

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, FEBRUARY 8, 2005, IN THE CITY HALL COMMISSION CHAMBERS (due to anticipated seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Sonja Gates (Vice Chair), Chuck Enns, Harriett Brenner, Robert Poitier, Charlie Harris, Thomas Knott and Margaret Benton,

Members absent: Donald Bergman (Chair), Jeremiah Johnson, and Pam Williams.

Citizens and Staff present:

Kevin Larrimore	Ramon Trias, AICP, Director of Development
Cynthia Angelos	Wendy Clark, Planning Coordinator
Al Brodeur	Jim Walker, Assistant City Attorney
Mathew Wynne	Dianna D. Rose, Secretary

Meeting was called to order at 7:00 p.m. (**Agenda Item #1**).

Secretary proceeded with roll call and consideration of absences. (**Agenda Item #2**).

Ms. Rose stated that Mr. Johnson called in to say he would not be present and Mrs. Williams called in to state she would most likely be late (but in turn did not arrive for the meeting), and Mr. Bergman had not called in as of 4:30 p.m. on the night of the meeting (later found out he called after 4:30 p.m. to state he would not be able to attend the meeting.)

Mrs. Gates stated – If you all don't mind, we're going to move the consideration of absences to the discussion portion of the meeting to give those a chance, that might be late, to come in.

Agenda Item #3 – Approval of minutes of meeting held January 11, 2005.

MOTION WAS MADE BY MR. ENNS TO APPROVE THE MINUTES OF THE MEETING HELD JANUARY 11, 2005. Seconded by Mr. Harris. Unanimously approved by voice vote.

Agenda Item #4 – Site Plan with Conditional Use – (dock) - Approval to allow the construction of an upland deck and a proposed private dock of 70 ft. with an associated boat lift. Located at **1393 Bayshore Drive**. Owner is Mathew Wynne, applicant is Joy Yancy, and representative is Herman Summerlin Sr. of Summerlin Seven Seas.

Staff Report – Ms. Clark stated – The site plan includes the removal of an existing dock 20 ft. in length, and the proposed will be 70 ft. in length. Please direct your attention to the aerial map that was provided, which clearly shows that the average length for the surrounding area docks is 33 ft. in length. And based on the inconsistency of the proposed as compared to the existing, staff is recommending denial.

Mrs. Gates stated – Thank you. Are there any questions for staff from the Board?

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Mr. Knott stated – Yes. Wendy, did the applicant give you any reason for the additional 30 ft. or so that they're looking at as opposed to what the neighbors have?

Ms. Clark – No.

Mr. Knott continued – I didn't look at the packet all the way....do they have their DEP or their Corps of Engineer permits?

Ms. Clark – Yes.

Mr. Knott continued – They have those?...So, they did not object to it though right?

Ms. Clark – Right.

Mr. Enns stated – Wendy, I have one question for you. I see that the plans are drawn and they're for Edward Meyer, 1393 Bayshore....and that's not the applicant, and I'm sure he's since bought the property. But does the DEP, does it stay with the property? Since he's a new owner would he have to go back through that application process again?

Ms. Clark asked – The application through DEP is in the name of Edward Meyer but it's in care of Mathew Wynne.

Mrs. Gates asked Mr. Enns – Does that answer your question?

Mr. Enns – Yes.

Mrs. Gates asked – Any further questions for staff?

Mr. Knott stated – Madam Chair, I do. If I could ask our council on this. Mr. Walker, on the time I've been on the Board, I don't remember us having a situation where the applicants for a dock have gotten all the required state permits, which are very extensive and thorough. And then they come to us for a conditional use...I see that's all that is required from us...is just a conditional use and not a construction permit per se like the DEP does, and we have not granted it. My question to is are we on sound ground here to deny an applicant this ...?

Attorney Walker stated – Madam Chair, Board action on an application should not be arbitrary or capricious. It should be based upon a reasoned application of the facts. In the past we have denied or curtailed an application because of length when the length was such that it had the potential for impinging on the use of surrounding docks or the waterway was insufficiently wide to accommodate the extra length without creating a potential hazard from blockage. In this instance the Board should determine whether there is a reasonable basis for reducing the length and thus refusing the application where the only reason given by staff in support of its recommendation is the fact that the average length of the surrounding docks is less than 70 ft. And where there is nothing in the Code that limits that dock to the average decided by staff. So the Board should consider whether the length provided on this

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application is such that it would interfere with surrounding docks or use of the waterway in determining whether or not to approve the application. Does that fairly respond to your question?

Mr. Knott stated – Yes. And I guess we're waiting to see if the applicant is here tonight and speak with him and see why he needs the 70 ft. since staff is recommending denial because of that...

Attorney Walker stated – Madam Chair, what I'm trying to suggest very nicely is that there ought to be a reason...

Mr. Knott asked -Beyond what everyone else has gotten.

Attorney Walker – Yes sir.

Mr. Trias stated – Madam Chair, what you're reacting to is to staff's recommendation, and obviously the Board can make its own decision and make its own recommendation.

Ms. Benton stated – Mr. Trias, in your report you do mention potential navigational issues imposed upon other boaters as a result of the extension. What were you referring to?

Mr. Trias stated – That had to do with conflict with other boats in the vicinity, which would be a reason to change the length if you believe that's a reasonable issue. But I would recommend that you proceed with the meeting and ask the applicant to make his own comments and then take that all into account.

Mrs. Gates asked – Okay, thank you. Are there any further questions?

Mr. Knott stated – I'm sorry, just one more question for staff. Were the adjacent dock owners notified or has anybody objected to this application?

Mr. Trias stated – They will notified for the Commission meeting.

Mr. Knott stated – Okay. The DEP, I thought, notified all property owners within 500 ft. on something like this, and obviously they didn't get any objections. That's what kind of confuses me....the DEP...navigation is one of their big issues. And you have to contact adjacent...anybody within 300 or 500 ft. And then after a certain amount of time they'll issue the permit...

Mr. Trias stated – Mr. Knott, I would really recommend that we just continue with the meeting and see what happens.

Mr. Knott – Okay, thank you.

