

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

Mayor Pro Tem Coke called the meeting to order.

Reverend Moses Hill, Moses Hill Ministries, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Pro Tem Christine Coke; Commissioners Rufus Alexander, Edward Becht, and R. Duke Nelson; Deputy City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: Mayor Robert J. Benton and City Manager Dennis Beach.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, and unanimously carried, to excuse Mayor Benton from this City Commission meeting.

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Mayor Pro Tem Coke said she would like to take a moment and welcome one of their community=s greatest assets, the **Avenue D Boy=s Choir**. They are very happy to have them here this evening.

**Dr. Earl Hendricks** said he will take the opportunity to tell those who might not know anything about the Avenue D Boy=s Choir. The Boy=s Choir was started just over a year ago and it was the vision from Pastor James H. Brown to have a 100-boy choir here from Fort Pierce. Pastor Brown invited he and his wife, Mary Hendricks, to spearhead the setting up of this group of young men. They call them the Avenue D Boy=s Choir, because when he came to Florida 16 years ago, the reputation he heard about Avenue D was not very good. And they wanted the name Avenue D to be represented in this community and in this State and throughout this nation eventually, something that is very positive. These young men meet three times a week - Mondays, Wednesdays, and Fridays - from 5:00 p.m. to 7:00 p.m. They provide the boys with help with their homework if they need it, they provide them with counseling if they need it, and they sing. They have been ministering and singing at civic functions, in churches, throughout this County, and in Palm Beach County as well. They were invited tonight to sing a couple of Christmas carols for everyone, and he hopes they will be blessed by it. He thanks the City for inviting them. (The Avenue D Boys Choir performed two Christmas carols.)

Mayor Pro Tem Coke said she thinks the rest of the meeting is going to be a big let down after that. She wanted to thank those young men also for the fact that they came to the SKA (Southern Kingfish Association Fishing Tournament) and performed for them there. Everybody was very impressed. They do a great job. They are all to be commended for their commitment to their studies and to their community. Everyone appreciates it. And thanks to staff, whoever came up with this wonderful idea.

Commissioner Alexander said Mr. Tony Barnes.

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

Letter from Christopher Nelson, Fort Pierce Lodge No. 1520, in appreciation of the help of Mary Beth Birsky and Arden Kearsey and the friendly and professional staff of the Indian Hills Golf Course.

Letter from Mark Henderson, Liquid Fire Fishing Team, thanking

Dockmaster Craig Kilgore and the entire Staff of the City Marina for their friendliness and willingness to help; and commending Dan Massey for his professional manner.

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

Commissioner Nelson said he would like Item 6g (Emergency Expenditures due to Hurricane Wilma) removed for discussion.

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

a. Approve the Minutes of the Regular Meeting on December 5, 2005, and the Minutes of the Special Meeting on December 7, 2005.

b. Approve **Vacation Leave for City Manager Beach** from December 22-26, 2005.

c. Authorize piggyback Florida Sheriffs Association Bid for purchase of one **Caterpillar Front End Loader** for Public Works Streets & Drainage Division from Ring Power Corporation in the amount of \$101,849.00.

d. Accept the lowest and best responsive bid from Sunrise Tractor & Equipment, Inc. for **Front Deck Lawn Mowing Tractor** for Public Works Parks & Grounds Division in the amount of \$16,240.00. Bid No. 5558

e. Authorize piggyback City of Miami Beach Contract for purchase of **Emergency Lighting and Equipment** for 14 new **Police Vehicles** from Law Enforcement Supply in the amount of \$52,106.16. Bid No. 5583 (Single Source)

f. Approve ranking of firms submitting a proposal for **Police Staffing Allocation, Resource Development, and Patrol Zone Design Study**; and authorize award of contract with the top ranked firm, Etico Solutions, Inc., in an amount not to exceed \$23,500.00. RFP No. 5567

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The next item considered was Item 6g, which had previously been removed from the Consent Agenda: Approve \$671,767.77 in **Emergency Expenditures** incurred due to Hurricane Wilma.

Commissioner Nelson said this represents a request of some \$671,767.77. It concerns him in several areas. One is the amount of money that is involved, and also the source from which this money is going to come, and also whether or not they have adequate documentation to substantiate these requests, particularly in the areas where they are requesting on four occasions \$150,000 for certain items. He would like some examples of invoices that would in fact portray this.

Mr. Tony Barnes, Director of Purchasing, said they do have invoices. They submitted this same thing to the Commission a year ago, without the invoices; so they didn't think the Commissioners would want to be bothered with the small stuff. But in all actuality, they are only going to spend about \$290,000. But this is the way it is done. The Commission declared it an emergency back in October. These are invoices and everything they are

bringing to the Commission after they began to clear everything up. On top of that, 90% of this will be reimbursed by FEMA, so the City's chunk is only a small portion of that.

Commissioner Nelson said it would have been very helpful to him if in each case where they have a bullet point down there, indicating particularly those \$150,000 sums, a three or four line paragraph indicating exactly what they are talking about. They are talking about Miracle Landscaping and All For You Landscape for \$150,000 each.

Mr. Barnes said it is always approved by this Commission. These are their demolition pick-ups. They can provide him that information if he would like to see all the details.

Commissioner Nelson said he doesn't want to see the details. Mr. Barnes missed his point. His point was, when he approved this last year or when the hurricane came along, he didn't know he was approving \$150,000. If he did, that is fine and he likes that. But it would have been more helpful to him if Mr. Barnes could have said this is for picking up of trash on the beach or throughout the City during this time, or some explanation.

Mr. Barnes said duly noted.

Commissioner Nelson asked Mr. Barnes is saying they have how much, \$200,000 or something is going to come from the City?

Mr. Barnes said only 10%. Of that \$671,767, the City is actually only going to expend about \$290,000 of that. But they have to have numbers to put in so they can pay these people when they need to be paid, and then FEMA reimburses the City down the road. They had no idea what the actual number would be, so they have to set some sort of limits in order to do the proper paperwork for these individuals.

Mayor Pro Tem Coke asked when they get the actual figures, will Mr. Barnes give the Commission a finalized report on it?

Mr. Barnes said yes.

Commissioner Nelson said he just wants him to know, and he has said throughout the state and nation in some cases, where FEMA is charged with really looking hard at these expenditures. And Congress is now looking at it from the audit process. And they need to make doubly sure they are in fact doing things according to Hoyle. They had great success with FEMA, they were very responsive to the City. He thinks the City put in a request for some \$24 million or \$34 million. They have gotten a substantial amount of that back. He wouldn't want them to come in later on and say the vouchers were wrong or whatever the case may be. He has stressed this issue ever since they went into this emergency situation a year or so ago. But if Mr. Barnes is going on record saying they have these monies and these monies are available, that the documentation is there to support it...

Mr. Barnes said the City has filed all of the documentation with FEMA. He is triple sure, more than double what Commissioner Nelson is asking for, that they have done everything proper. They have been in contact with FEMA on a regular basis. They have presented this to them. FEMA has told them they have approved these project

work orders as submitted to them. They followed the same course that they followed last year. This year they went even further to make sure that the process would be with no omissions.

Commissioner Nelson asked they are deducting this amount or getting these funds they are going to put out there, \$291,000, from the General Fund or what source?

Mr. George Bergalis, Director of Finance, said correct, they are getting it from the General Fund.

Commissioner Nelson said he just wants to go on record indicating this; and if there are no further questions, he will accept this. But please in the future, when staff submits these kinds of things, a two or three line paragraph explaining what they have going on would be helpful to him.

Mr. Barnes said it is duly noted and he will do that.

Commissioner Nelson said he doesn't want to look at the individual invoices; but if he chooses to, he wants to know he has a route to go to.

Mr. Barnes said come see him and he will have them.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve \$671,767.77 in Emergency Expenditures incurred due to Hurricane Wilma.

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

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The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Mary Martha LLC for a 5,547 square foot addition for office/retail space at the Center West Plaza at 3224 South U.S. #1; said property zoned C-3, General Commercial Zone.

Mayor Pro Tem Coke said she was looking to get comments from staff. She is being handed something at the last minute here, which is not something they usually choose to accept.

Commissioner Nelson said he thinks the Commission should accept it. He thinks this perhaps is consistent with the new format they have taken recently to have staff brief the Commission as to what is going on before they get real involved in public input. Is that their intent?

Mr. David Recor, Deputy City Manager, said the purpose for the handout this evening is, staff noticed that the packet did not include an updated staff report; and therefore, the information conflicted with the final site plan that is included in their packet. So this was an updated staff report based on the information that the applicant provided in response to feedback from the Planning Board. Mr. Leiva will make the staff presentation and provide the staff recommendation tonight.

Mr. Fernando Leiva, Director of Planning, said the application before the Commission is regarding a site plan approval request for an addition to an existing commercial center. Initially this application comprised over 11,000 square feet addition to the

commercial center. What has happened and in his understanding is, the developer and City staff have been able to meet on this application a few times. The result is, this application before the Commission tonight is not the 11,000 square foot it was initially comprised of. What this application comprises is, specifically they are talking about 5,547 square feet of additional retail and office space. It is within an established commercial center. The developer has been able to meet the development standards in terms of the size of the addition and the parking requirements. And what staff has recommended at this point is that the Commission approve this application based on the fact that it is compliant with the provisions of the land development regulations. But staff is making two conditions on the approval. The first one is that the applicant submit an irrigation plan, which is going to be in sync with the landscape plan. He has been looking at the notes on this specific landscape plan and he hasn't been able to find any notes regarding that. According to their land development code under Landscaping Requirements, they do ask for an irrigation plan be submitted along with the application. The second condition is that the applicant submit a storm drainage plan. With that, staff recommends approval; and at this time, it is transmitted to the Commission for consideration. He will be happy to answer any questions.

Commissioner Becht said he talked to Mr. Recor earlier today about this. The Commission didn't get the updated report until about five minutes ago. He spent a great deal of his time trying to get through the inaccurate information he was given. He realizes they are in somewhat of a turmoil now, but if they could take steps to not let that happen again, he would appreciate it. He is concerned that Mr. Leiva has asked for an irrigation plan and he can understand how that would be a simple matter. But the storm drainage plan bothers him in that he doesn't see any on-site retention, and the drainage plan could really be a problem.

Mr. Leiva said that is possible. He really apologizes as far as not being able to make the Commission aware of these particular requirements earlier on, but he hasn't really been privy to any of the meetings before. This application has been in the works for quite some time. Commissioner Becht is absolutely right, the drainage plan may present some problems and he does see why that could be a possibility. What he would offer to the Commission is that the applicant is going to have to update the package. Again, the City should not be able to sign off on the final site plan unless these conditions have been met adequately and efficiently.

Commissioner Becht said he is confused as to what his recommendation tonight is. If he is recommending approval subject to two contingencies, one of those contingencies would be Engineering Department signing off on the storm drainage plans, which he thinks are a part of a site plan. He doesn't have site plan review of the storm drainage plans, so the site plan is not complete. He is not trying to be argumentative, he is just trying to understand where they are.

Mr. Leiva said his recommendation is that these conditions be met. Commissioner Becht is absolutely right, this will have to go through the process. Obviously the City is not going to sign off on the drainage plan unless staff has routed that to the Engineering Department. So staff is going to have to get a buy-in from them as soon as they review that.

