region. In preparing and planning for natural disasters, it is vital to know the hurricane surge zones and the evacuation routes, along with the capacity and the location of the hurricane shelters. To be able to provide sufficient shelter capacity and to maintain or reduce evacuation times is a requirement of the plan. This slide represents their storm surge and evacuation routes.

Commissioner Nelson said on the special needs shelter, she lists those in Port St. Lucie and the one on Virginia Avenue by the County. Is that the only two they have as special needs hurricane shelters? What he is getting at is the fact that they have a commitment with the Human Redevelopment & Resources Centre to have add hurricane or special needs capacity in that facility as well.

Ms. Lee said they can check and make sure they have got all of them.

Commissioner Nelson said check it to see whether or not, because he thinks they have about \$2 million or so earmarked from the State to make that have some degree of hurricane or special needs capacity.

Ms. Lee said they can certainly add that.

Commissioner Nelson said a good source would be Mr. Ward (Director of Fort Pierce Redevelopment Agency).

Ms. Lee said she will have to check with him on that. Because hurricanes impact large areas, the evacuation data that is presented in this element is the data specific to St. Lucie County, there wasn't specific data to the City. It is from the Treasure Coast Regional Planning Council Transportation Analysis & Hurricane Evacuation Study that was updated in 2003. The study was prepared for the US Army Corps of Engineers, Jacksonville District, by Post Buckley, Schuh, and Jernigan, Inc. During hurricane evacuation, a significant number of vehicles will have to be moved across local and regional road

networks. The quantity of evacuating vehicles will vary depending on the magnitude of the hurricane. Publicity and warnings provided about the storm and particular behavior response is characteristic of the vulnerable population. The study that was conducted identified the following data for St. Lucie County - an existing permanent population of 192,695 people, permanent occupied dwelling units at close to 77,000, mobile homes at a little over 11,500, tourist/seasonal units at 10,000. The estimates and the data that they utilized for this study were people per permanent unit 2.39, vehicles per permanent unit 1.3, and the local public shelter capacity at 6,666 people. The study report gave data for a Category 1 and 2 event with low tourist occupancy and with high tourist occupancy, and low tourist and high tourist occupancy for a Category 3 to 5 event. With a low tourist occupancy and a Category 1 to 2 event, they calculated there would be a little over 42,000 people in 17,000 vehicles evacuating, with the public shelter demand of 3,604 people. In a worst case scenario for a high tourist occupancy Category 3 to 5 event, it is calculated there would be a little over 77,000 people in approximately 30,000 vehicles evacuating, with a public shelter demand of 6,479 people which is important because it indicates in their worst case scenario, they do have sufficient public shelter capabilities. The projected times, their 2008 clearance times in hours for a Category 1 to 2 hurricane event, worst case for that in their long response time is under high seasonal occupancy was 14 hours. Their projected 2008 clearance time in hours for a Category 3 to 5 long response, high seasonal occupancy worst case scenario was 14.25. In this study, they identified their critical road segments as Okeechobee Road from U.S. #1 to Hawley Road, North Beach Causeway at U.S. #1, Seaway Drive at U.S. #1, U.S. #1 from South Bridge to Orange Ave, and Orange Avenue at I-95. The City has developed and has in place a current 2006 Strategic Emergency Management Hurricane Plan and has in place a Mutual Aid Agreement with St. Lucie County Sheriff's Office, Port St. Lucie Police Department, and the State of Florida. The City also participates in the St. Lucie County Unified Local Mitigation Strategy. That wraps up the data from the Coastal Management Element.

Ms. Tappen said next they are going to take a look at the Housing Element. In the public workshops in the spring, housing actually did not come up at all in those workshops, but it still is a required element of the Comprehensive Plan and they do need to meet state requirements. There is a lot of interesting information to be shared in this element. The element covers existing housing conditions, it includes an affordable housing assessment, it covers the City's housing programs, and of course includes goals, objectives, and policies. Let's take a look at the homeownership in Fort Pierce. Basically home ownership is about 40% of all occupied units and another 40% of occupied units are occupied by renters. This is significantly higher than St. Lucie County overall. Fort Pierce has 40% of their occupied units with renters versus St. Lucie County with 18%. Looking at the housing costs, the median rent for Fort Pierce - this is from the 2000 census - was \$517 per month, a bit lower than the county average of \$621. Below there are the median home values, she believes those are taxable values and not actual market values, that is why they look so low. They look like 1980's or 1970's maybe. According to the US Census, median home values in Fort Pierce are lower than St. Lucie County. And the average single home value in 2004, according to the Shimberg Institute, was \$174,000. She is sure that is above \$200,000 at this point, considering the general feeling of the market. In general, the impression she wants to leave is from the outside it looks like from these values that Fort Pierce has affordable housing.

Mayor Benton said they do.

Ms. Tappen said however, in general the median income of the City is lower than the county average. The median income is \$25,000 versus \$36,000 in the county overall. Approximately 40% of the City's population qualifies as very low income, meaning they make less than 50% of that median income. That is something to keep in mind when it comes to the housing element. Let's look at the housing cost burden. They are considered having a housing cost burden when more than 30% of their income is committed toward their housing costs. For renters, nearly 46% of renters have a housing cost burden. For

home owners, that percentage is much lower at just 14%. Just keep in mind that figure is based upon single family homeowners with a mortgage only. It is no surprise that there are a number of overcrowded homes in Fort Pierce with nearly 1 out of 10 are overcrowded versus just 4% in St. Lucie County. All that said and done, the City is extremely active in working with the Fort Pierce Housing Authority, with the Fort Pierce Redevelopment Agency, and developing its own programs to work on housing in the City. The Fort Pierce Housing Authority administers nearly 2,000 rental public housing units as well as assisted rental units. The City administers the SHIP Program which allows for first time home buyer programs and some home repair grants. The City is active in using CDBG and HOME Program grants, which also can be used for first time home buyers and home repair. The City has received significant funding from the Hurricane Housing Recovery Program; and about \$10 million of that is going towards the Moore's Creek Workforce Housing Project, which will result in 70 to 90 workforce house units along Moore's Creek, which is an extremely impressive project. The goals, objectives, and policies include incurred provision of housing for very low, low, and moderate income households. In this case, a change from the 1990 plan, the state requires that they also consider very low income residents as well. Participate in the St. Lucie County Attainable Housing Task Force, utilize CDBG, HOME, and SHIP funds to provide housing opportunities and home repair grants, increase home ownership, complete Moore's Creek workforce housing project, continue discharging liens for county workforce housing projects as the City has done in the last year for some projects near Lincoln Park, and promote hurricane protection and post-hurricane repair. A policy she added since the Planning Board version is also to encourage affordable rental facilities that include assistance for social services including educational support and other job opportunity, counseling, and so forth. She knows the City is also working the CRA on a Human Development & Resources Centre which will complement some of the services it is already providing. There is such a large need to help the very low income folks who are on a day to day basis still struggling to make their ends meet. That wraps up the Housing Element. Is there any questions before they continue on?

Ms. Tappen said let's take a look at Recreation and Open Space Element. The City has a total of 963 acres of recreation and open space within the City. This is an extremely impressive amount of park and open space available for the residents here. That accounts for 25 acres per 1,000 people.

Commissioner Becht said it is going to get bigger next week.

Mayor Benton said that is with the property at the end of South Jetty (known as the Rollins property).