Mrs. Gates asked – Okay, does anybody have any further questions for staff? If not, is there anyone here to speak in favor of this request?

Mr. Mathew Wynne stood and introduced himself and stated – I'd first like to make one comment. Both items #4 and #5 are identical on the agenda. We have two lots there on Faber Cove. One of them is for

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myself and I'll be demolishing the house and rebuilding a new single-family residence. And the other one is for my brother. One thing is the navigability is...this is in Faber Cove and I don't know the exact width of it. But it's probably about 1,000 ft. in width, so the navigability isn't a problem because you're only coming 70 ft. off the shore. It's not like it's a canal lot or a close proximity. We have a boat that's 48 ft. right now...currently, and another one that I own half of that's 54 ft. And we're looking into getting a 61 ft. boat. Obviously the dock will be as long as the boat in that case. Also there are some existing docks that are a just a little south of this that are 60 ft. long and they pose no problems. To answer another question about when I had contracted the lots...from the time I had contracted to the time we actually closed there was a period, and that's why we kind of filled out the application jointly, because I didn't own the land even though it was in contract. And the permits do go with the landowner. So, they were issued jointly and when I bought it, it was solely in my name. And the other thing is I do have letters from my neighbors from both sides of my property. That was part of my application to both the Corps and the DEP. And basically they are letters of concurrence showing basically—and I can bring them up if you'd like to see them—but both the neighbors on both my

Attorney Walker stated – Excuse me sir, I apologize for the interruption. Could you give your documents to the clerk there?

Mr. Wynne – Okay.

Attorney Walker – Thank you.

Mr. Wynne – Both of those letters were sent to the DEP and to the Corps...I showed it to them. I made sure that they didn't have any objections, and both neighbors had no problems with it and signed off on it. And that's the case on both of the lots.

Mrs. Gates stated – Okay, thank you. Are there questions for the applicant?

Mrs. Brenner stated – Mr. Wynne, you mentioned that you anticipate a 60 ft. vessel on one side of one of those docks...is that correct?

Mr. Wynne stated – I'm looking at a 61 ft. right now...we have a 54 ft. and a 48 ft...

Mrs. Brenner verified – A 54 ft. and 48 ft.?

Mr. Wynne – Yes.

Mrs. Brenner stated – My basic concern with this is not so much your own construction of those two, but we're having a problem with Faber Cove in general with people wanting to overbuild docks over there. And as you well know, it is a small (inaudible?) place down in there. And if you build two 70 ft. docks then the next people are going to come in and they're going to say, "okay, you let them have two 70 footers, I want to put an 80 footer." Not anything against you, only against the condition of Faber Cove. We are also boaters and have a boat in the Cove. And there are a lot of people who come in and anchor there as you well know. It's a favorite anchorage. They drive down once in a while on other people's docks. And my concern is not you specifically but the precedent that we'll be setting to

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increase the length of the docks to such an extent that it will almost untenable. Do you have any solution to that?

Mr. Wynne stated – Well, years ago when Faber Cove was done boats were a lot smaller than they are today. I remember when I was growing up, a 25 ft. boat was a very large boat. Today, you know, your 54's and 61's are now your most popular boat, but the boats are going to still out as far as the docks. You can't back that boat right up against the seawall...usually you're around 4 or 5 ft. off of it, and also you've got around 3 or 4 ft. (inaudible?) so the boat and the dock are essentially the same length. The other thing is that there are other docks out there that are at least 60 ft. long and there are plenty of places that have new docks on the water. And we're asking for one dock for each resident...that's why we didn't put a tee or anything else like that. It's a straight dock so that you can utilize and be able to put a boat on each side if you wanted to. Again, it's under the all the exemptions for the both South Florida and DEP. They allows us to go to 1,000 sq. ft. We're a couple hundred square feet under that. So, we didn't ask for anything except for what we thought that we would need. We didn't ask to go further if we didn't see a need in it.

Mrs. Brenner stated – I noticed that neither one of your docks are on any kind of an angle where that you'll have a problem getting the people, as you say, on either side. So, they're not at adverse angles to one another...so you will all be coming straight in perpendicular to the wall if you will?

Mr. Wynne – Correct...that's right.

Mrs. Brenner continued – If you were in some of those other positions down further towards the east from you, we'd have a much greater problem.

Mr. Wynne stated – Yes, there are some places, you're right, where the lots are on corners or angles and their docks don't really go parallel with their lines, they kind of jut towards their neighbors. Both of these lots happen to be two of the widest lots on Faber Cove. One of them is about 100 ft. on the water and the other one has about 85 ft. on the water I believe. So, there are a lot of lots there that are only 35 ft...

Mrs. Brenner – Thank you.

Mrs. Gates asked – Okay, are there any other questions for the applicant?

Mr. Enns stated – Yes, Madam Chair. Mr. Wynne, do your neighbors—that you got the letters from—do they know that you're going to put these big boats over there and they've got no problem with that?

Mr. Wynne stated – Yes. I went to the neighbors on both sides of the property, sat down and visited with them, showed them the drawings that were submitted to the Corps and the DEP, and also through the state...

Mr. Enns stated – Well, I realized the dock...I'm talking about the boat.

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Mr. Wynne stated – Yes, I told them what I had was a 48 and a 54 ft. and I'm looking to get a bigger boat.

Mr. Enns continued – Okay, and they realized that you may have both of those big boats...I assume you might have both of them docked at one dock?

Mr. Wynne stated – No, I have one at one and one at the other.

Mr. Enns stated – Well, you've got three boats....well, maybe I misunderstood you. I thought you said you had a 61, a 54 and a 48 ft.

Mr. Wynne stated – No, I was looking at purchasing a 61 ft. and replacing one of the other boats. No, one boat is all I need.

Mr. Enns stated – Oh, okay. So, you'd trade one of the boats in or....

Mr. Wynne – Oh yeah.

Mr. Enns – Okay, just to clarify that point. And I have just one other question for you. Say your neighbor wanted to put a 70 ft. dock out in front of his place with a 61 ft. boat on it. Would you have any problem with that? Because listening to Mr. Knott it reminded me, you know, we could have all of these other docks coming in, in front of us, and we pass yours...if we recommended yours we probably would have to stand on the same kind of thing to recommend theirs. So, we could be opening a big can of worms here.