Commissioner Becht said he thinks the applicant or their attorney or Mr. Bergman is here. When he reviewed this, he was concerned and disappointed that the major green area that exists for this project is proposed for 5,500 square feet of building. So the only place they have that is green right now is exactly where they are planning on putting the building. So if that were necessary for on-site retention, then it is going to be an impossibility for them to deal with that drainage issue and build the building. He guesses Mr. Leiva is saying, let's go ahead and recommend approval contingent upon Staff doing it's job after the fact. His point is that he would rather staff do its job before the fact, before they present it to him for approval. But maybe he is missing something.

Mr. Leiva said the recommendation is that the Commission approve this site plan application conditioned upon the applicant coming back prior to final site plan approval. As the Commission knows, their City Clerk is going to be making sure that Mayor Benton will have to sign off on the final site plan. His recommendation is that they don't sign off on those plans unless these two requirements are met.

Commissioner Becht said he thinks he made his point.

Mayor Pro Tem Coke said everything she read this weekend referred to an additional 9,284 square feet of office and retail. And what the Commission is receiving here this evening is an additional 5,547 square feet of office retail. What did the Planning Board see - a 9,200 square foot addition or a 5,500 square foot addition?

Mr. Leiva said the Planning Board back on August 9th recommended approval of this site plan when the site plan was revised to reflect... They are specifically looking at an additional building area of 5,547 square feet for a total of 33,513 of total space, which is reflected in the updated report, including the new proposed addition. What they are looking at in terms of 84,556 square feet is really the total pavement area including the walkways. If they are talking about the building area, it is only 3,300-plus, including the proposed building.

Mr. Recor said when the Planning Board reviewed this plan, they saw the larger square footage. It wasn't until after their recommendation was made that necessitated the application for a variance that didn't meet the requirements of the code that the applicant chose to reduce the square footage that would obviate the need to get that variance. In staff's opinion, that did not represent a material change. They weren't proposing to increase the square footage, but rather reduce it. So staff decided it did not need to go back to the Planning Board for their re-review.

Mayor Pro Tem Coke asked so the Planning Board has not seen it?

Mr. Recor said the Planning Board has not seen the 5,500 square feet. They saw the original square footage, which was just around 11,000 square feet.

Commissioner Nelson said this is at least the second time in recent memory that they have had to address this type issue. There has to be a relationship with the amount of green space in relation to the buildings they build. The City Engineer addressed this type issue on a prior occasion. He is wondering whether or not the City

Engineer at this juncture can also address the drainage or retention ponds in relationship with building the green space? Mr. Jack Andrews, Assistant City Engineer, said this is the problem, they haven't reviewed the site plan yet because there was no drainage part of it. The only time Engineering staff will catch it now is when the applicant comes in for a building plan, and it will have to come back for a drainage review at that time.

Commissioner Nelson said Mr. Andrews is losing him. Here it is now at the Commission level and all the staff element has not reviewed the intricate parts of this plan. Staff hasn't looked at the square footage, the retention areas, and this kind of business; but the Commission is asked to make a decision on it. Are they to approve it in concept? Are they approving it in terms of a site plan? It says site plan review on his papers. He is assuming it is a good plan. Staff are the experts and they recommend approval with no conditions, nothing. He thinks they can save everybody's time, because he is going to vote against it based on it is the second time he has encountered this situation. He doesn't know what everybody else is going to do, but he is telling them now up front, unless something happens between the public input and they finally convince him, he is going to vote against it.

Commissioner Becht said in their staff report they got tonight, it says: Finally, the project has been conceptually approved by all City departments. How can that statement be made, if the Engineering Department has not reviewed a storm drainage plan? He doesn't know how that statement can be made.

Mr. Recor said he doesn't know how to respond to that question in that he doesn't coordinate the daily review of the plans. And he is surprised to hear that the Engineering Department has not at least had an opportunity to review the plan or the storm water management element.

Commissioner Becht said at this point, rather than belabor the point... And he started off in a real good mood, they had music, but he is not feeling real happy right now. Why don't they just postpone this thing? The applicant is here if he wants to come down and say something. But if staff has not reviewed the storm drainage plan, he doesn't see that they can move forward.

Mr. Recor said they will hear from Mr. Joseph, who admittedly has been in the process for some time. What concerns him more is that perhaps the applicant has not even been advised that he needs to submit a stormwater management plan.

Mayor Pro Tem Coke asked does the Commission really want to open it to a Public Hearing; or did the applicant want to withdraw this for future staff consideration?

**Mr. Jommy Joseph**, General Manager of Days Inn, said he just wants to make his point heard.

Mayor Pro Tem Coke said they have a choice. She can either open it for the Public Hearing, which means everyone is going to speak and the Commission is going to vote on it; or they can withdraw this for future consideration after it goes back through staff.

Mr. Joseph asked when she says withdraw, what does that mean? He is not familiar with the process.

Mayor Pro Tem Coke said they are going to postpone it to a later date until after staff can look at it.

Mr. Joseph asked would they do it next month, do they mean?

Mayor Pro Tem Coke said postpone to a date certain. Because if the Commission votes on it and it gets turned down, he can't bring it back for six months.

Mr. Joseph said but the drainage issue, they have it. He already paid for it. Staff had it six months back. The paperwork is somewhere.

City Attorney Schwerer said what the Commission is expressing is, they do not have sufficient information to adequately vote one way or another on the site plan tonight. If they are forced to vote, they are going to most likely reject it. They are offering Mr. Joseph the opportunity to postpone the vote on this, for him to submit what is required by staff, so it can come to the Commission and get a fair hearing.

Mr. Joseph said he has been waiting for a year and a half for a fair hearing. To postpone it for another month, that is not a problem.

Commissioner Becht said in fairness to staff, Mr. Joseph hasn't been waiting a year and a half on a 5,000 square foot project. He started at 11,000 square feet. He had parking across U.S. #1. He or his architect was proposing parking across U.S. #1 for the shoppers at this facility, who would cross that five lanes of traffic to shop there. This has been in evolution of a better project. All he is saying is, he wants his staff to have a moment to look at a detailed storm drainage plan, which staff says they don't have. Is Mr. Joseph saying tonight that he submitted that plan?

Mr. Joseph said he had done a storm drainage plan. He did an engineering plan. He did this six months back, from 11,000 square foot to 9,000 square foot to 5,400 square foot to meet the City's parking requirement. Before even going forward with this, he went to the Planning Board, he went to Travis Gibbons, and he went through the parking and he went to make sure this 11,000 square feet would be comfortable until afterwards.

Mayor Pro Tem Coke said before they get real far along here now, she is either going to open the Public Hearing, or they are going to move to postpone to a date certain in January.

Mr. Joseph said two weeks, that is fine. He can wait. It is not a problem. But they should have the paperwork.

Mayor Pro Tem Coke said they can't have a lot of public discussion unless they have a Public Hearing on this.

Mr. Joseph said he just wants to be treated fairly.

Mayor Pro Tem Coke said they are giving it their best shot.

Commissioner Nelson said she is giving him a viable option.

Motion was made by Commissioner Becht, seconded by Commissioner

Nelson, to postpone the Public Hearing on the Application for Site Plan Review submitted by Mary Martha LLC for a 5,547 square foot addition for office/retail space at the Center West Plaza at 3224 South U.S. #1 until the January 3rd City Commission meeting.

Commissioner Becht asked has staff gotten the plans and lost them? Have they not gotten the plans? What is the story? Do they know tonight, or can they let him know tomorrow?

Mr. Leiva said his review of the application is based upon conversations he had with Mr. Travis Gibbons, who has been responsible for running the Planning Department before, and he had met with Mr. Recor. And he does have his file in front of him. He does not see a drainage plan. If he looks at the report, it has never been mentioned in the report that there is a drainage plan that should be submitted. He doesn't know.

Commissioner Becht asked who is Mr. Joseph's engineer for drainage?

Mr. Joseph said it is all done through Mr. Bergman.

Commissioner Becht said he would have to have an engineer.

Mr. Joseph said he didn't bring anything with him. He is not familiar with the process. He paid for an engineer and he paid for a drainage plan.

Commissioner Becht said when Mr. Joseph comes back, he would like him to answer that question for him, so he knows whether the City dropped the ball or Mr. Joseph dropped the ball with the drainage plan.

Mr. Joseph asked a conceptual drainage plan, right? That is what was needed?

Commissioner Becht said not conceptual at this point. The City needs a hard drainage plan. Where is the water going to go?

Mr. Joseph said when the Planning Board met, they said they needed a conceptual drainage plan. He had to go ahead and hire... He doesn't have it in front of him. They did a drainage plan to meet that requirement. It was six months back or actually maybe eight months back. So then the only issue was the amount of square footage.

Mayor Pro Tem Coke said they are getting way too close to the venue of a Public Hearing.

Commissioner Alexander asked can they have him meet with Mr. Recor and let him find out what he needs to make sure this can go forward?

Mayor Pro Tem Coke said get with staff tomorrow and see what else they need to move forward.

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

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**Ordinance No. K-397 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE APPROXIMATELY 7.21 ACRES GENERALLY LOCATED WEST OF HATCHER STREET AND SOUTH OF EDWARDS ROAD; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO**

ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF. Ordinance No. K-397 was placed on second and final reading and read by title only. (Owned by: North Fork Realty Investments)

Mayor Pro Tem Coke declared a Public Hearing on Ordinance No. K-397 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Ordinance No. K-397 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-397 on second and final reading were: Commissioners Alexander, Becht, Nelson, and Coke. Those opposed: None.

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The next item on the Agenda was Application for Site Plan Review submitted by Symphony Builders at Gator Trace LLC for construction of a condominium development of two-story townhomes (PHASE I - 6.94 acres, 67 units); said property zoned PUD, Planned Unit Development Zone and Application for Site Plan Review submitted by Symphony Builders at Gator Trace LLC for construction of a condominium development of four-story buildings (PHASE II - 17.60 acres, 264 units), said property zoned PUD, Planned Unit Development Zone. (PUBLIC HEARING held on October 17th. Action on Application Postponed to November 21st. Action on Application Postponed to December 19th.)

Mayor Pro Tem Coke asked did Staff have a recommendation on this?

Mr. Fernando Leiva, Director of Planning, said yes, they do have a recommendation on this particular application. As part of their packets, there is a letter that has come from the attorney representing the applicant. (Letter dated December 12, 2005, from Anthony Guettler representing Symphony Builders at Gator Trace LLC.) In that letter is a total of six specific items that have been listed in the letter. Staff has been able to meet with the applicant a few times. If he remembers correctly, he met with them over three times. Basically, what the applicant has been able to do is address the comments that were made at the Commission meeting on November 21st of this year. Specifically, he would like to go over each and every one of those points.

Mayor Pro Tem Coke said she thinks the Commission has read them and she doesn't think they need to go over each and every point. She thinks the applicant will cover it and she thinks the public will cover it. So if staff has a particular recommendation...

Mr. Leiva said the recommendation is that this application be approved subject to the specific points that have been raised in the letter.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, and unanimously carried, to re-open the Public Hearing.