Ms. Tappen said excellent. She was going to compare that to a couple of other cities. One city she knows well that also is very proud of its parks and has a semi-rural environment is Parkland in northwest Broward County. They only have 16 acres per 1,000 residents. So this City really should be proud of its extensive park and open space. Park improvements coming up on the next few years include the Moore's Creek linear park where the City has received some funding from the Florida Communities Trust for that project, expansion of the Heathcote Botanical Gardens, South Beach property acquisition, new equipment at Veteran's Park, and restoration of the Old Fort Park. The Florida Department of Environmental Protection provides guidelines for analyzing the availability of parks and has provided classifications for analyzing parks in their document, Outdoor Recreation in Florida. Regional Park in this case refers to those large parks that service multiple counties and not just places within the immediate area. Regional parks in this case would be the Fort Pierce Inlet State Park and the Savannahs. Urban-District Parks would be Lawnwood and Indian Hills Golf Course. The parks they will really focus on are those that are used on a day-to-day basis and those are community parks and neighborhood parks. The City has an existing level of service of 2.89 acres of community parks and 1.56 acres of neighborhood parks. This is a very decent level and it surpasses the existing level of service in the 1990 plan of a total of 1.3 acres of parks. But the problem with the old level

of service is that with that level of service of 1.3 acres, they could actually continue to have development occur in the City without requiring new development to contribute toward parks and park facilities. So they are suggesting that the bar be raised and the park level of service for neighborhood parks be raised from 0.3 to 1.36 acres per 1,000 people to start. Keep that rate until about 2015, where it would be raised to 1.5 acres, and then eventually to 2 acres per 1,000 people. And why the odd number, she will get to in a second because it probably looks a little strange. Start out in 2005 with 2.5 acres per 1,000 people. This is quite an increase from 1 acre per 1,000 people in the existing 1990 Comp Plan. Begin to incrementally increase that from 2015 to 3 acres. They might ask, why start out with 3.89 acres now and later on move to 5, why don't they just set it at 5 now? The state requires that Comprehensive Plans show that they are financially feasible and that they can provide for the level of service in their Comprehensive Plan at that time. So basically they have kept the new level of service of 1.3 acres and 2.5 acres for neighborhood and community parks respectively through 2015. Because at 2015, when their population reaches 50,000, that is where they will actually begin to see a deficit. She needs to go back a second. By keeping this level of service through 2014, it will allow the City to plan for new parks, get them into the schedule of capital improvements, create that parks master plan, get the impact fees in place; and by the time that's all in place, the bar will be raised and then new parks can be developed and they can demand more from developers. The facilities level of service standards have remained the same as they are in the original 1990 Comprehensive Plan. And in general, the City has sufficient facilities for the existing population and for future populations.

Mayor Benton said he wants to ask where the fishing pier is. He is not familiar with that fishing pier.

Ms. Tappen asked in the inventory? Let's look at the map in more detail.

City Manager Beach said he believes it would be the one under the South Bridge.

Mayor Benton said okay, under the bridge.

Commissioner Nelson said she doesn't list one of the Mayor's favorites, a skateboard park. Would that be appropriate in any place in there?

Ms. Tappen said that would be probably be a special facility in the City. It's something they will probably want to implement one, try it out. If over time... If it is something that is fashionable now and maybe not fashionable in a few years, they may not need multiple skate parks throughout the City, unless she has the atmosphere wrong.

Mayor Benton said they will have one by the end of next year. They had a meeting last night and hopefully they will see construction maybe early summer. He thinks once they have one, they'll see more.

Ms. Tappen said she thinks it sufficient. They don't necessary need to have that in their facilities level of service to have one or more, but it is a great complement to the existing facilities. One point she wanted to bring up. In the recreation open space map, if they look west of 33rd Street, they will see absolutely no park space available. That is something that should be considered in the future parks master plan.

Mayor Benton said just add to that, he was at almost every one of the public hearings and that was the big concern with the amount of development going in along Jenkins Road, that there is no park plan for that area, and they are talking about up to 8,000 units possibly. So it is very important they work with the County to get an area designated for a park out there and get moving on it.

Mr. Margotta said if he could make a point, actually just kind of illustrate something that would help conceptualize the whole idea of the need for a park in the park master plan. If they would go back to the level of service where she listed those facilities by a thousand. If they figure 8,000 people in the population and they go through that chart right there, those are the types of things they would need to serve that population. And that park master plan they are talking about later would point right to exactly where they would need the park to go and help them in that whole effort. He just wanted to illustrate that and maybe bring the point home a little bit better.

Mayor Benton said it doesn't list any soccer fields. He knows that right now it is soccer/rugby fields. But they are looking at several in the Lawnwood area and also the YMCA has one or two.

Commissioner Nelson said they need both of those, skateboard and soccer. He thinks they need to put that on there some kind of way.

Mr. Margotta said he believes multi-purpose fields are soccer fields. But if they want something specific for soccer, then they will pull that out.

Ms. Tappen said yes, they could probably make them multi-purpose/soccer fields and probably cover both purposes. They will take a look at an appropriate level of service for skate parks. Goals, objectives, and policies include providing incentives for including publicly accessible park and recreation areas in development applications. Consider creation of a Parks & Recreation Department. Right now, parks and recreation are jointly managed between the City and the County. The City may want to consider the creation of its own, considering the population will be expanding in the next 10 to 20 years. And of course, creation of a Parks Master Plan by 2010, or maybe sooner since there is a large interest in that. Other goals, objectives, and policies include requiring community buildings for residential developments over 100 dwelling units. Those community buildings would also double as hurricane shelters.

Commissioner Becht said on that issue, he found that in Policy 7.4.10 on Page 7-23. And it mentions a generator and accessory fuel storage, but it does not specifically state that it is hurricane hardened. And he doesn't know if they need to add that or if... He would just rather add that it will be hurricane hardened.

Ms. Tappen said she thinks that is a good idea.

Mayor Benton said he would agree.

Commissioner Nelson said yes.

Commissioner Becht said maybe even hurricane shuttered as well. Because that is what they have in mind.

Mayor Benton said he thinks that was the intent, because he thinks he was the one that brought it up at the public hearing.

Commissioner Becht said he thinks so. But that will get them to where they need to be. She jumped over one of his favorite policies in this, which he wants to read for those who aren't able to get a copy of this. It says: The City of Fort Pierce, in coordination with St. Lucie County, shall actively pursue the development of linear parks and integrated open space systems along waterfront properties by co-locating pathways, pedestrian accommodations, and plantings alongside waterways and water bodies such as but not limited to canals, creeks, streams, rivers, lakes, channels, and other water features. Where possible and when feasible, public access to waterfront areas shall be secured through the

recording of access easements or land dedication. He wants to thank her for putting that in there and he is very happy that is in there.

Commissioner Nelson asked he is looking at the word shall as mandatory, isn't he?

Commissioner Becht said yes, he saw that, shall.

Ms. Tappen said it fits well with the other policy where they are going to require it in the LDR's in the near future. Another policy which the Mayor mentioned previously, the City is extremely interested in having - they are going to use the state designation in this case - an Urban-District Park. Another park like a Lawnwood Park with extensive ballfields and other recreational facilities in the future annexation areas. Create a Parks & Recreation Trust Fund where the impact fees collected and other funds from developers can be used for property acquisition and additional recreational facilities. Commissioner Becht also mentioned pursue parks and greenways along the waterways is extremely important. Any questions on parks before they move on?

Ms. Tappen said now they are going to take a look at Intergovernmental Coordination Element. This provides a broad survey of all the agencies the City works with to provide public facilities for existing residents and future development. Some of the interlocal agreements the City has include coordination of comprehensive planning with St. Lucie County School District, Port St. Lucie, and St. Lucie County. An interlocal agreement with the St. Lucie Fire District for fire and emergency services. An agreement with St. Lucie County for park administration, road improvements, revenues, and joint planning of annexation areas. And of course, an interlocal agreement with the Fort Pierce Utilities Authority for water and wastewater treatment. Many of the goals, objectives, and policies in this element are regulated by Florida Statutes. But there are some in there that are very specific to Fort Pierce, such as managing growth management related issues in regard to roadway levels of service, pavement of unimproved roadways, school capacity and school facilities planning. By December 2008, the City will need to adopt a schools level of service as well. But right now the school district is still developing that level of service standard and probably will have something in the next year that can be incorporated into the plan when that's available. Creation of an urban district park, as mentioned before. Infrastructure needed for the St. Lucie County Fire District, beach renourishment programs, and preservation of historic resources.