Mr. Wynne stated – Well, I don't think that whatever dock you allow or don't allow, you can't keep people from buying whatever type of boats they want to buy.

Mr. Enns – No, absolutely.

Mr. Wynne continued – And as times change, you know, you might get tired of that boat and you might buy a new boat....different owners are going to own different size boats....and configurations. And that's something that this Board or anybody can control. The length of the dock...that you control. The thing that's a little different here is you've got to remember there are already docks that about that long in Faber Cove. There are plenty of docks there in that 30 ft./40 ft. range, and there are plenty in the 60 ft. range. And also you've got to remember Faber Cove is not a little canal. I don't know how wide it is....(inaudible?) ...it's pretty wide. And one of my lots sits at the very point of it where you go straight out...it's probably half a mile. So, I mean 60 ft. is not a lot in the percentage of that district. And it wouldn't be a percentage if the guy on the other side had one of 60 ft. either. There's not a whole lot of difference. I know my neighbor just rebuilt his dock and it was 46 ft. on one side. There's not a big difference between the 46 ft. and that, but there is a big difference when a boat sticks out versus when you have a piling and a reflector and other things like that...The other thing that I pointed out is that the one thing you can look at if that's what you were worried about is...I think it makes a big difference what type of lot they have and also—I don't remember what your name was (referring to Mrs. Brenner)—you said about the dock on how it's perpendicular to your land. Because there are a lot of

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places where one property owner's dock almost comes across the other property's dock. On a theoretical line if you continue this side line into the waterway.

Mr. Enns – Right.

Mr. Wynne continued – And that, to me, would be an obstruction, so that, I would think, would have way more precedence than looking at something in the physical length of the dock. The dock sits approximately 3 ft. above the water....(inaudible?)...there are no enclosed structures on it or anything like that. And the other thing is if a person has a 95 ft. waterfront, which is a large lot in Faber Cove as far as the width, versus somebody that has a 35 ft., which I think is the narrowest...I think that the average would be around 50 ft. or 60 ft. So, that plays a more important part to how long the dock is. So, when you ask me that(inaudible?)...and make a decision.

Mrs. Gates stated – I have a question, Mr. Wynne. I'm looking at this aerial photo and I'm seeing boats that do have docks here....especially in the left area here, and the docks do not go all the way to the whole length of the boat. And I understand you've got to have 4 or 5 ft. back for lines and all that. I'm also thinking of Pelican Yacht Club, where I know that there are at least big boats on pier 1, and I don't believe—and I may be wrong—that those docks go all the way to the end of those boats. Now, could you come back so many feet and still have your 61 ft. boat and be okay with that? I don't see why you couldn't do that. Sure it would be nice, but can you get away with it not going that far out? Would you be willing to compromise? Because I see no reason why you couldn't do that.

Mr. Wynne stated – Well, on a personal residence it's nice to have a dock where you can go down the full side of your boat, and a marina is a lot different.

Mrs. Gates stated – Well, it is different...I understand that, but I'm just questioning you....

Mr. Wynne continued – And the other thing is you know if these docks do get destroyed during the hurricane it would be different. A lot of people have had existing docks and put their boats there, but when you have to build something new...and remember we're also going to knock down the existing houses and build 6,000 sq. ft. houses for these pretty substantial structures. And it's not only giving the area a new facelift, which I think is a good thing to upgrade...when we have those sort of things and you have 30 ft. docks and someone puts 75 ft. boats, it's a whole different nature. If you want the boat to stay just the way it is, and we don't want to encourage rebuilding and putting up new residents and the docks that are associated with it, then maybe we don't need to be able to do those things. There are other docks out there that are 60 some odd feet...I haven't measured them all, but I've counted the pilings, whether they're 10 ft. or 12 ft. and they're every bit of 60 ft. long. So, it's not like there's something here that's not been done. As you all might remember it, on the east side of the cove, a man built a relatively new dock that almost looks a little bit like a marina. It has a dock this way and few fingers going this way. It's a beautifully built dock. And one reason I remember, I think I was in here when we were going through approval on our (inaudible?) in there...about putting a gazebo structure at the end...

Mrs. Brenner asked – Covered...where gas.....?

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Mr. Wynne continued – That dock there is a pretty new dock, and I think it's every bit of 60 ft. long. It's not like we're doing something here that hasn't been done.

Mrs. Gates stated – Okay, thank you. Are there any other questions?

Mrs. Brenner stated – I have one more question. I've got the two properties mixed up, because I've got both aerals here.

Mr. Wynne – Right.

Mrs. Brenner continued – If you would look at 1393 Bayshore Drive....If I'm not mistaken, the 42 ft. dock—if you're looking from the water to your immediate right—is already on an angle.

Mr. Wynne asked – The lot to the north?...is that what you're saying?

Mrs. Brenner stated – That is correct...or to the east, whichever you want to call it.

Mr. Wynne stated – Okay, yes, that dock is kind of on an angle there....what you're saying that it's very close to his property line?...is that what you're saying?

Mrs. Brenner stated – If you do the angle and you carry it and yours out you will meet.

Mr. Wynne stated – Well, we carried that out on drawings and that was not the case because ours was set back 25 ft. and his is another, I think, 15 or 16 ft. off to the side.

Mrs. Brenner stated – All that I'm saying is that if you carry it out another 30 ft. ...yours is 70 ft....his is 40 ft....you're going to be pretty close to one another at that point.

Mrs. Gates – That's true.

Mr. Wynne asked – Could I look at that? (aerial done by Planning Dept.)

Mrs. Brenner – Sure.

Mrs. Brenner continued – I hadn't really paid that much attention to the fact that it's....see how it comes out?

Mr. Wynne stated – I don't think where that line is drawn...

Mrs. Brenner stated – No, this one right here (pointing to the aerial). If he comes out and you have your 70 ft. and he comes out 70 ft. you're going to be pretty close.

Mr. Wynne – I don't

Mrs. Brenner asked – You know think so?