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

**Mr. Anthony Guettler**, Weiss, Handler, Angelos & Cornwell, P.A., said he is here on behalf of Symphony Builders. On November 21st this Commission directed the applicant to meet with City staff and resolve several issues brought up by the Commission at their last meeting. The applicant as well as City staff has worked very hard to revise and review both site plans, Phase I and Phase II. They have taken into account the concerns of the residents of Gator Trace as well as recommendations from City staff and this Commission. They now have a plan that will not only benefit the applicant, but also the City of Fort Pierce and the residents of Gator Trace. If approved here tonight, the applicant will agree to the following twelve items - six of which are delineated in that letter the Commission received from his office. If the Commission wouldn't mind, he would like to go through them so the residents can hear them. (1) The applicant has obtained approval from the St. Lucie County Fire District. Along with that the applicant has submitted a copy of the revised site plan to the St. Lucie County School Board and will obtain their approval for the project. (2) The applicant will pay their fair share of signalization at Weatherbee Road and U.S. #1, if the City, County, or FDOT begins construction of signalization at Weatherbee Road and U.S. #1 within three years from the date of site plan approval. (3) St. James Boulevard will be a second landscaped entrance into this community. The applicant has provided elevation drawings and pictures of the St. James Boulevard entrance. (4) After meeting with St. Lucie County, the applicant has been directed to apply for a right-of-way permit for construction of the following improvements to St. James Boulevard: (a) The construction of an extension of the roadway from its current terminus eastward to the Gator Trace site. This includes the installation of a permanent culvert crossing at the County drainage ditch; and (b) The applicant will also provide overlay pavement from the intersection of St. James Boulevard and U.S. #1 to their entrance. (5) The Preserve at Gator Trace was directed by this Commission to construct Gator Trace Boulevard and build sidewalks along that road. If the Preserve at Gator Trace does not construct sidewalks on Gator Trace Boulevard within three years from the date of site plan approval of this project, the applicant will build a five foot wide asphalt sidewalk along its frontage on Gator Trace Boulevard. As requested by the Commissioners, the applicant will provide a bond in the amount of \$11,400 in order to support their interest in this regard. (6) After re-evaluating the roundabout, the applicant and City staff has concluded that it is not only in the interest of safety to go from a roundabout to a four-way stop, but also responding to the concerns of the residents of Gator Trace that that roundabout will bring the road closer to their homes, and also with the possibility of shining lights into their windows, they decided to go with a four-way stop. These next six items come from their agreement with the residents of Gator Trace and the Master Association. (7) In order to insure the applicant will not damage the existing roads within Gator Trace, the applicant will post a bond in the amount of \$10,000 guaranteeing no damage to the existing roadways. (8) Signs or flags used by Symphony Builders for advertisement purposes will only be placed in locations approved by Gator Trace Master Association. All construction trailers and dumpsters will be located on the construction site. (9) The height of buildings in Phase I will be a maximum of two stories. (10) In order to alleviate construction traffic from the main entrance at Gator Trace, the applicant agrees to utilize St. James Boulevard as a construction entrance. (11) The current sewer and drainage in Gator Trace was designed to handle the PUD at build-out. However, if the current water or sewer was to fall out of service due to the additional units added by the applicant, the applicant will bring the water and sewer services into full compliance. (12) The buildings west of Gator Trace Boulevard will consist of a 200 foot to 250 foot setback with a minimum of 25-foot landscape buffer therein. At this time the applicant will take any questions that the Commission has regarding those items.

Commissioner Nelson said he thought he was going to come to this meeting with the Gator Trace affair and be happy. He is not sure he is not. To what extent has Mr. Guettler talked to the residents, the people in Gator Trace? Are they fairly happy with this, does he think?

Mr. Guettler said they met with the Master Association and they have heard from the residents all along in this process. They have included all of those items they agreed to.

Commissioner Nelson asked are they happy? They had staff there? They coordinated with

City staff too?

Mr. Guettler said yes, they did. They met with staff several times.

Commissioner Nelson said he mentioned something about they are going to get a letter from the Fire Department and the School District relative to their requirements.

Mr. Guettler said the Fire Department has signed off on the plans.

Commissioner Nelson asked does he have that in black and white?

**Mr. Bradley Currie**, Land Design South, said what they got from the Fire Department was actually a checklist they give as a part of their site plan TRC (Technical Review Committee). They just asked for an updated one, so they did submit the plans to the Fire Department and Derrick Fox with the Fire Department did send them back a sign-off saying he approved with conditions. He thinks the conditions were very minor, like they need to give them a digital copy of the plan and so forth, very minor things, typical of what they would get at a TRC meeting. They have been playing phone tag with the School Board. He has spoken with Marty Sanders at the School Board several times, who has looked at the revised plan and is very happy with the plan. Unfortunately, Mr. Sanders was out of town the end of last week and the beginning of this week, so they were unable to get a letter from him. But they are willing to condition the site plan approval on getting an approval from the School Board. They feel confident they can get that.

Commissioner Becht asked in regard to St. James Boulevard, will that be their sole construction entrance?

Mr. Currie said yes.

Commissioner Becht said earlier Mr. Guettler said they would use it as a construction entrance. But it will be their sole point of entry for construction of at least Phase II?

Mr. Guettler said Phase I and II. That is what was contemplated at the Homeowner's Association.

Commissioner Becht asked when will St. James Boulevard be improved? Will that be improved immediately?

Mr. Guettler said they plan on improving St. James Boulevard concurrently with the project. But if they run into any trouble bringing construction through that entrance, then they will do so.

Commissioner Becht asked would they be willing to agree to a condition that the Building Permit for Phase I and Phase II will not be issued until the building permit for St. James Boulevard is ready to be issued?

Mr. Guettler said he does not know exactly at what point the building permit, from the point of site plan approval, about how much time from that point are they required to gain a building permit. How much time does that give them to build that road?

Commissioner Becht said he hasn't gotten to the issue of the time to build the road. What he wants to do is make sure they have done the design work and that the County signed off on the building plan for the road before they issue the building permit for the condominiums. He wants to know that they and the County have agreed on the design for the road before they start pouring concrete out there.

**Mr. Michael LeCoursiere**, Michael B. Schorah & Associates, Project Engineer, said yes. They will commit to getting the right-of-way permit from St. Lucie County before getting a building permit for any of the buildings within the proposed Gator Trace Condominium

projects.

Commissioner Becht said the word used was building permit and Mr. LeCoursiere called it a right-of-way permit.

Mr. LeCoursiere said the technical term for St. Lucie County is to issue a right-of-way permit in which they submit a set of plans and drawings and calculations for them to issue a permit based on what is presented in the plans. Obviously, if they are not satisfying what the County wants, they won't get that permit. That is the technical term, it is a right-of-way permit.

Commissioner Becht said he appreciates the clarity. Have they had communication to The Preserve or from The Preserve?

Mr. Guettler said he doesn't believe so.

Commissioner Becht said he thought the Commission had asked at the last meeting that the applicant attempt to contact The Preserve and see if they could get a schedule for their intentions on improving Gator Trace Boulevard.

Mr. David Recor, Deputy City Manager, said he has that information.

Commissioner Becht asked can he tell him what he has learned?

Mr. Recor said he spoke with Culpepper & Terpening this afternoon. They indicated they just received the Stormwater Management Permit from South Florida Water Management District. They are expecting to submit revised construction drawings to the Engineering Department in January. Pending their approval, they will begin construction on Gator Trace Boulevard in the next 2 to 3 months.

Commissioner Becht said that is wonderful news for Symphony Builders. They mentioned a 5-foot wide asphalt sidewalk instead of a concrete sidewalk.

Mr. Guettler said he believes if they put down the sidewalk before the road is constructed, if it is constructed thereafter, they will have to tear it out, so they went with an asphalt sidewalk.

Commissioner Becht said he understands that now.

Commissioner Nelson asked he is saying they can put the asphalt sidewalk down and follow it up with a concrete permanent sidewalk? The asphalt is going to be temporary?

Commissioner Becht said that is not what he is saying. What they have said is, they will give them a bond for \$11,400; and if The Preserve hasn't built it or somebody else hasn't built it within three years, then they will put down an asphalt sidewalk.

Mr. Guettler said that is correct.

Commissioner Alexander said he had one thing that stuck out in his mind, they said signalization only within three years if they start it. Is that what they agreed in the beginning? They will do their fair share regardless of when they start it? How would they address that point?

Mr. Guettler said the three years is there because they needed some sort of time period. It wouldn't be fair to tie the applicant to the intersection indefinitely, so they came up...

Commissioner Alexander asked they are still going to do their fair share though, right?

Mr. Guettler said yes.

Commissioner Becht asked is their Traffic Engineer here tonight? He has some questions concerning the traffic analysis. He needs to understand some of the underlying assumptions Ms. O=Rourke made. It appeared to him that one of her assumptions was that Weatherbee Road would be signalized. When he says Weatherbee Road, he means Weatherbee Road and U.S. #1

Ms. Susan O=Rourke, Susan E. O=Rourke, P.E., Inc., said that is correct.

Commissioner Becht asked can she tell him how much traffic from Phase I and Phase II she believes is going to be routed to that intersection? He is looking at Page 5 (Traffic Analysis for Gator Trace Phase 1 and 2, Dated February 24, 2005, Updated November 17, 2005.)

Ms. O=Rourke said they are showing about 15%, let=s say a little under 25% if they want to be general.

Commissioner Becht said if he is reading her numbers correctly on Page 5, it looks to him like she has 85% going that way.

Ms. O=Rourke said on Page 5 she has it broken down into Phase I and Phase II. The number that is in parenthesis is Phase II.

Commissioner Becht said just quickly though, it looks like 85% of Phase I is going to the Weatherbee Road and U.S. #1 intersection, if he is reading it correctly, and that is a big assumption.

Ms. O=Rourke said it is 85% of Phase I and it is 45% of Phase II. One is smaller than the other. The average is shown on Page 7.

Commissioner Becht said Page 6, she has the level of service at U.S. #1 and Weatherbee Road as F. What does that mean?

Ms. O=Rourke said it is F as an unsignalized intersection. F means, based on unsignalized, that there is a delay that is not providing sufficient enough gaps for the people to make a left turn.

Commissioner Becht asked does that mean it fails?

Ms. O=Rourke said yes, it does.

Commissioner Becht asked her assumption is that it has to be signalized before it is current then?

Ms. O=Rourke said there are two things. It is an existing condition, because when they move their traffic off they are a very minor part of the intersection, so they are showing it as an existing condition. That unsignalized intersection analysis is a very sensitive analysis that is based on delay. Starting with the 30 vehicles, the only people who can get out are on the gaps created by other signals. People are getting out, but they are opting to turn right and go up and make a U-turn. The intersection is functioning, but it is not functioning for... When she says it fails, technically they have to say it is Level of Service F when one approach fails.

Commissioner Becht asked which means it fails?

Ms. O=Rourke said U.S. #1 is moving. That is why it is not signalized yet, because the State still believes it is functioning at acceptable levels of service. The people getting out to

make a left turn are significantly delayed.

Commissioner Becht said this is her report. She is saying it fails too.

Ms. O=Rourke said right, she is showing it as Level of Service F.

Commissioner Becht asked when Ms. O=Rourke did this assumption, was she assuming that U.S. #1 would be six lanes?