Ms. Tappen said the Capital Improvements Element and the Concurrency Management Element practically wrap up the whole Comprehensive Plan. They start out with the Future Land Use Element which sets the vision and the course, and these elements kind of wrap up how the City will provide for that vision. The Capital Improvement Element evaluates the need for public facilities, estimates the cost of improvements, analyzes the City's fiscal capability, adopts financial policies, and schedules funding and construction of improvements. This is a summary of the schedule of capital improvements. It shows basically all the expenditures on capital improvements from this fiscal year through fiscal year 2011. Over \$8 million will be spent on City recreation and open space improvements. Over time between the City, the County, and the State, nearly \$70 million will be spent on transportation improvements. From the City's own bonds and other revenue sources, \$14 million will be spent on stormwater improvements. And the Fort Pierce Utilities Authority expects to spend about \$30 million on water and wastewater system improvements. On average, the City is spending \$1,100 per resident on capital improvements. And between the City, the County, and the State, \$2,500 per resident is being spent on capital improvements. The Capital Improvement Element requires that they project revenues to ensure that the City has enough money to pay for all these capital improvements. So if they look at this table, the fifth line that says Funds Available for SCI (Scheduled Capital Improvements), this basically is a combination of the City's revenues, plus the CRA revenues. Of course they know that CRA funds can only be used within the Community Redevelopment Area. But in general, a lot of those funds are also being used in the City's

capital improvement program as appropriate. Between those two sources, the City has \$50 million available for capital improvements in 2007. Of course that is not all exclusively for capital improvements, but that is the way the analysis goes in these types of plans. The CRA (Fort Pierce Redevelopment Agency) saw extremely large increases in revenues from the past year to this year, an almost 80% increase in revenues which is incredible. But what she did in order to project the revenues, she didn't take that 80% into the average increase in the revenues, she took the average increase of the City's taxes that were coming into the budget and used that 8.83% to project that in 2011 the CRA may be bringing in \$13 million. But over time, basically revenues would out pace expenditures at the current level of increases and the City would actually see a surplus in 2011 if it maintains these same levels.

City Manager Beach said they are in the middle of redoing their five year capital plan. The figure is closer to \$177 million over the next five years. And they have some detailed documentation that he will give her after this meeting she can use in her discussions. His concern is, their experience with capital improvements is that it is kind of a moving target. They get together every six months and re-evaluate everything they are doing and reassess and reallocate. And if they put the Capital Improvements Element to the level of specifics that they have here in the Comp Plan update, it may not be accurate a year from now in terms of where the City is going and what it is funding. And he is not sure how they should be dealing with that. Because as the Commission knows, they do have to get together quite often and reassess their direction and how they are doing things.

Ms. Tappen said there is actually a new state requirement that requires all cities to update their capital improvement on a yearly basis.

City Manager said they do that, only they do it for a five year period of time.

Ms. Tappen said that means probably next year or possibly the year after, the City will probably in September be revising this Capital Improvement Element including a complete revision of that schedule of capital improvements, consequently knocking out the previous year and adding the following year.

Mr. Margotta said his initial thoughts on that, and he never put those two together, but along with those annexations, regular scheduled amendments they would consider when to update their capital improvement program. That's the best way he thinks to handle it.

City Manager Beach asked so they can do that part of their amendment process?

Mr. Margotta said he believes the only way to do it.

City Manager Beach said they can amend it every year.

Ms. Tappen said other goals and objectives and policies in the in the Capital Improvement Element include the City must ensure development bears a proportionate cost for public facility improvements, that fiscal impact analyses are conducted for future annexations, coordinate expenditures with service providers - their Utilities Authority, the County, and the State. Ensure financial feasibility and that debt not exceed \$67 million, which is actually in the City's charter. Other goals, objectives, and policies include they are now required to do an annual update.

City Manager Beach said lets go back to the previous slide. The debt shall not exceed \$67 million. That also is a moving target. The City Commission has the ability to change that as conditions call for it. In fact, seven years ago that amount was like \$12 million. Now it is up to \$67 million and it continues to expand as resources become available. So he is not sure that should be in the Comp Plan at all.

Ms. Tappen said what she will do then is she will work with Mr. Beach or the Finance Department. Basically they need to have some standard for debt in the Comp Plan. She is not sure what it would be, but she could probably work something out.

Mr. Margotta asked is it expressed as a percentage?

Ms. Tappen said yes, it can be expressed as a percentage of the overall budget. Or it could be debt service payments will only make up this percentage of the budget, that is another possibility of creating a policy for that.

City Manager Beach said if they can distinguish between General Fund debt and Fort Pierce Redevelopment Agency debt, that would uncomplicate it. Their limitations for General Fund debt are pretty clear to all them, simply because of the resources available to support debt. So they really don't have to worry too much about that issue, it has a self-restraining mechanism built into it. Their Fort Pierce Redevelopment Agency however, it changes with each year's revenue stream. If that revenue stream continues to expand, the City's ability to service debt just gets higher and higher. And they don't need that confined by a Comp Plan or any other document.

Ms. Tappen said okay, so they should look into some other qualification for General Fund debt.

Mayor Benton said if language has to be added, he is sure their auditors can come up with some numbers for that.

Ms. Tappen said they mentioned the annual update of the Capital Improvement Element and this review will occur on an annual basis, probably for next year including assessment of capital improvements needed for emergency and post-disaster mitigation, deficiencies determined by the concurrency management system, proportionate fair share mitigation agreements, public involvement, existing master plans and land development strategies, the plans of the county and state agencies, accommodation of new development and redevelopment, and of course financial feasibility. That wraps up the Capital Improvement Element.

Ms. Tappen said now they will take a look at the Concurrency Management Element. This is a new element added to the Comprehensive Plan which basically ensures adequate public facilities are available for transportation, potable water, sewer, drainage, solid waste, parks and open space. When a school's level of service has been developed, that should be added to this element as well. The Concurrency Management Element basically requires the Planning Department to maintain a capacity and level of service database. This would include all demands on their services by existing residents and then also tally up what will be required by committed developments to ensure that level of service standards are maintained. When development applications come in, the Planning Staff will conduct a concurrency assessment and review the impacts of the development based upon the level of service standards for public facilities set in the Comprehensive Plan. This table which is included in the Concurrency Management Element summarizes all the level of service standards within the entire Comprehensive Plan. A certificate of concurrency then would be issued if the facilities are available for the development. If they are not, then the City may enter into a proportionate fair share agreement if the facility will fail its level of service. Or the City may also opt to amend the Capital Improvement Element to include the needed facility improvements in the Schedule of Capital Improvements. The concurrency management also specifies time frames for the implementation and mitigation of new developments and public facilities. These are specified by the State. For transportation facilities, they must be developed within three years of issuance of the building permit. For sewer, solid waste, drainage, potable water, parks and recreation, no later than the issuance of a Certificate of Occupancy.

Commissioner Nelson asked can she could go back a minute? Where she talked about the fair share agreement. They were required to submit a fair share ordinance to Tallahassee by the first of December. Does this cover that?

Ms. Tappen said no, it does not; and actually they are bringing that to them Monday night. It has been probably been given to staff. Have they distributed that yet?

Mr. Margotta said that ordinance has been through the local planning agency, the Planning Board, last month and met that December 1 deadline. As far as adopting the ordinance, it is coming to the Commission for first reading on Monday. They have been coordinating that with DCA so they know it is coming. There is probably any number of jurisdictions that are in the same situation they are. But Monday is when they see that ordinance.

Ms. Tappen said that wraps up the draft Comprehensive Plan. Today they have the opportunity to recommend transmittal of the proposed Comprehensive Plan to the Department of Community Affairs. Once the Department of Community Affairs receives the document, they will issue an Objections, Recommendations, & Comments (ORC) Report 90 days after they receive it. Then once those comments are incorporated into the Comprehensive Plan, it will be brought back to the City Commission for final adoption. Probably if it goes ahead to the Department of Community Affairs, they will receive the ORC report probably March or April. The Comprehensive Plan will probably come back to the City Commission for adoption in June or July.

Mayor Benton asked when that does come back with recommendations from DCA, it would go to the Planning Board first?

Ms. Tappen said usually it does not.

Mayor Benton asked but there would be public hearings by the City Commission on it?

Ms. Tappen said absolutely yes.