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Mr. Wynne stated – No, not at all. Look, if I draw his here...say 70....can you see how my dock is here?

Mrs. Brenner – Yes.

Mr. Wynne continued – See how this is probably 20 ft. further behind this length of the land? So, if he drew his dock out here to 70 ft. it would come out to this point.

Mrs. Brenner – Okay.

Mr. Wynne asked – See right there? That's not even close.

Mrs. Brenner – Okay. Thank you.

Mr. Enns added – Because his juts in right here.

Mr. Wynne stated – Right....it's pretty far apart. Do you see where I drew ...?

Mr. Enns stated – Yes, I see where it steps out, I mean I don't know what that distance is right there.

Mr. Wynne stated – I kind of inked in what I thought 70 ft. would be respectfully to the other...I mean, they're not close at all. It wouldn't do us either one any good if they were.

Mrs. Gates stated – Okay. Thank you. Is there any other....?

Mr. Knott stated – Yes. Just some clarity on this document that was passed down.

Mrs. Gates added – That was his letter, I believe, from his...(asking the applicant) was this something you gave Dianna (the secretary)?

Mr. Wynne – Yes.

Mr. Knott stated – Mr. Wynne, this has got the ERP...the permit from the DEP, and it's got a 60 ft. dock approved on this. And you're asking for a 70 ft. dock.

Mr. Wynne stated – No, that was the ...it was changed for the old one...what they had was that we had a marginal dock that was to come out here that was 6 ft. and it made it 66 ft.

Mr. Knott – Right.

Mr. Wynne continued – And he asked us if we would take the marginal dock out.

Mr. Knott – Okay.

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Mr. Wynne continued – I told him at that time it would be fine. So, we rounded up because of the even spacing of 10 ft. to 70 ft. And that's why that was done. And we took away the 6 X 85 marginal dock that was there. That would have been a dock that was parallel to the shore.

Mr. Knott asked – But the one that you've got ...

Mr. Wynne stated – And like I said, this is probably just a copy of it.

Mr. Knott asked – So, the actual permitted one is 70 ft.

Mr. Wynne stated – Yes. The one I think we submitted was that.

Mr. Knott stated – Yeah...I was curious why that was 60 ft...very good...thank you.

Mrs. Gates asked – Okay, are there any more questions for the applicant?

Mrs. Brenner stated – I had more question for the applicant. You said that you are aware of other longer docks in the cove. Could you tell me just about where they are located? They're not in either one of these aerials.

Mr. Wynne stated – Ummmm, this is only showing a small part of the cove. I don't see it.

Mrs. Gates stated – Could I ask staff a question? Wendy, do you know...staff, do you know if there are any other docks 60 or more feet out there? Do we know this?

Ms. Clark stated – I do not know that. I simply checked the surrounding docks in which the shoreline is consistent...

Mrs. Gates stated – Okay, thank you.

Mrs. Gates stated to the applicant – If I don't see it I can't go on the fact that there are other docks out there that are 60 or 70 ft.

Attorney Walker stated – Respectfully Madam Chair, the decision should be made rationally....there is no length as such that governs this proceeding....(inaudible?...)the impact of the surrounding areas should govern your decision.

Mrs. Gates stated – Okay, thank you. Okay, no further questions for the applicant? Thank you very much, Mr. Wynne.

Mr. Wynne – Thank you very much.

Mrs. Gates asked – Okay, is there anyone here to speak against this request? I don't think so. What are the wishes of the Board on this issue please?

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MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN WITH CONDITIONAL USE FOR A DOCK. Seconded by Ms. Benton.

Mrs. Gates asked – Is there any discussion on this motion?

Mr. Knott stated – Just a question for Mr. Walker. This will go to the City Commission and at that point the adjacent landowners will be contacted. Is this correct? Will they have their opportunity to speak before the City Commission?

Attorney Walker – Yes, that is correct.

Mr. Knott asked – How many folks are contacted on that? How far do they go on that?

Ms. Clark answered – It goes out 500 ft. and 65 property owners will be sent a letter.

Mr. Knott stated – Okay, that ought to be the proof of the pudding there. Alright, thank you, that's all I needed.

Mrs. Gates asked – Okay, anybody else?

Approved by a roll call vote of 6 – 1

Mrs. Gates stated to the applicant – Okay, you'll be notified of the date of the City Commission when your item will go before it. And good luck to you.

Mr. Wynne stated – Thank you very much.

Mrs. Gates – Thank you.

Agenda Item #5 – Site Plan with Conditional Use (dock) - Approval to allow the construction of an upland deck and a proposed private dock of 70 ft. with an associated boat lift. Located at **1601 Binney Drive**. Owner is Mathew Wynne, applicant is Joy Yancy, and representative is Herman Summerlin Sr. of Summerlin Seven Seas.

Mrs. Gates stated – We have another item very similar.

Staff Report – Ms. Clark stated – The proposed length is 70 ft. Showing the aerial, the average of the surrounding docks, both to the north and south, is 35 ft. in length. And based on the inconsistency of the existing surrounding docks, staff is recommending denial.

Mrs. Gates asked – Are there any questions for staff on this issue? I don't think so. Mr. Wynne, I think you are the applicant in this issue also. So, if you would like to come before us and tell us why we should have a 70 ft. dock at this location, I would like to hear from you please.

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Mr. Mathew Wynne stood once again and stated – I think, again, all of my comments are pretty much a duplicate of the other comments. The only thing I would add would be that if you see where this lot is located kind of at the....I don't know what you call it....at the end of the cove, in relationship to how the other lot was, that this dock would have even less effect than the other dock would. Because it's all the way at theI guess you'd call it the very (tongue?) of the cove, where the others kind of across from the cove. Does that make any sense at all of this location?

Mrs. Gates stated – Okay, are there any questions for the applicant?

Mr. Enns stated – I have one. This probably doesn't even matter but are you the owner of both of the properties? Is that what's going on? Are you going to sell one to your brother whatever the case may be?

Mr. Wynne stated – Well, we're a family. Our family is in business together.

Mr. Enns – Okay.