Ms. O=Rourke said no. They show it as a four lane road.

Commissioner Becht said Page 3 of her report shows it has six lanes in here as planned. So when she made her calculations saying it would pass in the future, was she basing that assumption on four lanes or six lanes as her report indicates on Page 3.

Ms. O=Rourke said no, four lanes. She was just showing what is in the long range plan.

Commissioner Becht said on Page 7 she says it meets concurrency for U.S. #1 from Midway Road to Weatherbee Road; but she has a footnote there, and her footnote says, short term with detailed analysis, long term planned improvements. Now when he sees planned improvements, that goes right back to six laning. Is she saying tonight she was not contemplating six lanes with that little footnote?

Ms. O=Rourke said no, she is not, because for concurrency analysis long range is ten years out. For short term, for concurrency the requirement is for build-out of the project. So they are looking at the next couple of years, can this section of roadway work and will it work? And they are saying yes, it will. Because the level of analysis that is required there, they give a standard threshold and then they look at a detailed analysis of the intersections; and if those are deemed to be operating satisfactorily, then the link is found to be operating satisfactorily.

Commissioner Becht said he is going to say something and he wants Ms. O=Rourke to comment on it. Based on what he read out of this report, roughly 45% of the traffic generated for Phase I and Phase II is going to be dumped onto an intersection that is failing. Is that not what her report says?

Ms. O=Rourke said no. They have about 22%.

Commissioner Becht said 22% of the traffic generated from Phase I and Phase II are going to be dumped onto an intersection that is currently failing.

Ms. O=Rourke said they are not being dumped.

Commissioner Becht said however they wish to phrase it.

Mr. Guettler said they are not in the business of building intersections. And if it fails...

Commissioner Becht said it is failing now.

Mr. Guettler said it is failing. So when the County or the State undertakes construction, they agree to pay their fair share.

Commissioner Becht said but Mr. Guettler limited it to three years. His concern is, he is not sure he wants one car generated from their projects going into an intersection that is failing. So how do they address that?

Ms. O=Rourke said she has to say from a technical standpoint what their requirements are, and as an unsignalized intersection, give approach by approach. The approach on U.S. #1 is not failing, that is why they moved their traffic to St. James Boulevard. So their

traffic will be going through that intersection up to St. James Boulevard.

Commissioner Becht said 22% still goes through this intersection.

Ms. O'Rourke said they will still have a small percent at the intersection. That traffic will have to work off the gaps until the intersection is improved by the State or the County. They have been in contact with all the different parties and they have been told there is some correspondence going back very recently in the last few weeks. Bob Frank from the City's Engineering Department told them they were prioritizing this and there was going to be a push. They anticipate that this signal is going to get the attention the Commission talked about at the previous meeting.

Commissioner Nelson asked what did Ms. O'Rourke say about re-prioritizing?

Ms. O'Rourke said she was told by Bob Frank that there were letters going back and forth, that the County had said - this goes back years and years - that the City had asked them to signalize it and there would be a reason they couldn't. The State has to do this warrant program where they count it and they had been collecting data. So then what the State told the County, they will go ahead and signalize it when the County puts in a left turn lane and a through lane on both the east and west approaches. She guesses they have done it on one side and not the other. So letters have gone back and the County is going to finish the improvements. At that time the State will come out and they will conduct their study. It is everybody's opinion that at this point all the numbers will align properly and that the State will have to signalize the intersection, because they said they would once it met warrants and the County has met their obligation. So if they put the tubes out, they do the counts, and they have the data, then they will signalize it.

Mayor Pro Tem Coke said first of all, she is not sure with the traffic thing there, being on the MPO Board, that the County or the State has made that commitment.

Ms. O'Rourke said these were just letters provided by City staff to her. That was what they told her.

Mayor Pro Tem Coke said she would be interested in seeing copies of those letters. Because Commissioner Nelson and she sit on the MPO Board and they usually are the first ones to hear about that kind of thing. She doesn't know about it. Does Commissioner Nelson know about it?

Commissioner Nelson said no. They made some changes just last week in prioritizing activity on U.S. #1 from Edwards Road to Virginia Avenue. And it wasn't mentioned there.

They did verify the fact that they are going to keep it at four lanes, that they did in fact want a signal there. The warrants for that are to be conducted at a later date. They are doing right now the PD&E studies on that. That is going to be in year 2009 and 2010.

Mayor Pro Tem Coke said back to the project in general, her number one concern is first off she doesn't like having a time limit on the developer paying their fair share of that light at Weatherbee Road, because that just needs to be factored in. She does not want to mince words and say this year, next year, ten years from now. The road is failing now. It is going to be still failing 10 years from now when they dump - as Commissioner Becht so eloquently put it - 22% more cars from their project onto that intersection. It is going to become a necessary thing. Now whether they can convince the State it is necessary within a three year time frame, she doesn't know. So she doesn't like having a time limit on paying for that intersection. Number two, she has been working with the School Board on some of these other projects. And they have recently had another project agree to put a school bus stop inside of their project, so the children don't have to wait on the main roads outside. And what they are doing is right inside the entranceway for the project, they are putting a school bus stop. Are they intending to do that in Phase I and Phase II?

Mr. Guettler said they are intending to do what the School Board requests of them.

Mayor Pro Tem Coke said as a Commission, she would assume they will be requesting that they provide a school bus stop directly inside the entrance to their developments, so that the school bus can pull right into the entrance to their development and pick up all the children. They will be safe, they won't be wandering around on the main roads. They don't want something in the center of a development that is going to cause the school bus to have to drive through the development and make other kids sit on the bus longer. However, she would like to see school bus stops directly inside both of the developments. She would like to see them get rid of the time limit on the light on Weatherbee Road. She guesses her other concern is the construction at Gator Trace Boulevard, but Mr. Recor seems to think they are moving along on that.

Mr. Guettler said it might also be important to note for Gator Trace Boulevard, if The Preserve is never developed, there may not even be a need for that road. If the project is developed, it will be built. If it is not, then it won't be.

Mr. Currie said if he may just speak about the school bus shelters. He just wanted to say that they did review it with the School Board and they mentioned no school bus shelters. So he doesn't know that the buses actually come through there at this point. Commissioner Coke mentioned that she would like it on the inside of their individual phases. If they remember, Phase I is really in the middle of the entire PUD; so if they put a bus shelter in the middle or inside of their boundary of Phase I, then they will be enticing the school bus to come through. He doesn't think the school bus is going to come through the community anyway.

Mayor Pro Tem Coke said they will check with the School Board, but she would like at least to have that open to them. She knows they had a development recently agree to do that, and then the developer called and said the School Board doesn't want it. She immediately called the School Board; and they said they absolutely do, however they do not want it at the clubhouse, which is a ten minute drive through the project, but they want it directly inside the entrance.

Mr. Currie said they recently did a PUD in another part of the County and they actually wanted the school bus shelter actually right off the main road, with the school bus pull-off on the main road. Maybe more like Weatherbee Road is what they were expecting. It all depends on how they can get the school bus in and out.

Mayor Pro Tem Coke said her theory is, they ought to offer the School Board two bus stops for the students - one for each development - and ask the School Board where they would like them.

Mr. Currie said he understands.

Commissioner Nelson said in coordination with the residents. Those buses cause problems when students are standing outside people's windows early in the morning trying to catch buses.

**Ms. Shirley Broga** said she lives at 4174-A Gator Trace Villas Circle. As far as the intersection on Weatherbee Road and U.S. #1 and a three year possible thing for a traffic light, it sounds like the farmer who locked the barn door after the horse escaped. She can't vision waiting that long with the conditions the way they are. Not just getting out from Weatherbee Road onto U.S. #1, it is not bad if they are going north, but it is horrible if they are going south. And when they are coming from Fort Pierce going south, trying to get into that road. She waited about eight minutes the other day. It is terrible. Some times it is worse than other times. But she can't see allowing this construction to go on with the

conditions at that intersection and on that road.

**Ms. Rose Alberts** said she lives at 4075 Gator Trace Road. All of Gator Trace voted for the stoplight to come in before the school was built. The school has been there for six or seven years and there is no stop light.

**Ms. Marie Worthing**, 4178-A Gator Trace Villas, said she would like to thank them all for their time and consideration. It was suggested they have a compromise with Symphony Builders regarding the elevation of the three condos adjacent to their villas. They never did find out the actual elevation. She heard it was 45 feet, she heard 48 feet, and she heard 50 feet mentioned at these meetings and other meetings. She would like to know what the elevation is, because that will be a permanent view of their villas. So she would like to know how high is it? Someone said with the berm it will only be 35 feet. How high are they? And the same with the two story ones. Unfortunately they had poor representation in the final discussions, as the residents were not allowed to speak; therefore, they were not represented as the Commission suggested they be represented. The Master Board did all the talking. In fact two people on the Master Board did it. The rest of them just sat there like dummies.

Mayor Pro Tem Coke asked does the Master Board represent the Golf Course or the residents?

Ms. Worthing said or themselves. The Golf Course. There are two or three on the Board who are very neutral. Again, there are a couple that aren't. She can understand why, because they would like more condos and more people because it is better for the Golf Course, maybe more customers and maybe a couple of other reasons. But they were told by this Commission when they left, the last word - and she thinks it was Commissioner Nelson, she is not sure, it might have been the Mayor - don't include the Board meeting, when they left. When they went home they decided to get half a dozen of them together and discuss the problems and meet with Symphony Builders and see what they could come up with. Before doing so, their President decided to have a meeting with the Master Board, which was not supposed to be. It was supposed to be their little group. Anyway, the Master Board took over and the residents couldn't speak. First they didn't want them to even come there, but then they came and they sat there and listened, and two people did most of the talking. So basically, the compromise they were hoping, there was no compromise whatsoever. So the residents are going to face these four story buildings, and she guesses they accept that. Now their problem is the traffic. She is glad to hear St. James Boulevard will be an entranceway. Also the Commission mentioned that they should work with The Preserve to open Gator Trace Boulevard. Now The Preserve has nothing to do with this; but again it does, because they promised the residents two or three years ago The Preserve would use Dickson Road as a secondary entrance, now she has heard they are not going to use that. They got the name The Preserve at Gator Trace, that is why they want to come through Gator Trace Boulevard. This traffic study is not taking into account The Preserve that is also going to be coming down Weatherbee Road possibly, if they don't use Dickson Road, and come through Gator Trace Boulevard. So that traffic study is out of kilter as far as she is concerned.

Mayor Pro Tem Coke asked does Mr. Guettler have an answer on the height of the building?

Mr. Guettler said yes, they have elevations.

Mr. Currie said the definition of building height for the City of Fort Pierce as from the bottom to the mean point of the roof is 45 feet.

Mayor Pro Tem Coke said let's not get into semantics. How tall is it to the top of the roof?

Mr. Currie said he believes it is about 48 feet to the top of the roof. Their definition is 45 feet, so he has to say that; but to the actual top of it is 48 feet.

Mayor Pro Tem Coke said they have been confusing her like that for four years. The definition of the roof is the average height of the roof, legally. That is why she always asks, to the top of the roof?

Ms. Worthing said they are going to have the rest of their lives figuring it out, so they will find out and let them know. She thanks the Commission for all their time.

**Ms. Kathy Tressler** said she is President of the Homeowner=s Association, member of the Master Board Association. Ms. Worthing is correct. The Master Board did meet with the developer. Mr. Jim Lennon met with the developer, solely. She was not allowed to attend that meeting. She went over at that time to ask them if she could sit in on the meeting; and he said no, she was not allowed to be there. He said please leave, and she did.

Mayor Pro Tem Coke asked she is the President of the Homeowner=s Association?

Ms. Tressler said she is President of the Homeowner=s Association and member of the Master Board Association. Nevertheless, the other Board members did not meet with him either. Just Mr. Lennon met with him. Her concern is traffic. And another concern brought up tonight is the asphalt sidewalks. In the whole community, including her own home which she had to put in her sidewalk which is 6 feet wide, it is concrete in front of her home. It cost them quite an expense. She doesn=t see why they have to have asphalt sidewalks, which in the summertime heats up; and if they walk on it, their heels go in it and sink.

Mayor Pro Tem Coke said she believes they are only talking about the asphalt sidewalks as temporary until the road is finished construction, and they will be replaced with concrete.

Ms. Tressler said if she remembers correctly in the meeting earlier, she thinks Commissioner Nelson said the sidewalk will be asphalt. It won=t turn to concrete. They are not going to replace it with concrete, it is always going to be asphalt. Is she wrong?

Mayor Pro Tem Coke said she doesn=t think that is the case. Would someone from the builder please address that?

Mr. Currie said the asphalt sidewalk would just be along the portion of their property that fronts on Gator Trace Boulevard, and would be temporary until Gator Trace Boulevard gets built. They do have interior sidewalks to their individual pods which will be concrete sidewalks, very much like the sidewalk in front of her house. They will have concrete sidewalks in front of their individual units as well. The asphalt sidewalk is just along Gator Trace Boulevard.

Mayor Pro Tem Coke asked it will be replaced by a concrete one?

Mr. Currie said yes, once Gator Trace Boulevard gets built.

Commissioner Becht said they are getting close for him, especially hearing that The Preserve is months away from opening up that. The circumstance they have articulated in Paragraph (5) of Mr. Guettler=s letter, in that circumstance he is not sure that Gator Trace Boulevard is going to be opened. And if it is not going to be opened... And the applicant knows this because he sat with him several times and said he wants the sidewalks. It is a little thing. He is going to give his complete wish list at the end of this presentation. But if they can convert that from asphalt to concrete... Because in the circumstance they are giving them, The Preserve has not come through; and if they don=t come through, he does not think Gator Trace Boulevard is going to get paved. They have heard Mr. Recor say earlier tonight that he has had conversations directly with their engineers, and that it will be started in another two months.

Ms. Tressler said another question she had is, they are talking about Phase II, they still have not seen the elevation pictures. They do not know what kind of structure it is going to be. Is it going to comply with that they have now, or is it going to be a sore thumb sitting out there? They would like to see some pictures and they have not seen any pictures as of this date.

Mr. Currie said those were included in the Agenda package as well.

Commissioner Becht said he has seen them and they are very pretty, but the residents have not had a chance to see them yet. (Copies were given to Ms. Tressler.) The one point that is bothering him right now is the loose-ended nature of the way the signalization issue is going to be addressed. He would just like for him and the applicant to talk about how they can tighten that up. Because if they can get there, then he is not going to say he is happy, but he is not going to be happy unless they do get there.

Mr. Guettler said if he could suggest that the applicant pay a single lump sum, conditioned on site plan approval, in the amount of \$15,000 toward that signal, in hopes that this Commission could use that money to spur the actual construction of that light. The applicant would be willing to do that.

Commissioner Becht said it has been his experience that the applicant has more influence with some of the politicians who make that decision than the Commissioners do, because those are County Commissioners.

Mr. Guettler said that money would go to the City to be held...

Commissioner Becht said thank you for getting there.

Commissioner Nelson said they addressed that issue at the MPO. The warrant study is the thing that is holding them up. But he thinks it is high time that they re-address it, particularly with the school issue and this Gator Trace effort. He would take it upon himself to assure them that he will have it re-addressed at the MPO, but he won't have any assurances it will get done, because FDOT is going to have to have their warrants. But they can make a strong case. They are requiring now that the developer provide a fair share contribution. A signal nowadays, with the mast arm and all that, costs from \$85,000 to \$150,000, is his estimate.

Mr. Guettler said that was just quick math with their Traffic Engineer of an estimate. He thinks it is a pretty good estimate of their fair share.

Commissioner Nelson said he thinks his figure is a pretty good estimate too. He has in fact had a light put in and he knows what the cost is. He knows what they are talking about in terms of funding. Just last week they addressed signalization costs for the year up to 2030. So he thinks it is important that they think in terms of probably upping their fair share. Because he will commit to in fact address having that light accelerated as far as installation is concerned. He doesn't guarantee anything because all he has is one big mouth and sometimes most people don't listen to him. But he thinks it is important with that development they have going on there. And these people have a valid case of them compounding the issue by putting in additional housing that is going to bring a lot of traffic for the area. Think seriously and possibly sweeten the pot with respect to that light there.

Mr. Guettler said he believes that is a fair share given the location of the project and the route it would take to get to Weatherbee Road and the relative amount of traffic they would be putting on that road.

Ms. O'Rourke said she won't get into all of the details of the numbers, but they are 4% of the total traffic at that intersection, if they add everybody else. She assumed \$150,000 as the cost. And then the high side, what she took was 10% to get the \$15,000. Percent

when they do capacity of a signalized intersection, the low side is \$1,400. So she said call it 10% of \$150,000 is \$15,000. That is where they came up with that number.

Commissioner Nelson said work it out with staff and they in turn will be working with the MPO and working with FDOT. And whatever they all come up with, he is amenable to it. He is not dictating anything from this rostrum up here. He is just trying to alert them and try to tell them that he will in fact commit to raising the issue on behalf of these people here to try to get their light there, because of a perceived potential safety hazard there that is going to be exacerbated by the fact that they all are moving in there.

Commissioner Becht asked what do they estimate their cost for a design and paving to County standards St. James Boulevard?

Mr. LeCoursiere said the preliminary cost estimates provided, it ranges between mid-\$80,000 to mid-\$90,000.

Commissioner Becht said the question he will put to this Commission is, he doesn't see the benefit of diverting those dollars from St. James Boulevard down to the Weatherbee Road intersection. They are asking for him to make contributions to the signal. He is already paying \$80,000 to \$90,000, which is going to pull some traffic off that intersection. If they thought it wise - and he is not sure he does - but they can divert those dollars from St. James Boulevard down to Weatherbee Road. He is not sure that is wise though.

Commissioner Nelson said that is a potential. He is not trying to dictate. Those guys are the experts out there, and they can tell him he doesn't know what he is talking about. But as long as staff is properly massaged, certainly they can make those type of adjustments.

**Mr. Chuck Alberts**, said he is at 4075 Gator Trace Road. He thinks that everything concerned, the biggest problem on this whole project is the traffic that is going to be dumped on Weatherbee Road, and that is a proper expression. He has heard several things here tonight and he doesn't know how they keep this straight. But he heard the young lady with her traffic count saying there is 22% going to be on Weatherbee Road and onto U.S. #1. He thinks that is not even halfway true. Even Phase II, with the addition of St. James Boulevard as one of the entrances, there will be a pretty large percentage of the people in Phase II who will come down to Weatherbee Road, he is certainly convinced of that. It is just inconceivable to him that these projects are planned without proper entrance and exit relief. They can't stick five pounds in a three pound bag, it doesn't work. He has heard this developer - and he is sure he is a great developer - wants to put a three year limit on the light on Weatherbee Road. The developer wants to contribute, which is fine. He also heard the developer at one time saying once he gets started, three years he is done and out of there. He gets the impression that once the developer gets in there and out of there, he doesn't care what happens to Weatherbee Road. He could be wrong, but that is the impression he gets, and he thinks that is the impression a lot of people at Gator Trace get. Personally, he thinks that Weatherbee Road should be all done - fixed, lighted, the whole nine yards - before this thing ever gets started. But that isn't the way it works, it works the other way around. They just hope at the end of three years or before the three years, the State will graciously say yes, they need a light. The young lady made a comment that right now the State doesn't think they need a light there. Is that going to change? He doesn't know. He hopes the Commission does. He hopes the developer does. Because the people at Gator Trace are the ones who are going to be fighting this thing after it is all said and done. He commends the Commission for this job they do on this sort of thing. He doesn't want it.

**Mr. Michael Mett** said he lives at 4166 Gator Trace Villa Circle. First of all, he would like to commend the Commission members for taking such a detailed look at this. He appreciates their attention and the questions they have raised. He wants to also thank the developer for taking the initiative on St. James Boulevard. He tried to buy the northeast corner of Weatherbee Road and U.S. #1 in 1996 from the three doctors who owned it and he wanted

to put in there a condition on the contract that the signals would go in, because they wanted to put in a massive gas station complex in there. They would not agree to that because they shared the same pessimism he has, that the signal will never be built. He is assuming the signal will never be built. He thinks they have to assume the worst. He is also assuming - even though the good news about St. James Boulevard is it is going to be used - they are really creating another Weatherbee Road at St. James Boulevard. So basically, the woman or the man who is a safe driver with kids or without, if they want to go south on U.S. #1, they are going to come through Gator Trace, particularly if Gator Trace Boulevard is not extended. So some people perhaps are wondering why they are harping on extending Gator Trace Boulevard ahead of The Preserve. The Preserve he thinks, being a developer himself, doesn't want to be stuck with a cost of extending Gator Trace Boulevard, primarily for the benefit of The Preserve. That is fair for Symphony Builders to feel that way. Nonetheless, they have a timing sequence problem here, so they have to plan ahead for Gator Trace Boulevard never being extended. Which means whether it is 22% or 40% of the traffic - and he thinks it is more than 22% of the Phase I and Phase II traffic - it will come right through Gator Trace to go south. Nobody who wants to go south is going to go through Phase II to turn left on U.S. #1. That is going to be even worse than Weatherbee Road is right now. Just a few pointers from an experienced developer who has been familiar with the area for many years. He doesn't think the signal will ever be built. It is too much of a burden on the free flow of traffic along U.S. #1. It is just very jealously guarded. And as a failing intersection as that is, he will believe it when he sees it. It has been ten years.

Mayor Pro Tem Coke said Commissioner Nelson is going to give it his best shot at the MPO.

Commissioner Nelson said he will give it his best shot. Does Mr. Mett think a signal there would in fact eliminate a sizable amount of the traffic problem they have there? Would that cause a lot of problems with traffic to go away?

Mr. Mett said actually, this is the paradox, the irony of this, is that a signal at Weatherbee Road and U.S.#1 will actually draw more of Phase I and Phase II traffic through Gator Trace than St. James Boulevard, because Weatherbee Road will become a marginally better intersection for going south on U.S. #1 than St. James Boulevard will be. He doesn't want to undermine the warmth he feels for the developer coming up with St. James Boulevard, he very much appreciates that, that is very important. So they want to build on these things like a coral reef and work with the developer. Because they have made several gestures here and he thinks the City should consolidate those and keep those, but move forward. But the traffic is going to come through Gator Trace. And it is absolutely imperative he believes that they have to have some fallback position on completing Gator Trace Boulevard. It is ironic that they removed the roundabout saying they were going to make that a four way intersection. It is only a three way intersection, because Gator Trace Boulevard doesn't go through. Again, marginal increases in traffic through Gator Trace are something the residents should all anticipate would have happened, but not massive increases. And certainly when The Preserve comes, that will be massive. But there will be very significant increases in traffic from Phase I and Phase II through Gator Trace to go south on U.S. #1. So they have to grapple with this extension of Gator Trace Boulevard problem. He doesn't know how they do it, he doesn't have the magic answer. But he has appreciated the movement of the Commissioners on this and he wants to thank them all.

Commissioner Nelson said early next year, at the MPO relative to a signal at Weatherbee Road and U.S. #1, he wants all of them to come. The MPO rotates between Port St. Lucie and the Civic Center. He believes with the movement they have now and the proposed construction, they can make a strong case to put a signal there.

Mayor Pro Tem Coke said a petition from the residents would not hurt.  
Mr. Mett said he would be happy to help.

**Mr. Robert Dunleavy** said he lives at 4105 Gator Trace. He will be directly across from the two story buildings. He is anxious for the first time to see the elevation of those buildings.

Commissioner Becht asked would Mr. Currie give him the two story elevations, please?

Mr. Currie said the Commissioners do have copies within their application packages. He can provide him a paper copy. (Mr. Currie gave a copy to Mr. Dunleavy.)

Mr. Dunleavy said at the risk of sounding sarcastic, having been to the Planning Board meetings and to the Commission's former meetings, he has always been concerned. The indication is that the garages will be underneath the living units.

Mr. Currie said the Phase I plans, these are like a typical two story townhouse with a one car garage. They will have living area on the first floor and bedrooms on the second floor. So their garage will be just like the typical two story, one car garage townhome that they see. Some of them are underneath, some of them may have living space over top of them and some of them may not. But it is just individual units, two stories tall, individual two story townhouses.

Mr. Dunleavy asked being a total of two stories total, including the garage?

Mr. Currie said that is correct for Phase I.

Mr. Dunleavy said he would like to also express his thanks. He guesses he is a little cynical, but he doesn't always find himself impressed with public leaders. Tonight and a number of other evenings, he has been.

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

Mr. Recor said he had a couple of thoughts as the discussion was occurring regarding the traffic light improvements as well as the contribution toward the signalization. The first had to do with impact fees. They are talking about an intersection that is failing in its existing condition. Whether or not there was a creative interpretation regarding how the impact fee monies that are collected in the City of Fort Pierce are spent in the City of Fort Pierce. And this Commission has expressed the desire to have some input in prioritizing projects here, whether or not that was something the City could evaluate further. The second was, he wanted to let the Commission know at the last meeting Commissioner Nelson had asked that they have some representation in Orlando at the model FDOT Fair Share Ordinance and they did have some representation. So he thinks Ms. O'Rourke's calculations were pretty liberal in terms of the cost estimate that she used. His point is, that offer the developer has provided sounds reasonable; but they have not had the opportunity to compare that to the formula that is contemplated in FDOT's model Fair Share Ordinance. He wanted to suggest to them that they could do that and see how that would compare to the figure that the developer has proposed.

Commissioner Nelson said they all were complimentary to the Commission, but he thinks the residents are the real champions with respect to addressing this issue. They have been uniquely civil about it and cooperative in every respect. They have a long ways to go still. It is important that they be vigilant and review what is going on, because some of them and some of the Commissioners also sometimes get told things on one hand and something else happens on the other hand. So they need to keep vigilant with respect to watching this program. If the public is in fact happy with what they have seen thus far, he is prone at this juncture to go ahead and approve this plan subject to the various conditions that have been elucidated here. Those are his thoughts.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the Site Plans submitted by Symphony Builders at Gator Trace LLC for construction of a condominium development of two-story townhomes (PHASE I) and construction of a condominium development of four-story buildings (PHASE II), subject to the various conditions that have been elucidated here.

Mayor Pro Tem Coke asked does his motion include Commissioner Becht's recommendation that there be a building permit for the St. James Boulevard right-of-way prior to site plan approval?

Commissioner Nelson said yes.

Mayor Pro Tem Coke asked does his motion include school bus stops at the discretion of the School Board?

Commissioner Nelson said yes, but he definitely wants the School Board to be comfortable with where they place those bus stops, because as he pointed out earlier, sometimes buses create problems with neighbors.

Mayor Pro Tem Coke said if they don't want them, that is fine too. Does that include the condition for concrete sidewalks?

Commissioner Nelson said yes, that the developer agrees to put in concrete sidewalks. He thinks the developer can handle that, can't he? It looks like he is indicating yes, he can handle that.

Mayor Pro Tem Coke said she knows it already included everything they discussed with the light on U.S. #1. She just wanted to clarify the motion.

Commissioner Becht said he needed to clarify something. The point he discussed with the applicant was that the building permits for either Phase I or Phase II would not be issued until a right-of-way permit had been obtained for St. James Boulevard. Is that not what they talked about?

Mr. Currie said that is his understanding, yes.

City Clerk Cassandra Steele said she had two other notes written down - get rid of the three year time limit for participation in the light and a lump sum of \$15,000 toward the signal light.

Mayor Pro Tem Coke said they are just trying to clarify what the motion is.

City Attorney Schwerer said it is contemplated that each of their conditions are going to be reported in the Minutes and a Developer's Agreement is going to be prepared and signed by the developer committing to each of these conditions. It is contemplated that the developer's attorney has taken all the notes necessary to do that. But he needs some clarification. He knows what their motion is. Their motion is, they want to approve it all subject to these conditions. They do need to be very specific on the condition in the letter, Paragraph (2), which is they pay their fair share of the signalization. There was an offer made to pay the \$15,000 up front. That normally is to be contributed toward the future signalization whenever it occurs, there is no time limit. If that is what their motion is going to be, be very specific on that. Because Mr. Recor said he can go back and do the calculations, and it is either going to be \$15,000 or the formula proposed by the FDOT. His suggestion is, if they want to do that, do whichever is greater.

Commissioner Nelson said based on Mr. Schwerer's comments and after having attended the workshop, he thinks \$15,000 is acceptable.

City Attorney Schwerer said okay. He is counting the 12 conditions plus some additional ones that were put on by this Commission that were announced on the record. With that clarified, he is satisfied he has enough from this record to work with the developer's counsel in preparing a Developer's Agreement which will incorporate these.

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

Mayor Pro Tem Coke said she wants to thank the public for their input and participation in this project. She knows it has been a long time and they do appreciate it. Any time the Commissioners can help them with any questions, don't hesitate to call.

Mr. Currie asked do they have to take two votes, one for Phase I and one for Phase II? Is that correct?

City Clerk Steele said both phases were included. The conditions covered both of them.

City Attorney Schwerer said that is fine.

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The next item on the Agenda was Mr. James Freitas, Bottom's Up Beverage, request Alcohol Beverage Permit for Fort Pierce Billfish Derby at the City Marina on Avenue A Extension on January 5, 7, & 8, 2006.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve an Alcohol Beverage Permit for Fort Pierce Billfish Derby at the City Marina on Avenue A Extension on January 5, 7, & 8, 2006.

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

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The next item on the Agenda was Ms. Cathalina Green request Waiver of interest, penalties, and fees in the amount of \$5,518.02 against 1102 Canal Terrace, upon payment of Lot Clearing and Demolition Liens in the amount of \$1,986.76; and request Waiver of interest, penalties, and fees in the amount of \$1,591.96 against 1104 Canal Terrace, upon payment of Lot Clearing Liens in the amount of \$562.17.

Commissioner Alexander said he has a question of concern first of all. Is this not some of the properties the FPRA is trying to acquire?

Mr. David Recor, Deputy City Manager, said yes, these are properties which are part of the Moore's Creek Linear Park Project. And Mr. Ward has included a memo and recommendation for the Commission's consideration.

Commissioner Alexander said his point of concern is, not only is this coming before him, but he has known of other properties that Code Enforcement has been continually to be aggressive toward these people. And they are talking about selling these properties, and there are fines and liens on properties because they are not maintaining the properties, and the City is going to tear them down. So his question is, why are they putting these individuals in this position to pay money out when the FPRA is trying to acquire the properties?

Mr. Recor said he understands the point that he is making. He does not have enough information before him. Perhaps they can make it available as to when these liens were filed, whether or not these are past enforcement violations prior to the initiation of the Moore's Creek property acquisition project or if it is fairly recent. If these are fairly recent, he would suggest Commissioner Alexander's point is well made, particularly if they are relatively close to closing.

Commissioner Alexander said that is his point there. Regardless of when they went before, they still have to come before the Commission and get it clear with the Special Master. And again, with these properties he is looking at, even if the monies requesting to be paid, why don't they just make some kind of a compromise when they are doing their final reports on these properties? Because he just doesn't see it. He spoke to Mr. Alcorn about another piece of property they was given holy hell about and it was part of that acquisition. And he just doesn't see why. They have bigger apples to fry than these properties here. He just doesn't see it.

Mayor Pro Tem Coke asked does Mr. Alcorn know the date that these original violations took place?

Mr. John Alcorn, Director of Building & Community Response, said these were not recent with regard to the purchase of the properties. These are older ones and he does not have the date. But Commissioner Alexander's point is well taken. It did come before them recently. They have coordinated with the Fort Pierce Redevelopment Agency's office and now have a list and maps of all the properties that are in that corridor, so that Code Enforcement will not be citing them for violations on properties that the FPRA will be purchasing. So they have coordinated that. With the new Code Enforcement Officers who are here, they were not quite aware of just what was happening. But they appreciate that being brought to their attention and that should not happen in the future. But this is an older one before the Commission. He thinks the Commission can treat it accordingly.

Commissioner Alexander asked if it was an older one, why hadn't it come before the Commission before now?

Mr. Alcorn said it is his understanding this is before the Commission because they owner has agreed to sell it to the FPRA; and of course, the owner would like additional revenue and not have to pay that lien out of the proceeds.

Commissioner Alexander said he lost him now. So they all have negotiated these fines and liens with these individuals, so the City doesn't have to incur that. Is that what he is saying? Buyer beware?

Mr. Recor said no. What he thinks Mr. Alcorn is suggesting is that there was probably never any intent that the liens would be paid. It is only because of the acquisition project and the fact that these liens would come out of the net proceeds that were due to the property owner, that they are asking that these be waived. Had it not been for the Moore's Creek project, it probably wouldn't be before the Commission at all and the fines would still be continuing.

Commissioner Alexander said they can't say that. He doesn't look that far into the future. They may have wanted to sell the properties to someone else.

Mr. Recor said he means tonight. It wouldn't be before the Commission tonight.

Commissioner Alexander said maybe it was tax deeds. But anytime they speak to the public about buyer's beware, they should be taking that pill to swallow themselves.

Mr. Recor said absolutely.

Commissioner Alexander said again, he is not in disagreement with this when he says negotiate. Surely they are acquiring these properties. He is going to leave it there.

Commissioner Becht said he is in agreement with Commissioner Alexander, that he doesn't want to be in this particular area proceeding with demolitions and such when at the same time they are negotiating purchase. But in this particular situation, he is not sure

he has enough information. Ms. Green indicated she inherited the two properties from her late grandfather in September. However, he would like to know when her grandfather passed away, if anybody can get him that information. And then get him a copy of the deed. They have previously received copies of the tax sheet which gave the Commissioners that information if it was current. Although if she only got title in September, the tax roll may not be current. He is interested in postponing this until they can find out when her grandfather died. If the gentleman died five years ago, he is kind of thinking that maybe somebody has been collecting rent for five years and didn't bother to get the title transferred.

Commissioner Coke asked does he have a date certain, January 3rd?

Commissioner Becht said two weeks or whatever.

City Attorney Schwerer asked when is the FPRA scheduled to close this transaction?

Mr. Jon Ward, Director of the Fort Pierce Redevelopment Agency, said he thinks it is the end of January.

City Attorney Schwerer said one thing he wants the Commission to understand is that - it is no secret - typically for willing sellers the FPRA has been giving over appraised value up to 10%. Now if they are going to be paying over the appraised value for these properties and the Commission is considering waiving any liens, he wants them to consider that carefully, because they are committed in a contract right now to pay over appraised value. So they can't really renegotiate that contract because they signed it and it is sealed. So if they are asking for that, maybe they ought to have the contracts before the Commission so they can see what the FPRA is having to pay for the property and whether it is over appraised value.

Commissioner Becht asked in two weeks?

City Attorney Schwerer said yes, staff can do that.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to postpone action on this item to January 3, 2006.

Commissioner Nelson said he is concerned with the new thing that is going on now, people are buying property and flipping it. This doesn't show him the address of the person, he is not sure he knows the individual involved, but it indicates a new owner. There are a lot of people who come in and take advantage of their people from Fort Lauderdale and other areas. They come here and buy the property because they know what the FPRA plans to do. They find some innocent person and tell them they will take their old ragged shack over there and give them umpteen dollars for it; and the next thing they know, they sign the contract, they sell it because they know the FPRA is doing this Linear Park project and they take advantage of the people. So he would like to know how long this new owner had that property.

Mr. Recor said he believes she inherited it.

Commissioner Becht said his point is that staff needs to find out when her grandfather died, because she says she is the only heir. He does encounter these title problems from time to time. And the heir doesn't do anything because they are able to either live there or their brother lives there or they collect rent from there, and there is no need to clear up the title. Now if the FPRA is coming through and buying her property, then she has to clear up title and she has to get it transferred to her name. So it is not just when she got title, but when grandpa died. That is what he needs to know.

Commissioner Alexander said he just wants for future references, this is not the first time he has come in front of this. Again, property values are going up every day. So what makes him think in January that this property value would not have gone up more then the

FPRA is saying they are giving them a fair price for the cost of the properties? He looks at that as a growing pain that they has. Again, his concerns are that they can have Code Enforcement in plenty of other places than that portion of properties. He is just bringing it to the front, that is all.

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

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-55

^A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, TO ENTER INTO AN **URBAN & COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT AND AN URBAN AND COMMUNITY FORESTRY MAINTENANCE MEMORANDUM OF AGREEMENT** WITH THE FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES; AUTHORIZING THE MAYOR OF THE CITY OF FORT PIERCE TO EXECUTE SAID GRANT, ANY AND ALL APPLICATIONS AND OTHER DOCUMENTS INCIDENT TO OBTAINING SAID GRANT ON BEHALF OF THE CITY.Ⓜ

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 05-55 be adopted.

Mayor Pro Tem Coke asked have they done a complete inventory of the trees throughout the entire City? Is this covering all of them they lost during the hurricanes, or is this just a limited area?

Mr. Paul Williams, Urban Forester, said this is for Hurricane Frances and Jeanne. Fortunately Hurricane Wilma did not remove as many trees and there will be a separate grant for Hurricane Wilma coming after this. But this will go toward the City possibly getting \$175,000 to offset the \$200,000 this Commission approved.

Mayor Pro Tem Coke asked they are going to make sure they put these trees throughout the entire City?

Mr. Williams said yes.

Those voting in favor of the adoption of Resolution No. 05-55 were: Commissioners Alexander, Becht, Nelson, and Coke. Those opposed: None.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-56

^A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT CERTAIN LEGISLATION AS PART OF A **COMPREHENSIVE LEGISLATIVE REFORM PACKAGE** DURING THE 2006 LEGISLATIVE SESSION.Ⓜ

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 05-56 be adopted.

Those voting in favor of the adoption of Resolution No. 05-56 were: Commissioners Alexander, Becht, Nelson, and Coke. Those opposed:

None.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-57

^A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, GRANTING AN HISTORIC PRESERVATION AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS MADE TO **707 BEACH COURT**.@

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 05-57 be adopted.

Commissioner Becht asked where are they with the survey? Didn't they authorize a survey of all historical structures in the City?

Ms. Anna Brady, Historical Preservation Officer, said yes, they did. She just finished applying for a grant to the State Department of Historic Resources. That grant went in December 15th. It will go before the Bureau of Historic Preservation, their Board, in March. They are asking for matching monies so they can cover the whole City.

Those voting in favor of the adoption of Resolution No. 05-57 were: Commissioners Alexander, Becht, Nelson, and Coke. Those opposed: None.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-58

^A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING DENNIS BEACH, CITY MANAGER, AS PROJECT MANAGER TO APPLY FOR AND ADMINISTER AN APPLICATION FOR THE STATE OF **FLORIDA=S JOINT HAZARD MITIGATION GRANT PROGRAM** ON BEHALF OF THE CITY OF FORT PIERCE, THE GOVERNING BODY; PROVIDING AN EFFECTIVE DATE.@

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 05-58 be adopted.

Those voting in favor of the adoption of Resolution No. 05-58 were: Commissioners Alexander, Becht, Nelson, and Coke. Those opposed: None.

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The next item on the Agenda was Commissioner Alexander to discuss the Afro-American Council of Ministers Annual Christmas Event - **Feeding the Needy** - to be held Friday, December 23, 2005.

Commissioner Alexander said just to make this short. He thinks it is due to a lack of communication or mis-communication he is just coming before the Commission tonight. These churches have been feeding the needy for 24 years. And for whatever reason why, they didn't come before the Commission. He is just requesting that the City contribute \$1,000 to help them with this project.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to contribute \$1,000 to the Afro-American Council of Ministers Annual Christmas Event - Feeding the Needy - to be held Friday, December 23, 2005.

Commissioner Becht said he seconded the motion for discussion. Can

the Commission do this?

Commissioner Alexander said it comes before them every year concerning this, right?

City Clerk Steele said no. The Commission adopted a policy...

City Attorney Schwerer said as the City Clerk is pointing out, the Commission has a specific policy that requires them to file an application for the use of the funds and to sign, and get it before the Commission for consideration.

Commissioner Alexander said again, it was through mis-communication, mis-representation, or whatever reason, they didn't do it because of circumstances. They do this on an annual basis. Maybe they can just when it comes budget time they can deal with this. But he is specifically requesting that they give \$1,000 to assist them in feeding the needy for this community.

Mayor Pro Tem Coke asked can the Commission go forward and approve this this evening, contingent upon them submitting the paperwork after the fact?

City Attorney Schwerer asked when are the funds being expended?

Commissioner Alexander said this function is Friday.

Commissioner Nelson said he thinks Ms. Coke hit on something that is viable. The form is not that difficult to fill out.

Commissioner Alexander asked did they do the necessary paperwork for that?

City Clerk Steele said they never asked for money. She had no idea.

Commissioner Nelson said he thinks what they are dealing with is a decision to give them the \$1,000 to feed the needy. If that be the case, there is a form required. They could in fact, if the Commission chooses to, grant them money with the stipulation that they fill out the form and submit it to the City Clerk as required tomorrow morning.

Commissioner Alexander said some of the Ministers are here.

Commissioner Becht said he just wanted to clarify. Has the Commission given them money historically? They have or have not given them money historically?

Commissioner Nelson said no, he does not think they have.

Commissioner Becht said as it was presented, he was under the impression that the City annually gave money to this group of churches that has been feeding the poor for 20 some odd years. Has the City given them money before?

**Reverend Harry Shaw** said yes, they have.

Commissioner Becht asked is it regularly? Is it annually?

Reverend Shaw said it hasn't been regular. They have just been

coming in. Like Commissioner Alexander was saying, there was a mis-communication that they didn't get their paperwork in on time and present it to the Commission to ask for those funds. The other thing they would normally ask them to do is waiver the permit fee on closing and blocking the street during this particular day. It has always been on the same day every year for these 24 years, December 23rd.

Commissioner Becht asked how many do they expect they are going to feed?

Reverend Shaw said approximately 800 people or more.

Commissioner Becht said they can get the paperwork filled out and feed 800 people for \$1,000.

City Attorney Schwerer asked who is the responsible organization who is asking for the funds?

Reverend Shaw said the Afro-American Council of Ministers. There are a number of churches that come together.

City Attorney Schwerer asked is that an organization or is it one church that is asking for it?

Reverend Shaw said no, it is more than one, it is several churches.

City Attorney Schwerer asked who is going to be filling that paperwork out?

Reverend Shaw said normally he would get that taken care of, but they will have a secretary or one of their pastors will have their secretary get it filled out.

City Attorney Schwerer said tell the Commission specifically what is the use of the funds for. Are they just going to buy food?

Reverend Shaw said they are going to purchase food to prepare for the feeding.

Commissioner Alexander said they are feeding the needy.

Reverend Shaw said yes.

City Attorney Schwerer said if they can fill the paperwork out tomorrow and get it promptly done... They need to fill it all out, sign, there is a notarized signature that is required. If they get that all done, the Commission has enough information before them tonight to consider it.

Commissioner Becht asked who should they see tomorrow in order to fill out the paperwork?

City Clerk Steele said that would be her.

City Attorney Schwerer said see the City Clerk.

City Clerk Steele said Reverend Shaw knows where she is.

Mayor Pro Tem Coke asked tomorrow he go to the third floor and fill out the paperwork and they can go from there?

Reverend Shaw said yes.

Commissioner Becht said for a point of clarification, where Mr. Schwerer was going, not meaning to be a scrooge, he was trying to identify the 501(c)(3) that is going to be the recipient of the money. So if the Afro-American Council is not a 501(c)(3), they all need to designate a church that is a 501(c)(3) so that is who the check would be paid to.

City Clerk Steele said an individual can apply for \$1,000 if they sign off on the responsibility.

City Attorney Schwerer said yes, they can for \$1,000. But the City Clerk will get them straight on that application.

Commissioner Becht said he just wanted them to hear it tonight while they are all together, because they may send one down tomorrow and he wouldn't be able to get a hold of the rest of them.

Mayor Pro Tem Coke said then Reverend Shaw will come down first thing tomorrow morning, fill out all the paperwork, and either bring a certification or a number for the 501(c)(3) or one of them will sign for it personally.

Deputy City Manager asked can they clarify if there is any additional information they will need for the application? He is not familiar enough with the application to identify exactly what it is they will need to bring. He would like for them to have everything with them to avoid a second trip.

Mayor Pro Tem Coke said maybe they can call the Clerk's office first thing in the morning.

Reverend Shaw said he knows what they need.

City Clerk Steele said she just happens to have the rules and regulations right here. She doesn't have the application, but she has a copy of the rules.

Mr. George Bergalis, Director of Finance, asked whom are they all going to accept as the payee when someone comes to his office looking for a check? Is there a valid organization? Is it going to be a church? What is going to be acceptable? Because he doesn't want to write a check for somebody that they feel uncomfortable with.

Mayor Pro Tem Coke said they are going to have that information first thing in the morning.

City Clerk Steele said it allows for individuals willing to accept personal responsibility on behalf of their community group to receive up to \$1,000.

City Attorney Schwerer said in answer to Mr. Bergalis' question, it is going to be the person who signs that form and the notarized acknowledgment, if it is a person; or the organization that signs that acknowledgment, if they are a 501(c)(3).

Mr. Bergalis asked so it can be an individual also?

City Attorney Schwerer said yes, it can. But it will be on that form.

Commissioner Alexander said once he leaves the City Clerk's office, he can go directly to the Finance Department.

Reverend Shaw said Reverend Lawrence is the President of the Afro-American Council of Ministers. Normally it would go in either one of their church's names - Zion Hope Missionary Baptist Church, Piney Grove Primitive Baptist Church, Good News Missionary Baptist Church, Mt. Olive Missionary Baptist Church.

Mayor Pro Tem Coke said they don't have to make that decision this evening. They can discuss it among themselves. Just as long as tomorrow morning when someone comes in to fill out the paperwork, they have decided which name to put on the application.

Reverend Shaw said one other thing, for them to get the street blocked off and have the City come down and swept off for them so it will be nice and clean.

Mayor Pro Tem Coke said call Mr. Recor's office in the morning. After they see Ms. Steele, go directly across the hall to Mr. Recor and she is sure he can accommodate them

Mr. David Recor, Deputy City Manager, said yes.

Commissioner Nelson said in the future, come a little earlier. He has been going out to that thing for the last ten years. And now here they come up at the last moment.

Commissioner Alexander said it was because of the new ordinance. There was a lack of communication or a misunderstanding.

Mayor Pro Tem Coke said they are going to call the roll and fix the problem.

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

Reverend Shaw said he wants to get clarity on the waiving of the permit fee. That will be waived? Normally Mr. Beach waives it.

City Attorney Schwerer asked can the permit fee be waived?

City Clerk Steele said no, they passed an ordinance, it is not allowed. However, Commissioner Alexander...

Commissioner Alexander said the permit fee has already been paid for. He paid for it. But the insurance has been waived by Mr. Beach.

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Mr. David Recor, Deputy City Manager, said at this point he would like to introduce the Commission to their new **Grant Writer**, who started today - Christa Razem. Ms. Razem is a former City employee who has been coordinating their disaster fund hurricane recovery efforts for the last year and a half. They were fortunate enough to have a good internal candidate. She started today. They will be putting together a work program for her. Tentatively the position will report to Brian O'Connor in the Community Services Department.

Mayor Pro Tem Coke said they welcome Ms. Razem. She guarantees they have a lot of work for her already. They don't need to worry

about putting together a work program. She thinks all of the Commissioners have a list of things for her to do.

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The next item on the Agenda was Submittal of Application(s) for Appointment or Reappointment to the **City Tree Board**.

City Clerk Steele said they have received one application from a current member, and there will be a Resolution for reappointment on the next Agenda.

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The next item on the Agenda was Appoint or reappoint two City Commissioners to the St. Lucie County **Fire District Board**.

Commissioner Alexander said he is going to request that he stay on that Board. He will nominate Commissioner Becht to stay on that Board also, because he is just getting his feet wet.

Commissioner Becht said he is willing to go back. They can have discussion on it. He knows the Mayor is not here and he knows the Mayor was fond of that Board. He will nominate Commissioner Alexander because he has done a good job as Chair over there and focused on some issues that would not have been focused on if he had not been the Chair.

Commissioner Nelson said he has some basic questions. Those guys went over there and he is trying to be objective in what he does.

Commissioner Alexander said they can't all be as astute as Commissioner Nelson, but he will listen to him.

Commissioner Nelson said they have had considerable feedback in the Fire Department. He is wondering, they don't get that many reports back from these guys as to what is going on. They had problems with the City's parking garage. They had problems with hiring people. Can they give a brief thumbnail sketch of some of their major accomplishments they made over there?

Commissioner Becht said the parking garage issue, he thought he had reported back to this Commission. He thinks if they will check the Minutes, he did. But the issues pertaining to the parking garage were at staff level; and what he tried to do was facilitate communication between Mr. Schwerer and Mr. Crooks, which was necessary, and between Capt. Emerson and the City's Building Department. So that is what he did there without trying to involve the whole Commission here and the whole Board there. If they recall, the FPRA issue was the hot button as he and Commissioner Alexander went over there. That was a great concern to him, that the City be effectively represented as the Fire District sought their exemption by whatever means possible. They were able to get essentially the same deal as Port St. Lucie had; but that was only after it became evident that the Legislature was going to cave and give it to them anyway. So his desire at that time was to try to get the resolution with the Fire District before the Union claimed victory and shoved it down their throat through the Legislature.

Mayor Pro Tem Coke said point of order, before they get into too much trouble with the City Attorney. They kind of have a motion but no second, and they can't have discussion until they get a second.

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, to reappoint Commissioner Alexander and Commissioner Becht to the St. Lucie County Fire District Board.

Commissioner Alexander said he knows Commissioner Nelson has harped on him about the jobs for minorities. If he did not bring him a report back, he will get a full report on that. They have just recently done a control burn on a residence that had all these students there. He saw African-Americans and he saw females. He saw all the groups of individuals. They even established a scholarship fund for two scholarships for students in this community, for minorities, in the name of Chief Sizemore. Again, the Fire District speaks for itself. It is a pleasure for him to serve on that board, as the other Commissioners have pleasure on certain boards that they are part of. Again, he just tries to bring forth, but he thinks it speaks for itself. The community as a whole is growing. The Fire District needs to follow suit with some of their ideas sometimes. He does not know what Commissioner Nelson is expecting from him to bring back to him. It is only a request, but if it is a written request, he will see to it that it is done.

Commissioner Nelson said he was quite pleased with the scholarship funds for the minority. He is pleased with the resolution they came up with for the parking garage and the sprinkler system and all that. The resolution of their contribution to the FPRA and all this business. He just recently had an experience. One of their residents had a house burn on 25th Street and Avenue O or P. The house got considerable damage, well over 50% or 60%. There was not water in the hydrant there and the house burned severely. He is just wondering what to do? There was a similar case on Avenue H and 12th Street, where a house burned down considerably because the hydrant was... Are they looking at those things to protect their citizens here in Fort Pierce by having the proper fire protection that they need and the maintenance thereof and the equipment they have?

Mayor Pro Tem Coke said she thinks those a very valid questions. She does not know however that he is asking them of the right people. Maybe he could ask the Fire Chief if he could bring them a report. Because she thinks all they are required to do tonight is make appointments to the Fire Board. Those questions should be answered, but those questions should be asked of the Fire Chief.

Commissioner Nelson said he seconded the motion and he is going to vote for the motion. He thinks it is important that they keep people in the various boards and positions because they have the expertise, seniority, and this kind of business, that should act as an advantage. So he is pleased to reappoint. But he thinks they also have a responsibility to demand some level of accountability when they serve on those boards. He talks about the MPO all the time.

Mayor Pro Tem Coke said the only point she is trying to make is, about three years ago she brought up a proposal to this Commission that each of them give a written report on each of the boards that they sit on to this Commission; and this Commission voted it down, they didn't want to hear about it.

Commissioner Nelson said but there is nothing that says they can't

make a report sometimes. He thinks it is appropriate that they tell the others. Like when he went to Orlando on that Fair Share thing, it is important they share the information they get out there so that they all know what to do.

Commissioner Alexander said they can bring reports back, because they have things on hand at hand. The comments from the Commissioners aren't always refreshing, it being the end of the night. If Commissioner Nelson wants something in particular, then ask for it. But if he is asking him to bring him a report every...

Commissioner Nelson said no, he is not. He is leaving it up to Commissioner Alexander to decide what should be discussed.

Commissioner Becht said the point he would like to make is, he has confidence in what the other Commissioners do on the MPO. But he has noticed that Commissioner Nelson does come back and tell them what happens there. He did not realize Commissioner Nelson had the same curiosity in what they do over at the Fire Board, because he can bore him for many minutes of what they do over there. But now that Commissioner Nelson has shown an interest, maybe they should give a brief written report once a month on the various boards. But he views his job on the Fire Board not to bring back information, but to take the interests of the City of Fort Pierce to the Fire Board and make sure they don't get trampled on over there. That is what he views his job as.

Commissioner Nelson said but they have on occasions said they want the representatives of this Commission to go to a board meeting and put forth its position. There have been occasions when someone gets there and puts in their own position, and that is not apropos to following through with their marching orders they get from this Commission. One, as an individual, is not superior to this Commission when he goes and sits on another board. If this Commission tells him to go down there and tell them to go fly a kite, he tells them to go fly a kite.

Commissioner Becht said he is hoping Commissioner Nelson is speaking hypothetically. He is hoping he is not thinking that he went somewhere and did anything...

Commissioner Alexander said call the question.

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

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Commissioner Becht said he would like Staff to follow up on the letter to the DEP (Florida Department of Environmental Protection) they said they were going to send in regard to the application for a submerged land lease at the **Port**. That is of some time sensitivity.

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Mr. David Recor, Deputy City Manager, said pursuant to their Out of the Sunshine meeting, they presented the written proposal to the **PBA Union** representative in writing. He responded back in writing.

They are at a point now where they can establish another Out of the Sunshine meeting to determine how to move forward. He would suggest they do that at such time as they have a full Commission. He is not sure if the Mayor is available next week or not. But obviously they would like to get this issue behind them.

Commissioner Becht said he is not sure he will be available next week either. It is the last week of the year and he is jammed.

Mayor Pro Tem said if it is not going to take long, just schedule it for January 3rd, a half hour before the Commission meeting.

Mr. Recor said he will begin to work on that. He will have his secretary call the Commissioners.

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Friday, December 23rd, and Monday, December 26th, 2005, are Christmas Holidays in the City of Fort Pierce. All City administrative offices - with the exception of the Police Department Public Safety Services, the City Marina, and the Indian Hills Golf & Country Club - will be closed. There will be regularly scheduled garbage and/or trash collection on those days.

The City Marina and the Indian Hills Golf Course, will be open on Saturday, December 24th, and closed on Sunday, December 25th. There will be NO garbage and/or trash collection on Saturday, December 24th.

Monday, January 2, 2006, is New Years Holiday in the City of Fort Pierce. All City administrative offices - with the exception of the Police Department Public Safety Services, the City Marina, and the Indian Hills Golf & Country Club - will be closed. There will be regularly scheduled garbage and/or trash collection on that day.

The City Commission meeting normally scheduled for Monday, January 2, 2006, will be postponed to Tuesday, January 3, 2006, beginning at 7:00 p.m. in the City Hall, Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida.

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There being no further business, Mayor Pro Tem Coke declared the meeting adjourned at 9:25 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR PRO TEM