Commissioner Becht said in a general observation, he did not see anything specific to the City adopting any energy policy. That might seem kind of silly, because the federal government really hasn't even adopted one. But if either one of the other Commissioners who are here are interested in that, he would like to consider maybe at this time or in the first annual revisit of this adding somewhere into the Comp Plan either a separate element or a policy in the appropriate element, which might have been conservation. Ms. Lee had a whole bunch of environmental conservation, but she didn't mention energy conservation. He had sent a memo to Mr. Beach a couple months back asking that they evaluate their energy consumption, the way they maintain their buildings, lighting, vehicles, use of hybrid vehicles. He doesn't know if they are interested in that or not.

Mayor Benton said he thinks it would be a good idea, but he thinks it is something that would have to wait for an amendment in the future because he thinks it is going to take awhile to come up with all the details.

Commissioner Becht said okay.

Commissioner Nelson said he concurs. Initially they talked about in terms of their population going up to roughly to 44,000 by year 2010. Is she basing the population growth from the 2000 census and is she in fact using the same figures the MPO uses?

Ms. Tappen said she is not sure what figures the MPO is using, but they based it upon the last couple of years from the Shimberg Center at the University of Florida. Let her go back to that slide. The 38,569, that was developed by the Shimberg Institute at the University of Florida. It is based upon the 2000 census, plus they send those figures to the City to

confirm the estimate. The City usually takes a look at CO's since that time to make sure the estimate is accurate.

City Manager Beach asked has she made those projections based on the existing corporate boundaries of Fort Pierce? That's what it appears. These figures, she could virtually double those figures depending on the level of success they have with their annexation strategies.

Commissioner Nelson said that is where he was going to. Because some time ago they talked in terms of virtually increasing their geographical size via annexation and also increasing their population considerably as well, and he is talking about within five years. She is saying that is not going to happen?

Ms. Tappen said no, these projections are only for the existing City boundary. Basically the City boundary that they are using throughout the Comprehensive Plan was the boundary in July, they just maintain that consistency throughout, and these population projections are based upon that. As the City annexes new properties, these projections should be reevaluated.

Commissioner Nelson asked how much over the last five years has their geographical boundaries grown percentage-wise - 5%, 10%? And how about the population, has it grown the same amount over the last five years?

Ms. Tappen said actually it didn't increase that much. From 2000 to 2005, it only grew by about 1,000 people even with the annexations. She is not sure what the reason is for that.

Mr. Margotta said their current boundary is a known boundary and projections are projections, but their current boundary is a known boundary. As they annex, then in the Comprehensive Plan they should be considering all these and just continuing updating. The Comprehensive Plan, sure it is a policy guideline and it is supposedly looking out 30 some years or so; but they can't project those annexations without knowing some sort of annexation schedule, when they are primarily relying on voluntary annexations. He is trying to tell them that they have to go from known data to make their projections and then update as necessary.

Commissioner Nelson said in prior settings he has asked staff to keep tabs on the people growth and the land mass growth as they annex. They have annexed a lot of folks and a lot land mass in the last five years.

City Manager Beach said they have that information.

Commissioner Nelson said if they just look at it to make sure she is not too far off.

Mayor Benton said as Commissioner Nelson knows, they have always had a problem with an accurate number with their population ever since the 1990 census. The City has always challenged it to the point where they were looking to have a re-census one time, but the cost of it, they backed off. But because there is a certain segment of the population that might be here illegally, they don't answer the door. So it is very difficult to get an idea of how many this community has. They seem to think there is possibly 10,000 more people living in Fort Pierce than she is showing in those figures. He thinks they would all agree to that number for some time, but they can't prove it.

Ms. Tappen said she got a note from their Director of Transportation Planning. She says the MPO uses the Shimberg Center figures from the University of Florida.

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

Mr. Michael William Morell said he is an attorney who practices land use and planning law, redevelopment law, and historical preservation law. His address for the record is P.O. Box 18649, West Palm Beach, Florida. Today he is representing Island Village Developers LLC., Mr. Fred Bernstein, and other business entities which Mr. Bernstein controls. These other entities own property located within the boundaries of a nine parcel site plan approval application which was submitted by Island Village Developers in March 2005 known as the Island Village Hotel on Hutchinson Island. These other business entities which own various of the parcels located within the City include Inlet Ocean LLC, Tropical Waters Properties LLC, Inlet East LLC, and the Inlet Trust. Island Village Developers, Mr. Bernstein, and all of these entities are affected persons under Florida's growth management laws and are making these oral comments and objections today to perfect their standing to subsequently challenge the adoption of this Comp Plan. Basically his client has two major objections today to the plan amendments which are before them. First his client joins in the Department of Community Affairs major procedural objection to the way this City is proceeding in adopting those Comp Plan amendments. On November 13, 2006, DCA filed with the City a letter addressed to Mayor Benton. This letter returned plan amendments previously adopted by the City as unreviewed by the Department because the 2005 Legislature had prohibited the City of Fort Pierce from adopting amendments to the Comp Plan until the City's Evaluation & Appraisal Report on EAR-based plan amendments are adopted and transmitted to DCA. These EAR-based plan amendments were supposed to be adopted and transmitted by the City over six years ago in November 2000. The EAR report requirements of Florida's growth management laws are of vital importance to those laws. Notwithstanding the way the City had ignored those requirements, specifically the law requires that each local government shall adopt an Evaluation & Appraisal Report once every seven years assessing the progress and implementing the local government's Comprehensive Plan. The report looks at very practical things. How successful a community has been in addressing major community land use issues through implementation of its Comprehensive Plan. Based on this evaluation, the report also suggests how the plan should be revised to better address community objectives, changing conditions, and trends affecting the community, and changes in State requirements regarding growth management laws. Now in this package of amendments which they have labeled EAR-based amendments today, and their consultant referred to them as EAR-based amendments as well as a major revision to their Comprehensive Plan, there are other amendments included in this package that are not EAR-based amendments and therefore are being transmitted to DCA in violation of the statutory moratorium outlined by DCA in its letter to the Mayor dated November 13th, which he has heard nothing said about by their staff. These amendments include, but are not limited to, amendments to the future land use element which propose Policy 1.1.9 regarding the South Beach Overlay. And that policy provides that the City shall maintain a South Beach Overlay District in the land development code for northern Hutchinson Island which protects existing neighborhoods and maintains a low density tropical village by the sea atmosphere while allowing opportunities for tourism-related development. Now they are all familiar with Mr. Michael Weiner, who is his co-counsel on behalf of these business entities who appeared before them two weeks ago and opposed the South Beach Overlay ordinance on first reading. He is here to oppose a reference to the ordinance in this Comp Plan. Now he wants to make it real clear, Mr. Bernstein does not believe that the South Beach Overlay ordinance, or that the plan references to that ordinance which they are considering today, really affect his project legally, and he would rather not have to challenge the Comprehensive Plan and that ordinance since he submitted his application for site plan review in March 2005. Now the land use law in Florida is very clear that at the time an application is submitted, it is supposed to be reviewed by the Comprehensive Plan and the Land Development Regulations that were in effect. And on March 3, 2005, the 1990 Comp Plan was in effect and the concept of a South Beach Overlay wasn't even on the radar. Matter of fact, the City didn't even hire Calvin, Giordano until September 2005, six months after his client had submitted his application for site plan review. Nonetheless, they are here to protect their

rights, including preserving their right to challenge if necessary both this Comprehensive Plan and South Beach Overlay until the City understands the importance of stopping the continuing violation of his client's vested property and constitutional rights. It is time that the City chooses to return to the regulatory review table to complete the review and approval of his client's proposed site plan. If the City were to do that, they wouldn't need to protect themselves against the subsequent changes in regulation, which clearly they were not intended to be racing to beat in their 2005 application. They came in and filed the 2005 application in good faith on what they understood the law to be. Now on October 13th of this year.

Commissioner Becht said he is going to step in here just a second, unless...

Mr. Morell said he is almost done, about a minute. On October 13, 2006, before DCA filed its major procedural objection, he submitted correspondence to City Attorney Robert Schwerer which explained the nature of the statutory prohibition against plan amendments which DCA cited before them in November 13th. He has brought copies with him today of both the October 13, 2006 letter to the City Attorney and DCA's November 13, 2006 letter to Mayor Benton saying that these non-EAR based amendments are prohibited by Florida Statute from being considered until they finish the job that has been left outstanding for over six years on the table. He would like the clerk to make a reference to those two particular documents, incorporate them by reference into the Minutes of today's Public Hearing and include copies of those letters thereof. He brought them and he'll transmit them to the clerk.