Mr. Wynne continued – And we're a very close family. And sometimes it's confusing on how we take ownership whether it's my name as trustee or my brother's or whatever. (inaudible?) ...probably the one we're talking about here now will probably be for myself. My brother's kind enough to let me choose(inaudible?)

Mr. Enns stated – And the letters that you gave us, they're also from the neighbors from either side of...?

Mr. Wynne stated – Here are the two letters right here from each neighbor on each side of this lot that we talking about...

Mrs. Gates stated – Okay, if you can give those to the secretary please.

Mr. Enns stated – And just one more time. Not only do they know there's a dock going there, but they know there's going to be a big boat there also?

Mr. Wynne – Yes.

Mr. Enns – Okay.

Mrs. Gates stated – I'm curious, are you buying two 61 ft. boats for two 70 ft. docks?

Mr. Wynne stated – No, like I said before, we have a 48 footer and a 54, and one will be at one place....and we're considering selling one and find a bigger boat. Thank you.

Mrs. Gates stated – Thank you. Any other questions?

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Mr. Knott stated – Mr. Wynne, did you say that you live at this residence or your brother lives here?

Mr. Wynne stated – Neither one of us live at either residence right now. Both of the houses had a lot of damage from the hurricanes, and we're in for a demolition permit as we speak.

Mr. Knott stated – Okay, so you will be living here and these will be your primary residences?

Mr. Wynne stated – Currently I live on my ranch, which is west of town across from Adams Ranch. And I have a relatively simple small house, about 2,000 sq. ft. And...which one will be my primary residence? Which one will I spend more time at? I don't know. When I built my little house on the ranch I didn't know I'd love my ranch so much. And that's the only place I have to live now. And when I build this I might love it so much that I just go out there on weekends.

Mr. Knott asked – So, you have no plans to rent or lease these?

Mr. Wynne stated – No, sir. We are in the rental business in a lot of ways, but never in single family ...I wouldn't want to build a 6,000 sq. ft. house and rent it out to somebody and come back and it's trashed...

Mr. Knott continued – One last question. I noticed on this aerial there are two structures on this property.

Mr. Wynne – Yes.

Mr. Knott asked – What are those two?

Mr. Wynne stated – It's kind of unique...the structure that's more out to the street is actually a big garage with like an efficiency in it. And the structure that's closer to the water is probably, my guess is, a 3 bedroom/2 bath house under air maybe 1,800 sq. ft.

Mr. Knott – Okay.

Mr. Wynne continued – And it is kind of unique...the garage is kind of not too pretty, it's got a big flat roof on it. It kind of looks like a pizza hut, you know with that thing coming down...It's just a little 3/2 1950's house.

Mr. Knott stated – Okay. One of these is pretty close to where the Mayor lives isn't it?

Mr. Wynne stated – The one that you just approved was probably, my guess, is maybe 6 houses north of the Mayor. The other one is all the way around the corner on Binney Drive.

Mr. Knott stated – So, if there are going to be any objections, you'll hear about it at the Commission meeting.

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Mr. Wynne added – I don't foresee a problem.....you never know.

Mr. Knott stated – Okay, thank you.

Mr. Gates stated – Thank you. Are there any other questions for the applicant on this item? Thank you very much. Is there anyone here to speak against this request? I don't think so. What are the Board's wishes on this item?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN WITH CONDITIONAL USE FOR A DOCK. Seconded by Mr. Harris. Approved by a roll call vote of 6 – 1.

Mrs. Gates stated to the applicant – You'll probably get those two notifications together of your date to go before the commission.

Mr. Wynne – Thank you very much.

Mrs. Gates stated – Okay, good luck to you.

Item #6 – Site Plan with Conditional Use – Hope Point - Approval to allow the construction of a multi family development with a bonus density award. Generally located on the corner of North 31st Street & Avenue C. Owner is Christopher Strano, and applicant/representative is Abraham Chabab, P.E.

Staff Report – Ms. Clark stated – The property is currently vacant. The site plan consists of five 2-story buildings situated on 2.8 acres. The applicant has applied for bonus density award, which has been justified with increased landscaping, and creative site design. And staff is recommending approval.

Mrs. Gates stated – Thank you very much. Are there questions for staff on this issue?

Mr. Knott stated – I just noticed....is Avenue C....is that paved? It looks like when come out of the project onto C it's paved back to the east...?

Ms. Clark stated – Yes. Avenue C will be paved from North 31st heading west to the entrance into the development, which would be 32nd Street.

Mr. Knott stated – Okay, I'm trying to see....it just doesn't appear that it's paved in front of the project there...I'm a little bit confused here to what we're looking at...To the west, does Avenue C just stop there at the canal intersection or the canal?

Ms. Clark – Yes.

Mr. Knott continued – Okay, so there's no need to have canal or?

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Ms. Clark added – That right-of-way paved up into ...

Mr. Knott added – So, they'll just connect on out to the main drag then with that. Okay, very good, thank you.

Mrs. Gates stated – Okay, any further questions for staff? Is there anyone here to speak in favor of this request?

Mr. Abraham Chabab stood and introduced himself and stated – I'm the applicant and the engineer for the project. I just wanted to elaborate on the question with Avenue C with Mr. Knott. That Avenue C is not paved all the way through. What we're going to do is we're going to pave it from North 31st Street (inaudible?)...

Mr. Knott asked – Okay, so you're just showing a portion of it. It goes out, and you'll pave it all the way....you'll pave C tois 31st paved? Is it a paved street or is it a?

Mr. Chabab stated – Up to this point.(referring to drawing)

Mr. Knott stated – Okay, and you'll be tied into that pavement then is that correct?

Mr. Chabab – Exactly.

Mr. Knott continued – It's paved down to....?

Mr. Chabab added – To this point....yes.

Mr. Knott stated – Okay, I couldn't see where you had indicated existing and proposed pavement, so that's all existing right there...alright thank you.

Mrs. Gates asked – Are there any other questions for the applicant?

Mrs. Brenner stated – I have actually four questions. This is slab concrete...slab construction....two stories on slab?

Mr. Chabab stated – It would be on a concrete slab.

Mrs. Brenner continued – And is it raised at all...or is it ground level? Is it grade level?

Mr. Chabab – Yes.