Assistant City Attorney Emerson said they are not taking those letters now.

Mr. Morell said it is a Public Hearing, he will file an objection, but thank you.

Mr. Robert Klein said it makes him kind of nervous, he has a letter to. As indicated in a letter that he sent, but he knows Commissioner Becht said he got it, but Mayor hasn't received his letter?

Mayor Benton said he hasn't seen it as of yet.

Mr. Klein asked Commissioner Nelson didn't receive a copy? So he brought extras to hand out. There was also a letter sent by Chuck Olson of the Bluefield Ranch Mitigation Bank. He doesn't know how he transmitted it, but he has a copy of that and he would like to hand that out, if that is okay.

Mayor Benton said that is up to the Commission. He knows most of the time they don't like to receive things at the last minute. It is hard to read it right now.

Mr. Klein said he is not asking him to read it right now. He is just going to refer to it, it'll be in the record.

Commissioner Becht said if they are going to take a position that they are not going to let Mr. Morell submit something at the last minute, he doesn't think they can allow him to submit something.

Mr. Klein said he appreciates that, although he is certainly here with a little bit different approach than Mr. Morell had. And also he does have the fact that his letters were sent earlier.

Commissioner Becht said he received his letter. So rather than burn his five minutes talking about that, he might want to start telling them what he wants to tell them, if he doesn't mind.

Mr. Klein said first of all, he would like to compliment the City on doing this, he thinks they are going through a process that they have been going through in other jurisdictions for awhile now. It is not a quick process and it is not necessarily a pleasant process and it has only just begun. He would like to compliment Calvin, Giordano in the work that they did. He has a couple of concerns that he would like to raise. One is with the Future Land Use section. Essentially what the Comprehensive Plan is trying to do is create some kind of compatibility with the County's land use plan outside the City limits. One of the problems that he has got, and he just saw this looking at Jonathan Ferguson's, Mr. Margotta was gracious enough a couple of weeks ago to give him a draft of the Comp Plan rewrite and his is dated October 23rd. As he was watching the presentation, he realized his plan is not the most recent draft and Mr. Ferguson advises him that he doesn't even have the concurrency management element. So part of this discussion is the fact that he is not sure that transmittal is the best thing because of the fact that he doesn't even have the most current draft. With his letter, when they do get it and they do find time to read it, they will see that he made a reference of the fact that the land use designations were not being adopted. He has since learned today that there is actually a chart laying out the County's land uses. He is the one that Commissioner Becht referred to about talking about following what the County does. He personally has been doing land use in St. Lucie County since the early 1990's. They have seen him here many times and he does it in other jurisdictions. He understands the desire to be compatible with St. Lucie County, he knows there has been a lot discussion with that. He thinks it is important to realize that Fort Pierce is a City. He heard the discussion, there is a question about their population, the population could double. They've got the County whose land uses are based upon an agricultural system that then became a suburban system. This is a City, it should have an urban form. He is not so sure that just trying to adopt the County land use is really the best way for the City to go. He is interested in the City being the best that it can be. He too has a question about with all the annexations and approvals, why things haven't been built, why people aren't moving here. He thinks they want to make sure that happens. But he doesn't believe that being a slave to what the County does with their Comprehensive Plan is the way the City should approach its future land uses. Even saying that they decide they want to do that, he doesn't believe that the Comprehensive Plan is sufficient in that regard. It seems to make reference to the County uses. There is no matrix within the Comprehensive Plan that shows which zoning categories are consistent with the land uses. They do have it in their existing Comprehensive Plan if he recalls correctly, but there is nothing that ties it into these County uses that they want to adopt. He is not quite sure beyond that if there is any attempt to address what has been an on-going bone of contention with regard to the process in the City which is that this process, the formal process of amending the Comprehensive Plan as required by Florida Statute, has not really been followed in the City. And so with the annexations, if for example they look Policy 1.6.4 and Policy 1.6.5 together, Policy 1.6.4 talks about land use being compatible with what is in the County and then Policy 1.6.5 says annexed property shall receive a land use designation according to Map 1-16, which is the County's land use designation. He is a little confused because he is not sure how Policy 1.6.4 and Policy 1.6.5 work together. They seem to say similar yet dissimilar things. Again, if the County changes their land uses, they are going to have change theirs every time. He believes the City should be establishing its own policies. If the intention of this is to try to institutionalize the way of amending the Comprehensive Plan where they don't have to follow the statutes of Florida, he doesn't believe that it necessarily works. And Section 171.062 of the Florida Statutes says, if the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area. So there has been some confusion about the application of those rules to how the City has done business in the past. He, like a lot of people, would like to see the City follow the correct process. He is not saying they are not, but he is not sure in reading this exactly what it is that is trying to be accomplished and he is confused by the intentions. The other issues that he is concerned about relate to the Conservation Element. In addition, attached to his letter when they see it, is a letter from Marcia Tjoflat who is a land use attorney in Jacksonville. In addition, as he indicated

before, he has a letter from Chuck Olson, who is one of the principals of the Bluefield Ranch Mitigation Bank which is out west of town. As he mentioned briefly in his letter, and as Mr. Olson addresses fully in his letter, there is a concern. What they are concerned about is the language that seems to address preservation of natural habitat when natural habitat is not defined. Mr. Olson goes on to expand from a scientific standpoint that the preservation of isolated urban wetlands is not good science when compared to the science of preserving large wetland communities like Bluefield has. Bluefield Ranch Mitigation Bank was supported by South Florida Water Management District and projects in St. Lucie County routinely have impacts on wetlands that are mitigated at Bluefield. And the District, the DEP, and the Army Corps all support that. He is concerned that their language would preclude the ability to mitigate. There is confusion as to what they can and can't do as they read those now. But he is also concerned that what it is trying to do may not be the best science with regard to wetlands. And then lets go back to what they talked about where it is a city and its urban form. He is not saying they don't want wetlands, he is not saying they don't open area or native habitat. But again, when they look at cities and they look at wetlands next to roads where trash is thrown out of cars and those are not maintained and there is no program, and under Florida law there is no obligation to maintain a wetland after five years, he thinks that maybe some of those things need to be rethought. He realizes that he is past his minutes and he will close. He would just urge them that they have only 60% of the Commission here today. As he indicated, he doesn't even have a current draft of this document. They have been waiting for a long time for this. He is loathe to recommend or ask that they slow that down a bit by not transmit, but he believes there is a significant amount of work that still needs to be done. If they do decide to transmit, he hopes they would encourage their consultants - because their staff and Mr. Margotta has been very good in trying to keep him in the loop as much as he can - but that they work together through the transmittal process and maybe have some answers come out from adoption. He does suspect that the ORC Report that they will receive from DCA will be substantial and there will be a lot of work to be done before adoption can take place anyway. Thank you very much, he will figure out some way to get these letters to them.

Mr. Chris Finley said he is with Holland + Knight on behalf of Destin Beach, Inc. and Fort Pierce Waterfront Terminals LLC. He initially planned to submit a letter on behalf of his client, but that doesn't seem like it is going to be possible. So in lieu of submitting his letter, he will just read it to them. It is addressed to the Mayor and Members of the City Commission. Honorable Mayor and Commissioners: These comments are submitted on behalf of Destin Beach, Inc. and Fort Pierce Waterfront Terminals LLC. As owners of property and operators of a business within the boundaries of the City of Fort Pierce and in particular within the area described in the subject plan amendments. As such, Destin Beach, Inc. and Fort Pierce Waterfront Terminals are affected persons as defined in Section 163.3184 of the Florida Statutes. We object to the adoption and transmittal of the referenced plan amendments to the extent that they adversely affect the use of our clients property for cargo operations, including cargo operations at Berths 1,2,3, or 4. On November 13th, the Department of Community Affairs sent a letter to Mayor Benton informing him that DCA would not review any amendments to the City's Comp Plan until such time as the City adopts and transmits the EAR-based amendments. We join the Department of Community Affairs in its objection to the City's adoption and transmission of any plan amendments until such time as the City has adopted and transmitted the EAR-based amendments. Accordingly, we object to the adoption of the referenced plan rewrite until the City has properly adopted the EAR-based amendments and transmitted them to the DCA. Now attached to his letter is the letter from DCA dated November 13th, which he would also like to read. This is addressed to Mayor Benton. This was referenced in his previous read. Dear Mayor Benton: The Department received the City's adopted amendment 06-PTF1 on November 8, 2006. According to our records, the Department has not received the adopted EAR-based amendments from the City. The EAR-based amendments were scheduled to be adopted no later than January 2, 2000. Please note, effective July 1, 2006, pursuant to Section 163.319, Subsection (10) of the Florida Statutes, local governments who fail to adopt and transmit EAR-based amendments to the

comprehensive plan pursuant to the schedule are prohibited from adopting amendments to the comprehensive plan until EAR-based amendments have been adopted and transmitted to the state land planning agency. Therefore, the adopted amendment package will not be reviewed and is being returned. If we may be of further assistance, please contact Mr. Shaw Stiller, Assistant General Counsel.

Mr. Ken Shields said he is there on behalf of Indian River Terminal Company and the Port of Fort Pierce, Inc. He doesn't have a letter to file or read. Just one issue he would like to bring up. They did a little presentation here with the Planning Board when they took this up and went over some of the recommendations. He wanted to thank Calvin, Giordano for following up and helping them all out with that, he appreciates that. There's one issue, he thinks it a little more than verbiage, under the economic development section Policy 1.17.7. If they could, certainly they would prefer to see the verbiage contained in that policy be a little bit more exact with what they were requesting and he thinks what the Planning Board had recommended, and he will quote: The City should encourage efficient and effective use of the Port of Fort Pierce consistent with the Port Master Plan. If there is no objections or if they can have some discussions, they believe that verbiage would be more suitable than the more broad.

Commissioner Becht asked is that his only request?

Mr. Shields said that's it.

Commissioner Becht said he would be able to support that.

Ms. Tappen said yes, she did offer that earlier as a change.

Mayor Benton said he believes she did.

Ms. Tappen said it was her mistake in the revisions.

Commissioner Becht said of everybody that has spoken so far today, he looks like he is the most successful.

Mr. Jonathan Ferguson said he is with the law firm of Ruden McClosky, here as a business owner in St. Lucie County, a resident of St. Lucie County, and representing property owners both within the City and within the proposed annexation areas of the City. He would like to first concur with the comments that Mr. Klein made and those included in the letters that he will be sending them. To the extent that he has had a chance to go through the plan, he would concur with those comments. Primarily what he wanted to ask of the Commissioners that are present, because of the limited amount of time that he had to review it. And that is partly his fault in not getting a copy as soon as it was available, he was only able to get a copy a couple of weeks ago, but he does have a more current copy than Mr. Klein has, so he guesses he had slight advantage in being negligent in not getting it prior to the Planning Board. In his copy, he should have picked up on this, it did not include the Concurrency Management Element section, so he will need to get a copy of that and hopefully he won't get charged again more than the \$85.00 he had to pay to get a copy of this. A couple comments, this is obviously a very important document for the City. The consultants have done a great job in getting it to this point in time. But it does deserve a full public review and input. A side point, he thinks charging \$85.00 a copy makes it difficult for the general public to take the time to review it. There may be copies available to the public at the library or here in the City, but it is difficult to sit down and go through it at their leisure, and not many people are going to put out \$85.00 in order to get a copy, so they may want to re-look at that. He did - and he doesn't think it violates any copyright laws - distribute it to planning firms and other professionals so that they would have an opportunity to provide comments; but likewise, they have not had a lot of time to develop those comments. He thinks there are some serious issues with the future land use for the

annexation areas. He thinks there some legal problem, he thinks there some practical problems. And looking at Map 1-16, which is the Future Land Use, there is already some inconsistencies with the underlying county land use, so he thinks it is already problematic and he thinks they will continue to have those problems. He thinks there's some better approaches on how to deal with it. And he thinks the development community and the consultants can get together with their professionals and maybe work out some compromises and some different language. What he would request given all that, and hopefully having the time to look at this in greater detail, is that they defer the transmittal until the middle of January. Given the holidays, he thinks that is a reasonable amount of time for them to get written comments for the consultants to look at and to digest, and for other members of the development community and the professional community to provide comments, so that everyone has a fair opportunity to go through it and at the level of detail that it requires. He thinks while they could transmit it today and they can take that time while DCA is looking at it, it's a little bit more awkward; and if there is something that is more substantive than not, then they've got the question as to whether or not DCA is going to accept their transmittal or accept those amendments that are done after the fact, and it simply gets a little bit more complicated. So not to belabor the point, but if they could delay this, he thinks they would all be better off and end up with a better product.

Commissioner Becht said he doesn't want to interrupt anybody else that is coming down. But before Mr. Ferguson leaves, the process of re-noticing this for adoption, what kind of expense are they looking at and how much time are they looking at, if that is something they decided to do?

Mr. Ferguson said if he may interject with a legal opinion, in his opinion, they have the legal ability to continue this hearing, which would not require additional advertising. Other jurisdictions do it routinely, especially when they have lengthy transmittal hearings with more than one amendment.

Commissioner Becht said he was wondering if they could get Mr. Ferguson, Mr. Klein, and Mr. Morell to agree on that here on the record. It would be interesting to have three attorneys agree on something.

City Clerk Steele said just a point. He is probably correct in that they can continue it; however, it has been her experience they should re-advertise because of the public.

Commissioner Becht asked how much does that cost?

City Clerk Steele said a 1/4 page ad twice, \$700 or \$800 probably.

Assistant City Attorney Emerson said she concurs it should be re-advertised.

Commissioner Becht said he is for that. He is going to thank them, somewhat sarcastic at times, but he is going to thank Mr. Ferguson, Mr. Klein, and even Mr. Morell for actually taking the time to read it and come up and give them comments. There are other people that have and he has gotten one or two letters. But the question he is going to put back to him is that he is asking them to delay it, and if they do delay it, if they postpone this to... They can't re-advertise by Monday night, so it is not going to happen then. They are not going to have any viable discussion on it between now and January 2nd, the next City Commission meeting. So the next one after that is January 16th, which is a Tuesday night, not a Monday night, but a Tuesday night. Is that sufficient time for him to meet with staff, meet with Calvin, Giordano, and get his comments and objections, at least get the real code and get together with their staff?

Mr. Ferguson said that would be plenty of time and that is what he had suggested was mid-January. And if January 16th is an appropriate date. Even with the holidays in there, he plans on trying to give them the comments next week or so.

Commissioner Becht said it only gives him the first two weeks of January the way he looks at things to get it done. He is going to apologize to him, he did not know the code was being sold at \$85.00 a pop. He thought it was available online. He doesn't know how they can make it available on line, but if they could.

Mr. Margotta said they are working on that. It was quite a bit of expense and still going through the issues of... It is large, it is a very huge file. So logistically working that was...

Commissioner Becht said he would like to do something other than charge somebody \$85.00 a copy. They need to get this thing out there.

City Clerk Steele asked is it on CD?

Mr. Margotta said that is what they have done, is they started creating CD's.

City Clerk Steele said they have a CD duplicator.

Mr. Margotta said they all do.

Mr. Ferguson asked are the maps on CD?

Mr. Margotta said yes.

Mr. Ferguson said when he got his copy, he got a CD of the text and a hard copy of the maps; and part of the problem is the maps are, to read them properly, 11 x 17 in color and not everyone has the ability to print that. So that's a minor issue

Commissioner Becht said they will try to do something and get information out to as many people as they can on how they can get copies of the plan without having pay \$85.00 for it. The date, January 16th, is Mr. Klein snow skiing or something, can't make it?

Mr. Klein said Commissioner Becht personally knows what he has coming up later that week, but he is not going to use that as an excuse. He would point out, he believes that is a County Commission meeting that night.

Mayor Benton said not their problem.

Mr. Klein said they can get into that later. But he thinks the public has not had a chance to participate.