Mrs. Brenner asked – And I assume it's going to be plywood over frame?

Mr. Chabab – Frame.

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Mrs. Brenner continued – And do you, by any chance, know what the mean high water level is on that canal, and what was the level of surge when we had the last hurricanes?

Mr. Chabab stated – That information I don't have readily, but the canal is about 6 ft. below the existing line...

Mrs. Brenner asked – At the present time?

Mr. Chabab – Right.

Mrs. Brenner stated – Because there has been a lot of dredging and cleaning out of that canal, which would push the water higher when it comes in through the surge. You realize that once it's cleaned out that the surge will go back in there...there's nothing to stop it. They're cleaning it out so I think it's something you might want to check to be sure just to see where it went. And then I had one question. On your chart, you show an area over on the right hand side of our drawings that says a detention area. Is that where you're going to take the bad kids when they misbehave? Or did you mean retention?

Mr. Chabab stated – Yeah, we may do that, but this detention area is for storm water.

Mrs. Brenner stated – It is retention area...not a detention. Thank you.

Mr. Chabab – Thank you.

Mrs. Gates asked – Okay, are there any further questions for the applicant? Thank you very much. Is there anyone here to speak against this request? I don't believe so. What are the wishes of the Board on this item?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN WITH CONDITIONAL USE. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicant – Okay, your request has been approved and you will receive a notice of the City Commission meeting of when your item will come before them. And it looks like a great project. Thank you very much and good luck.

Agenda Item #7 – Site Plan – Hartman Road Parcel - Approval for a commercial parcel development. Generally located on the northeast corner of Okeechobee Road and Hartman Road. Owner is Smigiel Partners XIX, Ltd, and applicant/representative is Thomas Lucido & Associates.

Staff Report – Ms. Clark stated – The project consists of a development of two separate parcels, one being a filling station and convenience store, and the other being a fast food restaurant. The site plan has been reviewed by all City departments. And staff is recommending approval.

Mrs. Gates asked – Okay, are there questions for the staff from the Board?

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Mrs. Brenner stated – Wendy, this site plan is very much like the site plan that we had a while back that was proposed at the corner of Angle Road and Orange Avenue. It looks almost identical, and I know that parcel has never turned a spade. Is this the same organization?

Ms. Clark stated – I don't remember that being the same organization.

Mrs. Brenner stated – I didn't right remember who it was...

Ms. Clark added – This is the first time that I've actually that I've seen this...Smigiel Partners.

Mrs. Brenner – It looks so much like that project, which has never come to be...I just wondered if they gave up on that one and moved over here for some reason. But if it's not same people...

Mrs. Gates added – I don't think it is...I'm getting little nods.

Mrs. Brenner – Thank you.

Mrs. Gates asked – Are there any further questions for staff?

Mrs. Brenner stated – One more. On the back side ...on the east side of the property...what is the adjoining property and on that eastern side...what it is zoned?

Mr. Knott added – I believe it's Dale's isn't it?...Isn't that the barbecue place?

Mrs. Brenner continued – Well there's a lot in there that's between where people park their cars for sale, and then it backs up to a road behind Dale's. But this does not appear to go that far. But does it adjoin Dale's lot line?

Ms. Clark stated – Yes it does. And that property is zoned C-3 as well.

Mrs. Brenner continued – And directly north of that is...I guess Dale's property may go further north?

Ms. Clark stated – I'm not sure because I'm not showing property on it...

Mrs. Brenner continued – I noticed that it didn't have a...the little map that we got didn't have that much on it. Okay. It has a blank there where the church is, and where the utilities...all that white that backs up to Totten property....that's all Utilities Authority property in there. There are all kinds of high wires and things in there. Well, it looks like it corners that Totten Road, which I thought was occupied by a business.

Ms. Clark stated – I think on the northwest corner of Okeechobee and Totten Road is like an appliance ...used appliance type of

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Mrs. Brenner added – Used to be.

Ms. Clark continued – And then heading directly west would be Dale's.

Mrs. Brenner stated – But the map that we got...the county map shows that the whole property being 0009...is that an area on the part of the map? You see what I'm saying?

Mrs. Gates stated – No, I don't I'm sorry.

Mr. Trias stated – Mrs. Brenner, could you explain what the concern is? Perhaps we can help you better if there's some issue....

Mrs. Brenner stated – Well, maybe the applicant can help me out with it...maybe Al (Brodeur) knows the answer.

Mrs. Gates stated – Okay, do you want to defer this to the applicant then?

Mrs. Brenner stated – Yes, I'll defer it to the applicant.

Mrs. Gates stated – Well, then if there are no further questions for the staff, is there anyone here to speak in favor of this request?

Ms. Cynthia Angelos stood and introduced herself and stated – I here on behalf of Smigiel Partners. And Smigiel Partners is a different entity than that of the Angle Road property. This is the first time, I believe, that any project has come in by this entity under any name.

Mrs. Brenner – Okay, thank you.

Ms. Angelos continued – Yes, ma'am. This is a total of 3.02 acres, and as reflected, it's on the northeast corner of Okeechobee and Hartman. The land use is commercial general. It's zoned under section 22.31 or 2.231 of your code, which is C-3. So, the site plan is consistent with both the land use and the zoning as well as all of the applicable ordinances, with regards to setbacks. The only thing that I wish to point out...representing the applicant, and having discussed fully with him the intended use of the property, just to share with you, I don't think that, at this juncture, there's a plan for fast food at that location. What the hope is, and I think what they're seeking, is something similar to a super Hess station for your information, and a food mart at this juncture. But I can't represent at this juncture that there's an actual use, but I think that maybe that fast food idea was at one time, but has somewhat been abandoned. But based on the square footages of each of the respective buildings, that is a possible use and an allowed use under the code. This is really a one unit design and I think, just for clarity, the designer broke it out to show two parcels, but it's really just one parcel. And as it relates to Dale's, and I'm not sure if I can answer the question asked, but I've been out there many times and I go by there every day when I take my children to school. And I think that what may be a bit confusing is that I think maybe Dale's parks on a portion of one of the parcels. So, it appears to be either a used car lot or part of Dale's parking. But it's really the applicant's parcel. I think that, you know, it pretty

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much speaks for itself. It's straight zoning. I don't know if there are any questions but I will tell you that there is a residence as reflected on the corner there, and I personally went over there and knocked on the door and chatted with the lady and left my personal cell phone to let them know what was happening, and see if there are any questions to see if there was any interest in selling that. I know that they're not here tonight, but that offer is open to them and I haven't heard from them. So, are there any questions that perhaps I could answer or All?

Mrs. Brenner stated – That's why this map is confusing. The map that we got with our packets shows this whole thing all the way over to Totten Road as being one tax number or I.D. number.

Ms. Angelo and Mr. Brodeur are inaudible?...not close enough to a microphone.

Mr. Trias stated – Mrs. Brenner, maybe the graphic is not very clear, but there are some black lines that show the different properties. If you are truly concerned about that graphic, I'm sure we can work on it and enhance it and improve it.

Ms. Angelos stated to Ms. Brenner – You were correct...that map is incorrect.

Mrs. Brenner asked the applicant – So, this map incorrect?

Ms. Angelos – Yes.

Mrs. Brenner stated – That's all...thank you.

Mrs. Gates asked – Okay, are there any other questions for the applicants?

Mr. Knott stated – I may have to ask Mr. Brodeur...Okeechobee Road...you indicated on drawing a median out there. Do you have any plans to try to get a left in into this project or are you just going to stick with the right in and right out?

Mr. Al Brodeur stood and introduced himself and stated – I'm with Thomas Lucido & Associates. Mr. Boggs warned me that you would ask that.

Laughter from the Board.

Mr. Brodeur continued – Culpepper & Turpening has got a, I guess, a conceptual approval from DOT that has a right in and right out...

Mr. Knott stated – DOT won't give you one? It's pretty close to that other intersection.

Mr. Brodeur – Right.

Mr. Knott continued – So, you all can live with that...

Mr. Brodeur added – It works.

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Mr. Knott – Okay.

Mr. Brodeur continued – Obviously the applicant would prefer to be able to take a left out of here, but it seems to me because of the median they will be forced to take a right and take a u-turn...

Mr. Knott – Very good, thanks Al.

Mr. Brodeur – Thank you.

Mrs. Gates stated – Thank you. Are there any further questions? Thank you very much. Is there anyone here to speak against this request. There doesn't appear so. I'll entertain a motion from the Board on this item

MOTION WAS MADE BY MR. POITIER TO APPROVE THE SITE PLAN. Seconded by Mr. Harris.

Mrs. Gates asked – Are there any further discussion on this motion?

Mrs. Brenner stated – I do have one. On the two existing buildings on the corner, did I understand it correctly that you do not as yet own that property?

Ms. Angelos – Correct.

Mrs. Brenner continued – So, you do not...so, it's not included in our motion?

Mr. Brodeur showing Ms. Brenner something on the drawings.

Mrs. Brenner – Thank you.

Mrs. Gates asked – Okay, any other discussion?

Unanimously approved by roll call vote.

Mrs. Gates stated to the applicant – Okay, your request has been approved. And you will receive a notice for the City Commission meeting, and it looks like a great project.

Ms. Angelos – Thank you very much.

Mrs. Gates – Thank you very much.

Agenda Item #8 – Site Plan – Harbor Federal Bank - Approval for the construction of a Harbor Federal Bank. Generally located on the northwest corner of South Highway #1 & Virginia Avenue. Owner is Harbor Federal, and applicant/representative is Lochrane Engineering, Inc.

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Staff Report – Ms. Clark stated – The project will take place on the old existing Harbor Federal Bank location as well as what was previously know as the Chevron station immediately on the corner of U.S. 1 and Virginia Avenue. The site plan consists of a two- story building just over 10,000 sq. ft. in size. The site plan has been conceptually reviewed by all City departments, and staff is recommending approval.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff from the Board on the Harbor Federal site?

Mr. Knott stated – Madam Chair, is it really necessary for the architects to give us these bed sheets? These are so big.

Mr. Trias stated – Mr. Knott, I usually request 11 X 17 format and that is usually interpreted as reducing that size to 11 X 17, which doesn't work.

Mr. Knott – Thank you.

Mrs. Gates stated – Okay, any questions for staff? If no more questions for staff, is there anyone here to speak for this request?

Mr. Kevin Larrimore stood and introduced himself and stated – I'm with Lochrane Engineering and I represent the owner, Harbor Federal. I'm here to answer any questions you may have.

Mrs. Gates asked – Okay, are there any questions for the applicant?

Mrs. Brenner stated – I'll use page 20 or sheet L-1 as reference because it was easier to read. I'm concerned about the pattern of the traffic inside the area of the entrance off of Virginia Avenue...the first entrance...as you come around the corner. Is that going to be a prohibited left turn? Because of the traffic coming out of the drive-thrus will they have a prohibited left turn?

Mr. Larrimore asked – The entrance?

Mrs. Brenner stated – The entrance to the site...there will be no left turns? And then coming out of the drive-thrus...are you going to have no left turns there also?

Mr. Larrimore asked – Out of the drive-thru?

Mrs. Brenner stated – Yes. You can't go left there...

Mr. Enns added – You have to turn right.

Mr. Poitier – Yes.

Mrs. Brenner asked – Coming out of the drive-in (maybe meant to say drive-thru?)

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Mrs. Gates added – On Virginia you do.

Mrs. Brenner stated – No, I'm talking about inside property itself. You can turn right to go out the other entrance.

Mr. Larrimore asked – That internal road next to...?

Mrs. Brenner stated – Yes, the internal road alongside the building.

Mr. Larrimore stated – Turn left here.

Mrs. Brenner stated – You are allow turn left but you're going to prohibit left turns coming off the main road; otherwise it's going to be a problem.

Mr. Larrimore stated – Yes, on our site plan, we have a lot of signage there.

Mrs. Brenner stated – Yes. This was the only one I could read. Thank you.

Mrs. Gates asked – Okay, any further questions for the applicant?

Attorney Walker asked lightly – Can't you keep that carwash there?

Laughter from the Board.

Mrs. Gates stated – I think you've got a pretty special request here for the bank. Any other questions?

Mr. Knott asked – Out of curiosity, on the landscape plan. I don't know whether the ordinance or whether Ramon has talked to you in such ayou've really made a forest out of it....that's great. But there are a couple of palm trees that you're saving back there in the back....are those worth saving? I just happen to see them back there by your pond.

Mr. Larrimore stated – We were trying to keep what we could.

Mr. Knott stated – Okay. It's spectacular putting in all of these 12 ft. oak trees in here.

Mr. Trias added – I think the applicant has done an excellent job and they should be commended for it.

Mr. Knott stated – Yes, I agree with you, Ramon. This is a nice set of plans. And that gun tower you've got up there or whatever it's called...clock tower. That's going to be a gorgeous corner. That's going to rival the downtown shop there that you all got. It's really going to look nice.

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Mr. Enns stated – I'm glad to see that you've increased the drive-thrus there too. I don't know if that's the busiest branch but it's something on a Friday afternoon, I know that...or used to be before it was wiped out.

Mr. Knott stated – This is maybe a question perhaps Kevin (Larrimore) could answer for me. Will this be all Harbor Federal used or are they going to have other ...?

Mr. Larrimore stated – There will be office spaces.

Mr. Knott asked – There will office spaces leased to other professionals?

Mr. Larrimore – Yes.

Mr. Knott stated – Okay, thank you.

Mrs. Gates asked – Any further questions? Thank you very much.

Mr. Larrimore – Thank you.

Mrs. Gates continued – I don't think there's anyone here to speak against this request but I'll ask. What are the wishes of the Board on this?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicant – Your request has been approved and you'll receive a notice of the date when you go before the City Commission. She should really enhance that whole shopping area, and I really applaud you and Harbor Federal for this. So, just make it pretty...thank you.

The applicants – Thank you.

Agenda Item #9 – Special Exception/Variance - A special exception to permit two additions to a non-conforming structure; and a variance from regulations governing setbacks for sideyards. Located at 603 S. 24th Street. Owners/applicants are Joseph & Emilie Alouption.

Staff Report – Ms. Clark stated – This request is for additions to both the front and the back. It's just under 600 sq. ft., and staff is recommending approval.

Mrs. Gates asked – Okay, are there any questions for staff on this item? I don't think so, and I don't think there's anyone here to speak in favor or against this request. What are the Board's wishes on this item?

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MOTION WAS MADE BY MRS. BRENNER TO APPROVE THE SPECIAL EXCEPTION/VARIANCE OF 603 S. 24TH STREET. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mrs. Gates stated – Okay, this will go before the Board of Adjustment.

Agenda Items # 10 & #11 – Annexations - Approval of annexations of properties identified as having contiguous municipal boundaries of Fort Pierce. Generally located north of Virginia Avenue between 33rd & 34th Street. Owner/applicant is ZOG Limited Partnership, and representative is Nathan Ohren, Partner of ZOG, L.P. **And #11** - Approval of annexations of properties identified as having contiguous municipal boundaries of Fort Pierce. Generally located at the SW corner of Jenkins Road and Graham Road. Owner is Twenty Six Associates, LLC.

Mrs. Gates stated – Can we do items #10 & #11 together, Mr. Walker?

Attorney Walker – Yes, Madam Chair.

Staff Report – Ms. Clark stated – Both are voluntary annexations, and staff is recommending approval.

Mrs. Gates asked – Okay, are there any questions on items #10 or #11 for the annexations? I don't see anybody here to speak in favor or against. So, what are the Board's wishes?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE ANNEXATIONS OF ITEMS #10 & #11. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Agenda Item #12 – Discussions.

Mrs. Gates asked – Are there any discussions?

Ms. Rose asked – Do we need to address the absences before we leave?

Mrs. Gates stated – Yes we do. I'm sorry.

MOTION WAS MADE BY MR. KNOTT TO EXCUSE MR. JOHNSON, AND MRS. WILLIAMS. Seconded by Mr. Enns. Unanimously approved by voice vote.

Mrs. Gates stated – And we're going to hold off on the excuse of our Chairman, Don Bergman. He has not called.

Mrs. Gates added – Are there any discussions at all?

Mr. Knott stated – It's just a point that Harriett brought up, and I guess the engineer/applicant didn't want to ...the issue....the clarity about the detention pond and retention pond. They use

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both. A detention pond is when you detain the water...in otherwords, in a retention pond there's no outlet...there's no controlled structure with a pipe out of it...it's retained completely on-site. A detention...all you're doing is detaining the water for a while, and then it runs out...it bleeds out through the control structure. So, they correctly had it as a detention pond because most of them have a control structure, which allows the water to go out slowly. And they're detained water...they're not retained. Just some trivia.

Mrs. Gates – Thank you.

Mr. Enns added – They have a controlled structure there at Moore's Creek.

Mrs. Brenner asked – Which one is the better?

Mr. Knott stated – Well, if you retain it on-site that means you're not discharging it...it all soaks back into the ground, which is the whole idea of these ponds. About 20 years ago all the water was going out into the ocean.

Mrs. Brenner – Right.

Mr. Knott continued – So, they made us starting using these ponds to keep the water going back down into the water table to recharge it. So, the retention is the best because 100% of it goes right back into the ground...it's doesn't go anywhere; but unfortunately the ground water table is very shallow here, so it can't percolate that well, so you just have to detain it and let it bleed out through a hole about 3 inches in diameter.

Mrs. Brenner stated – So, it's going to dump into the canal.

Mr. Knott stated – Yes. Then it will go out slowly.

Mr. Enns added – Yes. It will fill up the structures up higher than the bottom...

Mr. Knott added – Over a 72 hour period it will bleed back down, it will go into a detention pond. You'll stock up or stack about two feet of water in these ponds and then 72 hours it will go back down to where it normally is, so all of these canals don't get full at the same time.

Mrs. Brenner stated – Well, I apologize for my ignorance. Thank you.

Mrs. Gates stated – Thank you very much. If there's no further discussion.

Meeting Adjourned at 8:35 p.m.