Mayor Benton said he is going to cut him off there. He has bene to seven public meetings.

Mr. Klein asked with him there on this final version?

Mayor Benton said not on the final version, on implementing this. And then the Planning Board, did they continue it at the Planning Board level?

Mr. Margotta said no.

Mayor Benton asked it was done the first meeting?

Mr. Margotta said yes.

Mayor Benton said so there has been plenty of public input on this.

Mr. Klein said if they're not interested, that's fine. He was just going to say, normally a special meeting like they've done today, but after in the evening hours would be appropriate. If they decide to do it on January 16th and he has a conflict, then he will figure it out getting a letter in ahead time or having someone else appear or whatever it takes. He just wanted to present that, that he didn't think that the public had had a chance to speak to the full Commission about the final version that had been produced as of... What's the date?

Ms. Tappen said November 17th.

Commissioner Becht said they may have other public comments.

City Clerk Steele asked while he is coming up, can she make a statement?

Mayor Benton said yes.

City Clerk Steele said if it is continued to the 16th and they do wish something to go to the Commissioners for submittal, it needs to be to her no later than noon on the 10th. That's ordinance.

Mr. Mark Murphy said he is the owner of Cracker Boy Boat works which is at 1202 North 2nd Street on the Taylor Creek. He is before them to ask them to correct a mistake that happened back in the 1990's. He has talked to staff and has been working with staff and Mr. Margotta has been very helpful. And he just wanted to let them know that there is a mistake that happened in 1990. He has given a letter to the Mayor and to the Planning Department about this. Originally their land was I-2, the Industrial zoning is I-2, and the Future Land Use then it was designated as CM (Marine Commercial). And he was told back then by the Planning Director that the land use couldn't be corrected, that it would have to come the next time that the land use map was revisited. Today they're revisiting it and he would like to ask if they could accept the CM designation it is in now be changed back to I-2 which it was originally and correct that mistake.

Mayor Benton asked is Mr. Margotta familiar with this?

Mr. Margotta said he is familiar with the situation. His property has a CM land use.

Commissioner Becht said before he goes any further, he wants to clarify something. With all respect, does Mr. Morell still represent him?

Mr. Murphy said not today.

Commissioner Becht said okay, because if he did, what Mr. Murphy is asking, he says they cannot do. Because his comments are that they can only do EAR-based amendments today. He clarified that for the record that Mr. Morell does not represent him today.

Mr. Margotta said maybe he is wrong, but this is an amendment to their Comp Plan, and he believes they have the opportunity to update that land use map.

Mayor Benton said right, and he has had that discussion with Mr. Murphy. He knows what he is talking about with Cracker Boy.

Mr. Margotta said the commercial nature of that land use would help support the industrial zoning that he already has on his property. In other words, he has Industrial zoning right now which allows certain things, it allows him to continue; but land use wise, if something changes in the zoning districts, it might put them in an odd position later on. If they like Cracker Boy where it is at, lets make it industrial.

Mayor Benton said if Mr. Murphy wants to invest into his property, if he was to go to the bank with that future land use, he could have some problems, he would think.

Mr. Margotta said once he gets past the zoning issue. Yes, it makes it cleaner to make it Industrial. He is familiar with the situation. If the Commission is agreeable to his property having an industrial land use, then they can change that.

Mr. Murphy said he also has a letter. A memorandum that was done by Mr. Jim Walker (Assistant City Attorney) to Mr. Ramon Trias (Director of Development) back in 2003 that really explains the history of the whole file. He basically says when this is redone, they would keep it highlighted and this would be corrected.

Mayor Benton said at least as far as he is concerned, he's there, he's in business, and he doesn't want to do anything to hurt his business, and he thinks this designation does. But he guesses it is up to the rest of the Commission.

Commissioner Becht said he apparently has said something to offend Mr. Morell, so if he wants to...

Mayor Benton said lets get through this one first. Would everyone agree that change of land use does affect the ability for his business to expand in the future?

Mr. Murphy said or to operate in the future, yes.

Mayor Benton said right. He doesn't want to do that to him. So they would be righting a wrong there.

Mr. Murphy said they have been here since the early 1970's on this piece of property. They have had other properties in the area and they plan to continue to stay. They are not interested in anything other than what they are doing there now.

City Manager Beach asked wouldn't this require an application for a change?

Mr. Margotta said the City Commission can initiate that themselves through this process.

City Manager Beach said but it would require an application.

Mr. Margotta said normally its an application, yes.

City Manager Beach said what he is trying to get to is, if they change future land use, there is typically a public hearing that occurs so that adjoining property owners have an opportunity to comment. Would that be required in this case?

Mr. Margotta said normally yes. What is this whole process?

Assistant City Attorney Emerson said she thinks what Mr. Beach is trying to say, they can't make a decision on that here and now.

City Manager said he doesn't think the Commission can say okay, they will zone it industrial and then have it zoned industrial. There is a process that they go through of notifying the public that they have a change coming.

Mr. Margotta said for zoning, yes.

Mr. Murphy said but the original change from I-2 to CM was a mistake.

Assistant City Attorney Emerson said but they just can't address it in this forum, they can discuss it but not decide.

Mr. Murphy said there is a letter explaining that and assuring him that when this would be done, and now he can't turn it in. He will get it to the right parties.

Mayor Benton said he has the copy, he gave it to him the other day, and if this is continued...

Mr. Murphy said anyway, he thanks the Mayor for that. He has been talking to staff; and if there is any way they can work it out, he would like to get it worked out.

Mayor Benton said they will. And if this is continued, he hopes to have an answer for him by the next meeting. It was done without his submitting an application to do it, so he would think they could do it without an application to put it back the way it was. But lets see. They have time, they will look into it.

Commissioner Nelson said he would prefer they go through the application process.

Assistant City Attorney Emerson asked doesn't the ordinance require the zoning application and a public hearing?

Mr. Margotta said this isn't zoning, this is land use.

Mr. Murphy said this isn't zoning, this is what they are here for.

Ms. Steele said it is in the same statute, the passage of an ordinance that changes the land use.

Mayor Benton said they will have an answer before the final.

Mr. Morell said he is taking the podium again, not on behalf of Mr. Murphy because as Mr. Murphy told them, he is not representing him tonight. But he wants to speak specifically to the only member of the Commission that is a member of the Florida Bar and that is Edward Becht. And wants to let Mr. Becht know that he resents his insinuation that he has a conflict. And for him to position the issue the way he did before Mr. Murphy with regard to what he said on behalf of another client this evening earlier, is to impugn his integrity. And what Mr. Becht needs to know - and what he does know because he is a registered member of the Florida Bar - if he has anything to say about his integrity, that's to be taken up with the Florida Bar and it is not to be mentioned in a public forum like this in which it doesn't have any relevance. He wants Mr. Becht to know that as a fellow member of the bar, he doesn't like him importuning his integrity. Now for him to tell Mr. Murphy that his amendment is no good when he has accepted everyone else's just goes to show the hypocrisy of his position.

Commission Becht said he meant him no insult.

Mr. Lloyd Bell said he has property at the Port and he wants to remind this group that Berth #4 as been in operation since 1967 when it was contracted with Union Carbide. He is speaking now on behalf of Marcona and also he bought the position of AES Atlantis. And he would urge them not to do anything that would interfere with the continued operation of Berth #4 as a cargo entry and export point. Now he has mentioned many times that he is preserving Berth #4 when he knows it would be ideal to use with their megayachts. But he is doing it in self-defense. And it is available to be a protected exchange so that he will get his rights on Berth #1 as they often discussed. So in order to protect his position, he had to take the position of continuing Berth #4 and his rights that he has there that were initiated with Union Carbide in 1967.

Mayor Benton said Mr. Bell made a comment, their megayachts. What megayachts are they talking about?

Mr. Bell said he still likes mega-yachts.

Mayor Benton said he knows. He has heard that comment and he has heard it many times. There was presentation the other day to the Planning Board about a proposed mega yacht facility which none of them have seen yet. So for the record, he just wanted it to be known that they haven't seen a megayacht docked there yet.

Mr. Bell said if they could make available someone that he can sit down and talk with like normal people would as for the future. If he would do it himself. He has had the opportunity to talk with Mr. Nelson and they resolved everything that he had that was misinformation that was given to him about his participation after the storms when it was said he did not live up to his agreement, when he did live up to his agreements. And if they just had some committee that they could appoint to sit down and clarify all these facts that get so distorted and a spin put on everything. He wants mega-yachts and he thinks they can bring them in for the benefit of the community. But to have them crammed down his throat after he originally brought them Lurssen and the mega-yacht concept. It seems to be that there is out there a well funded attempt to confuse the use of this port. And he believes it is to the detriment of the benefit of this community and he is sure that they can come to a compromise that would help everyone. But every time they get close to it, it seems it gets convoluted.

Mayor Benton said he just wanted to ask where their mega-yachts were. The question is, do they have mega-yachts or not, yes or no?

Mr. Bell said yes. Let him tell them here in this public forum that when he was in Germany with Lurssen in their board room, and Peter Lurssen who heads the megayacht division of Lurssen Manufacturing was agreeing with what they were to do. They had a handshake, everything was agreed and they were going to take over 18 acres of land there for megayachts. All the points were agreed. Frederick Lurssen, who is the President of the entire company, took him aside and said he wants him to know no matter what his cousin Peter does, he wants to be in Fort Pierce. He thinks that is significant.

Mayor Benton said well, they will see what happens.

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

Mayor Benton said they have had discussion about continuing this. His only question is, if they do continue it they are not expecting a three hour presentation again, he would hope.

Commissioner Becht said no.

Commissioner Nelson asked are they going to be faced with continuing postponement, or what are they going to do?

Mayor Benton said that is up to the three of them.

Commissioner Nelson said he thinks they should at least defer it until the 16th to get that public input, to give people opportunity to review as necessary, and then they make a decision. It would also give them a chance to get their ordinance relative to fair share squared away. And there is not going to be that much activity between now and at least the 15th of January.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to continue to the 16th of January.

Commissioner Becht said he seconded for discussion. As the Mayor pointed out, they are not continuing this to have another three hour presentation. Ms. Steele has pointed out that if they are going to submit letters and they want them to be considered by the Commission, they need to be submitted to her by noon on January 10th. What can they do to make the Comp Plan more accessible to the public?

Mr. Margotta said they can go ahead and contract to put that on the internet. He doesn't know how usable it would at all be on the web, it's just so big. But for anybody that asks for it, they can give it to them by CD. There's a slight cost incurred, right now their fee structure allows for a certain thing. If they want to waive those fees.

Commissioner Becht asked \$5 or \$10 to get a copy of the CD?

City Manager Beach said they have a public records request policy that dictates and he thinks it is adopted by ordinance; and it dictates what people pay for the assembly of public records.

Commissioner Becht said what he is trying to do here is that for anybody that is watching this on the television, they are going to know how to get a copy of this without having to make a phone call.

Commissioner Nelson asked can they put a couple copies in the library?

Mr. Margotta said absolutely, if they're not there already.

Mayor Benton said that would be a good idea and he thinks there should be at least couple of them available at City Hall if somebody wants to sit down in one of the conference rooms and go over it.

Commissioner Becht said the other reason that he is going to be in favor of this motion is that, even though he is an attorney, he does not act as an attorney on this Commission. This Commission has an attorney and he would like the attorney for this Commission to respond to some of the issues that have been raised in the comments they received today and in the letters they are going to receive by the 10th.

Assistant City Attorney Emerson asked could he be more specific in what he is asking the legal department to address?

Commissioner Becht said there has been an argument raised that they are not supposed to submit simultaneous amendments to the Comp Plan with the EAR-based amendments. So he would like a comment on whether that is wise or ill-advised. He is not acting as an attorney. But he would like for the City Attorney to respond to that. He is not sure he really needs a legal opinion on how wise it is for them to attempt to adopt the County land use designations, but he would like staff to respond to that. Because it does seem to him they may be creating a lot of problems with that. In Mr. Klein's letter and the attachments to his letter, there was some issues raised with the wetlands, and it seems to him that there was some merit to that.

Assistant City Attorney Emerson said he is actually asking the legal department to evaluate the statements with regards to the wetland, or is that a staff request?

Commissioner Becht said he thinks staff can handle that. He doesn't think that is a legal question, so much as it is a practical question.

Mayor Benton said he would just like to comment on the concerns of Mr. Klein and Mr. Ferguson. As somebody that sat in four out of the five public hearings and the public discussion, that was one of the biggest issue was compatibility, the area that they are annexing to their west. In other counties that is considered, not their inner city, but the rural area around the city. He agrees with that, they don't have the same existing... Their land use definitions aren't the same as the County. He thinks Mr. Terpening brought that to their attention with the rezoning of some property called The Meadows possible rezoning. He thinks unless they want to fill that room up and everyone out the door, with all those areas they are looking to annex, he thinks they better look seriously into keeping that language in the Comprehensive Plan Rewrite. It is very important he thinks to keep peace in the County and the City, their future City limits and the neighborhoods.

Commissioner Becht said the last thing that he would ask for staff to review would be Mr. Murphy's request. He doesn't know if they can or cannot do that. So if they can have some report back if they can; and if they cannot, the reason why they cannot.

Mr. Margotta said okay. He will work with the City Attorney on that interpretation. He needs to make one point though. If they would like staff or the consultant to have an opportunity to respond to the input that they expect if this motion goes through, then he would need that stuff pretty immediately, to be able to work it out over a holiday period and get it in by the 10th.

Mayor Benton said they would like to see responses. And also the public will have several weeks or at least a couple weeks to review this. They can continue running this even after their next Commission meeting hopefully until that 16th meeting so the public will see this presentation that was put on today and understand what they are trying to do.

City Manager said let him expand a little bit on what the Planning Director was suggesting. All of those who have written comments, and many of them indicated that they have those now, they should get those to the Planning Department immediately if they exist.

Mayor Benton said as long as they get them in a timely fashion. What they don't want is things to come in at the last minute. And they have plenty of time now.

City Manager Beach said the City Clerk was saying, if they want their documentation on the agenda that's going to be put together for the 16th, she has to have that by the 10th.

Mayor Benton said Commissioner Nelson has to go, so they need to call the roll please.

City Clerk Steele asked can they clarify the motion? Is the motion simply... They say, to continue; but are they continuing the adoption of the resolution for transmittal? They are not having another public hearing, are they?

Mayor Benton said no, that's not their intent. He will ask the City Attorney.

Assistant City Attorney Emerson said they closed the public hearing before they continued. So they are continuing their decision, the public hearing is closed. But her question is, if their public hearing is closed and there isn't another public hearing, exactly what are they going to be doing at the next meeting?

Commissioner Becht said opening the public hearing back up.

Mayor Benton said what they are looking to do, he thinks they are going to receive their concerns in writing and their staff is going to put together what they have heard today answers and come back in front of them. Hopefully they will have something they can agree to.

Assistant City Attorney Emerson asked so they will be considering the resolution and they won't reopen a public hearing and there will not be any comments, only the documents that are in front of them?

Commissioner Becht said they will make that decision then.

Commissioner Nelson said they exercise the right to reopen the public hearing.

Assistant City Attorney Emerson said if they advertise it.

Mayor Benton said right, it would have to be advertised.

City Clerk Steele said she needs wording for the motion.

Mayor Benton said they need a specific motion.

Commissioner Nelson said okay, rephrase that.

Assistant City Attorney Emerson asked is he withdrawing his motion and second, is that what he's doing? They have a motion and second, are they going to withdraw it?

Mayor Benton said no. Or amending it?

Commissioner Nelson said no, just clarifying the motion.

City Clerk Steele said she simply needs clarification of the motion because there was discussion and to defer to the 16th was the wording. But she does not know what they are deferring.

Commissioner Nelson said move to defer all action relative the Comp Plan to the 16th of January, 2007; and that they try to resolve those issues that were in fact presented to them verbally and in writing and any others that might be apparent.

Commissioner Becht said he can second that.

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

There being no further business, Mayor Benton declared the meeting adjourned at 4:00 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER