

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, MARCH 21, 2005.

Mayor Benton called the meeting to order.

Pastor Warren Bennett, White City United Methodist Church, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and R. Duke Nelson; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

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Mayor Benton proclaimed March 2005 as "**American Red Cross Month**".

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

Letter from Mary Beth Birsky, Indian Hills Golf Course, commending the MIS Staff for their efforts, diligence, team play, and hard work.

Letter from Sam Duncan thanking Fort Pierce Police Aide Ebony Baret for her professionalism, kindness, and assistance.

Letter from Diana Huston in appreciation of the kindness and assistance received from Fort Pierce Police Officer Diane McGlon.

Memo from Commissioner Rufus J. Alexander III commending the City Clerk's Office (Cassandra Steele, Sandra Kelly, Brenda Moore, Diann Ploetz, Jeanette Conlon, Kia Powers, and Karen Wise) for their excellent work.

Commissioner Alexander said he knows their City Clerk's office took a little grief with the efforts they put forth. He thinks it is time they stand up behind their employees because they did put a great effort on it. It turned out very good and it didn't have a Port St. Lucie label on it. It can be done in this City and they should applaud their staff for those efforts.

Mayor Benton said he would agree. They did a great job and it was a great turn out and they fed them well. He says thank you too. He had a great time.

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

Commissioner Alexander, said he would like Item 7f (South Beach Stormwater Improvements) removed for discussion.

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

- a. Approve the Minutes of the Regular Meeting on March 7, 2005.
- b. Approve travel and attendance by Commissioner Nelson to the Florida League of Cities Legislative Action Day in Tallahassee on March 29-31, 2005.
- c. Accept the lowest and best bid from Yamaha Golf Car Company for the lease of 75 Golf Carts for the Indian Hills Golf Course in the

amount of \$42,813.00 annually. Bid No. 5506

d. Authorize purchase of one 2005 Ford Taurus for the Department of Development (Planning) from Sunrise Ford in the amount of \$12,164.65. Bid No. 5472

e. Authorize Department of Development to submit a grant application to the Community Redevelopment Agency for \$10,000 to update the Historic Properties Survey.

g. Authorize increase in Blanket Purchase Order for Public Works Facilities Maintenance for an additional \$10,000 for Paint Supplies.

h. Approve Blanket Purchase Order for the City Marina in an amount not to exceed \$50,000 for marina and boat debris landfill charges to the St. Lucie County Landfill. Ref. Bid No. 5468

i. Accept lowest and best bid from Ground Pounders Trucking for storm debris removal - Trash Hot Area Pick-Ups - in the amount of \$60 per ton, not to exceed \$200,000.

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The next item considered was Item 7f, which had previously been removed from the Consent Agenda: Approve Agreement between the South Florida Water Management District and the City of Fort Pierce for South Beach Stormwater Improvements (installation of eleven baffle boxes) in the amount of \$73,000) with 50% match from Stormwater Management Utility Bond Funds.

Commissioner Alexander said just a question knowing this is an effort that is much needed and past due effort. He did receive some communication concerning the same stormwater improvements; but he just wanted to know, is there any other sections of the City of Fort Pierce that they are aware of that need this to be implemented on? Are they aware of any?

Mr. Hector Arias, City Engineer, said they had done it for the Moore's Creek which takes almost four square miles of the City. They got this grant from the SFWMD because this is sitting very close to the Indian River and they need to provide water quality for the Indian River. The improvements to the drainage per se is something, but it is not that much. It is just water quality to avoid poor water going into the Indian River.

City Manager Beach asked have they done something of this nature or are they considering doing something of this nature on Indian River Drive, the same type of baffle box construction to deal with that runoff?

Mr. Arias said he thinks they did something in the past and they are working on doing it in the future on Indian River Drive.

City Manager Beach said Mr. Mimms might describe what this particular design accomplishes.

Mr. Nicholas Mimms, Stormwater Engineer Supervisor, said baffle box installation, what it purely does is for stormwater quality. What it does is capture sediment prior to discharge to its ultimate water body. In this case it is the Indian River Lagoon. What happens is, the stormwater which comes in the inlets, swales, and catch basins, it filters in these baffle boxes and it is captured in the first chamber. That sediment sits there and settles out of the stormwater prior to it damaging the Indian River Lagoon. It takes out the nutrients, phosphorus, and other large pollutants such as leaves, soda pop cans, and things of that nature. They did actually install a couple of baffle boxes on Indian River Drive

with the Macomber drainage project they had just to the north of the traffic circle and it discharges to the Indian River Lagoon.

Mayor Benton said Mr. Arias knows he has been asking for this for a long time and he knows the County puts them in along Indian River Drive. But Martin County and Stuart, he believes, both require developers to put in baffle boxes. He hopes when they upgrade the codes, which they are talking about doing now, that they require any new development that is anywhere near the Indian River - on the Island, along Indian River Drive, or even dumping into Moore's Creek or Taylor Creek - that they require developers to put in these huge baffle boxes similar to what they have down south that can hold a lot. Because if they get a 3-inch rain, everything just goes straight out to the river. The ones the County has put in along Indian River Drive aren't very big and they have to clean them out on a regular basis, but they are better than nothing. But he thinks developers should be required to really do their part. Maybe they can model it after Stuart.

Commissioner Alexander said they probably received a couple of communications from that beach area about that, but he is speaking also of the new development that is coming into the area. He heard the Mayor say when they get the code in place. They can't tag that on to the developer?

Mr. Arias said as far as retaining water for water quality, they don't have to change the code, they already have the code. All these developers have to provide a retention area for water quality in all the projects today.

Commissioner Alexander said that is not concerning the runoffs he hears the neighbors speaking about, so much water running off onto their property. At that particular time, can they put those baffle boxes in there to take away?

Mr. Arias asked did he say he has complaints about...?

Commissioner Alexander said no. Every time a development comes up on the beach, the neighbors complain about the runoff and the elevation on the project that is coming in.

Mr. Arias said he thinks they have two things on South Beach. One is the development; and no matter how high the development is, they are going to have to retain the water on site and only the development runoff will come out into the discharge. As far as residential homes, they have a code already in place, but they are going to have to provide certain drainage improvements in their own lot to avoid the runoff going into other people's lots. They already have that code and have implemented that.

Mayor Benton said the drainage issues on Hutchinson Island are so problematic that when they have a high tide, then all the drain pipes are under water. They have ditches on the island that fill up with salt water when it hasn't rained for some time. So there are some real problems over there. When they have a development similar to Coconut Cove, that area is going to be a real problem because that is one of the lowest areas on the Island.

Mr. Arias said in conjunction with the A-1-A project, Staff is studying some recommendations from the consultant to have certain outfalls, using outfalls from the City going to the river. In conjunction with that, they are going to try to compound it with

some drainage areas in South Beach to make sure they don't flood at least as much as they used to. But it is a problem. Everything there is very low.

Mayor Benton said everything was put in place so many years ago that it is going to be a difficult one to straighten out.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve Agreement between the South Florida Water Management and the City of Fort Pierce for South Beach Stormwater Improvements (installation of eleven baffle boxes) in the amount of \$73,000; 50% match from Stormwater Management Utility Bond Funds.

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

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Ordinance No. K-329 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 10, ARTICLE I, ENTITLED "IN GENERAL"; AMENDING SECTION 10-1 RELATING TO PENALTIES; AMENDING CHAPTER 10, ARTICLE II, ENTITLED "**STOPPING, STANDING AND PARKING**"; AMENDING SECTION 10-23(r)(1) RELATING TO PROCEDURE; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-329 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-329 be passed on second and final reading.

Commissioner Alexander said he didn't go along with this the last time when they brought it up. But his concerns are with the vendors that are downtown. Some parts of the day, they can't even get in and out of downtown because of the vendors parking. They have nowhere to park and the City hasn't tried to work out anything with the vendors that maybe they can do early morning deliveries. But it gets ridiculous sometimes when they have three or four of these big huge trucks down there parking in the middle of the road and having other people, like senior citizens, might want to try to maneuver themselves around and run into someone's car. Who are they going to hold responsible for that when there is blockage of the road? Have they tried anything on that? It is not a problem?

City Manager Beach said he thinks it is an inconvenience. But at least as it relates to Orange Avenue and 2nd Street, he has not had any reported problem with this. Apparently the public seems to be very tolerant of trying to work their way around these vehicles. What the delivery trucks typically do is park in the center of the road and then cars can go around either side of them. However, they don't have that luxury on 2nd Street. 2nd Street is so narrow that it does create a complication when a delivery vehicle tries to use that for deliveries.

Commissioner Alexander asked that is illegal parking, isn't it?

City Manager Beach said it is illegal parking. Unless he is mistaken, those vehicles have received citations and other things

for blocking traffic that way.

Commissioner Coke said she would like to agree with the City Manager. Orange Avenue and Avenue A, it is an inconvenience when the big trucks stop in the middle, but pretty much people can get around. 2nd Street however is an entirely different situation. It is an area that they are looking to encourage retail. Her concern is not so much the delivery trucks that pull up and unfortunately do block people on the street end for five or ten minutes while they are unloading. The mail truck is wonderful, he pulls off into the alleyway. There is no parking, but he stops there and gets out and makes his deliveries. The UPS and the FedEx trucks however, there could be parking spaces there available to them and they don't use them, they park right in the middle of the street and block everybody. She can understand if their truck didn't fit into a parking space or couldn't pull in the alleyway that goes down between Max & Megs (The Governor's Grill) and the other building there and the other side of 2nd Street. There is the same little area. UPS and FedEx could both pull into that area and off load their trucks and make their deliveries. But they don't. It is very frustrating. A lot of times they hear a lot of honking of horns going on because people are sitting in their car trying to get out and the UPS guy knows they are sitting there and proceeds to go to four or five other offices before he moves his vehicle. She thinks they ought to perhaps write to them and ask them to either park their trucks when they have to make those deliveries in a parking space, in the alley easement, or stop on Orange Avenue and Avenue A rather than block 2nd Street.

Commissioner Nelson said his concern about this is, he doesn't see staff input relative to why these increases are in fact necessary and what they are trying to accomplish. He has before him a memo from the City Attorney who he guesses is attesting to this as the legality of it. But the City is in the midst of trying to build some garages and they do have a parking problem he is sure. He would have appreciated some type of staff input saying what are the problems down there. Commissioner Coke has elucidated on some of them, he is sure. They all have their own thing. The Police Chief should have some input on it. The Public Works which cleans up the area and sweeps the area should probably have some input.

Mayor Benton said at the last City Commission meeting before Commissioner Nelson got there, he thinks they had quite a bit of discussion about this. He knows the Police Chief had a lot of input on this. That is why they got to this point.

Commissioner Nelson said he has to renege on that then. If that be the case, then he would retract on that.

Mayor Benton said he knows there were some reasons why. The Chief had quite a few of them.

Chief of Police Eugene Savage said the long and short of it was, they asked for the increase because of their parking fine structure which has been the same for the last 14 years. They are definitely out of sync with the surrounding communities plus the County. They all charge fees that are way astronomically higher than Fort Pierce is. That was the reason for the increase, not to penalize anyone either downtown or any other portions of the City. They have parking problems, not just downtown. They have parking problems all over the City. And that is the reason for the increase.

Commissioner Nelson said that goes to show he can't afford to miss a meeting around here. They all do things behind his back.

City Attorney Schwerer said recall please that back in November the Police Chief made a very detailed presentation to the Commission with a memo justifying why he was asking the increase in the parking fees. The justification primarily was to get on parity with St. Lucie County and Port St. Lucie, and he had the rate comparisons and everything else. The Commission as a body agreed to do these changes; but they deferred it until after the first of the year because they wanted to give some relief for this hurricane issue. They had instructed him to just bring it back before them in ordinance form after the first of the year. He brought it back on the first available agenda. That is why it is back without the documentation. He is just trying to refresh their recollection.

Commissioner Becht said this is very timely. He believes the Post this morning had an article on Stuart and the problems they are having in downtown Stuart with parking. So it is not anything they are not experiencing in the neighboring communities.

Mayor Benton said just to add to the discussion where Commissioner Coke was talking about deliveries. In the future hopefully they will have a lot of retail businesses downtown. When there is a need and the parking garage is open, maybe they can create a loading or unloading zone big enough for a truck to pull into during working hours or something on each street when they have additional parking spaces. But until then, he thinks he doesn't think they would be able to fill those positions up now for deliveries.

Those voting in favor of the passage of Ordinance No. K-329 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-330 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE SEVEN LOTS GENERALLY LOCATED **NORTH OF VIRGINIA AVENUE BETWEEN 33RD STREET AND 34TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; 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." was placed on second and final reading and read by title only. (Owned by: ZOG Limited Partnership)

Mayor Benton declared a Public Hearing on Ordinance No. K-330 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-330 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-330 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed:

None.

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Ordinance No. K-331 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE FIVE PARCELS GENERALLY LOCATED ON THE **SOUTHWEST CORNER OF JENKINS ROAD AND GRAHAM ROAD, EAST OF I-95 AND NORTH OF CANAL #37**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; 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." was placed on second and final reading and read by title only. (Owned by: Twenty Six Associates, LLC)

Mayor Benton declared a Public Hearing on Ordinance No. K-331 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Ordinance No. K-331 be passed on second and final reading.

Commissioner Nelson said he noticed the exemption on this is roughly \$326,000 and the land value is \$354,000. What is on there now that requires or makes this exemption?

Mayor Benton said agricultural. It probably has some cows on it.

Ms. Anne Satterlee, Administrative Assistant, said her understanding is that it is agricultural right now. Once it comes into the City the designated zoning would be single family intermediate density. So that will be changing with the property appraiser once the property is developed.

Commissioner Nelson said once they get the annexation and the change in zoning and the owner builds new structures on it, there will be less exemptions.

Ms. Satterlee said correct.

Commissioner Becht said just to clarify that, a change in zoning does not change the agricultural exemption. The change in the use of the land is when they lose their agricultural exemption. If they are using it for a viable agricultural production, they could zone it anything they want to and they would still have the agricultural exemption. But this piece of property, the last time he looked at it, he is hard-pressed to see what agricultural purpose is being used on this property. So if it shows up next year as agriculturally exempt, they might want to first go out there and look at it because he doesn't think there is a viable agricultural use on that property.

Ms. Satterlee said she believes all of these parcels are being put together for a large development in the City.

Mayor Benton said he thinks they planted these in groves not too many years ago, which are probably just ready to produce.

Commissioner Becht said no, this is just north of the college if he is not mistaken.

City Clerk Steele said no, that was the previous Age da item (Ordinance No. K-330). This is next to I-95.

Mayor Benton said this is at Jenkins Road and Graham Road. There are groves there.

Commissioner Becht said Mayor Benton is right.

Commissioner Nelson said he just hopes they look very closely, as Commissioner Becht pointed out there. He doesn't think they should be making agricultural farm land within the corporate City limits as such. If they are not that way now, then certainly the City should not be trying to make more farmland out of it.

Commissioner Becht said he begs to differ with Commissioner Nelson. This is across the street from what will be the Agricultural Research Park. He would with great zeal like to annex as much up there as they can.

Commissioner Nelson asked that is the area? Okay, that is good.

Those voting in favor of the passage of Ordinance No. K-331 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-332 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING ARTICLE VII OF THE CODE OF ORDINANCES ENTITLED "**PERMIT FEES**"; AMENDING SECTION 5-267, SCHEDULE OF FEES FOR BUILDING PERMITS, TO ALLOW FOR FEE MULTIPLIER OF 0.010% AND AMENDING FEES FOR MOVING, DEMOLITION, AND TEMPORARY PERMITS FOR BUILDINGS OR STRUCTURES; CREATING SECTION 5-267(14), FEE FOR APPEAL TO CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-332 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Ordinance No. K-332 be passed on first reading.

Commissioner Becht said he saw a cover letter from John Alcorn to the various agencies that he had asked and the Commission had agreed that staff would send this to, but no one is here. He thinks they sent it to the Realtor's Association, the Treasure Coast Builders Association, and the Chamber of Commerce.

City Manager Beach said those letters did go out, he saw copies of those, and they went to each of the entities that the Commission had directed. He has not received any feedback; and he asked Department Heads this morning if anyone had received any type of response on that correspondence and they had not.

Those voting in favor of the passage of Ordinance No. K-332 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Mr. Keith Anderson, Roy's Liquors, Inc., request **Alcohol Beverage Permit** for Wellcraft Hydra-Sports Captain's Meeting at the City Marina in Indian River Veteran's Memorial Park (Parking Lot) on March 30, 2005.

Commissioner Alexander said before they go on with this item, he

noted somewhere in the Agenda where Mr. Schwerer is coming to the Commission about the insurance for special events. Why are they going to discuss this without knowing the outcome of the insurance?

Mayor Benton said this one is a little different. He believes this is a private organization. He thinks they are going to have the insurance on this one.

**Mr. Keith Andersen** said he has a request for a March 30th permit for liquor. They have procured a Certificate of Liability Insurance as requested by the City for \$1 million and the City is co-insured.

Mayor Benton said Walmart has started these big fishing tournaments with a lot of money. This can bring a lot of money into Fort Pierce. Is that what it is?

Mr. Dean Kubitschek, Manager of City Marina, said yes, that is correct. It is part of the Walmart Tournament. There will be roughly around 100 boats in the tournament from all over.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve Alcohol Beverage Permit for Wellcraft Hydra-Sports Captain's Meeting at the City Marina in Indian River Veteran's Memorial Park (Parking Lot) on March 30, 2005.

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

Mayor Benton said the only difference between this one and the other one (Main Street Sandy Shoes Festival) they were looking at is this one is for profit so they have somebody with a liquor license.

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The next item on the Agenda was Ms. Marilyn Buchenholz, Fort Pierce Jazz Society, request Alcohol Beverage Permit for Barbecue, Blues, & Jazz at Museum Pointe South Causeway Park on April 2, 2005.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to approve Alcohol Beverage Permit for Barbecue, Blues, & Jazz at Museum Pointe South Causeway Park on April 2, 2005.

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

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The next item on the Agenda was Ms. Mazola Barnes request Code Enforcement Board lien in the amount of \$7,300.00 against 1313 Delaware Avenue be rescinded upon payment of administrative costs of \$607.00.

City Clerk Steele said they will need to determine how many days.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to rescind the Code Enforcement Board lien in the amount of \$7,300.00 against 1313 Delaware Avenue upon payment of administrative costs of \$607.00 within 30 days.

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

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City Clerk Steele introduced the following resolution by title

only:

RESOLUTION NO. 05-18

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, URGING MEMBERS OF CONGRESS TO CONTINUE TO MAINTAIN THE FEDERAL **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM** AT ITS CURRENT LEVEL OF FUNDING WITHIN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT."

Ms. Patti Tobin, Director of Community Services, said she thinks they might be aware that the President has suggested in his new budget some major changes to the CDBG Program including a 50% reduction. And then she thinks just as difficult for people within this business is the transfer to the Department of Commerce. Her latest reading of the Senate is about 56 to 58 Senators have signed a petition not to make any changes; so generally speaking, that is a good sign that those changes won't occur. But in order to get the City on the record as not wanting to see those changes, she has presented them with this Resolution.

Mayor Benton said the U.S. Mayor's meeting in Key West also unanimously approved this along with the 55 Senators. So the resolution could be a great idea. It would definitely hurt the City if they were to have that money taken away from them. Maybe they will look at this a little closer. He knows there were concerns about how money was being spent and there were a few cities that were using it for things that maybe they need to readdress, but not by making them all suffer.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 05-18 be adopted.

Those voting in favor of the adoption of Resolution No. 05-18 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Fair Housing Workshop for elected officials and general public presented by Community Services.

Ms. Patti Tobin, Director of Community Services, said in her memo to Mr. Beach dated March 16th, she attached a Fair Housing booklet for the Commissioners. In order for the City to garner more points in their application (Grant Application through HUD for Disaster Recovery), one of the things they have asked the City to do is have a Fair Housing Workshop. Generally speaking she thinks they are all aware of Fair Housing, but she is going to tell them a couple of points so they can get those points on their grant application.

Fair Housing is a right protected by both Federal and State laws. Fair Housing means an individual may freely choose a place to live without regard to race, color, religion, sex, national origin, handicap, or familial status. They provide all the SHIP recipients with this booklet so they understand their rights as well.

Commissioner Coke asked do they have this book in other languages?

Ms. Tobin said she believes she can get it in other languages. That is a great idea. She will do that.

Commissioner Alexander said one question he has to ask concerning Fair Housing. He spoke to Mr. Beach a couple of weeks ago about this project they are allowing in Fort Pierce and they won't rent out to the average "John Doe" because 80% of it has to be migrant

workers.

Ms. Tobin said that is Live Oak Villas and it is a tax credit apartment complex that is obligated, she believes it is 40% migrant workers and 60% low income.

Commissioner Alexander said he was told something different. He did speak to individuals about that. But in reading in this pamphlet, he read about having one elderly person above 55 or more that would make them exempt from the 80%. What he is asking is, due to the devastation that they had in this community, how can anyone say they can't rent but 40% when there is no housing? Then they have all these places available, but they can't rent because... Ms. Tobin said 60%, but they told him 80%.

Ms. Tobin said she will double check, but it is her understanding it was 40% migrant and 60% low income. The project received tax credits from the State that require them to provide basically affordable housing. They not only set the work in terms of the migrants... It is her understanding - she knows Jennifer Robinson (Administrative Assistant to City Manager) might have called Live Oak - that they are having a hard time actually filling the migrant aspect of the housing because a lot of the migrant workers aren't working in the farms any longer.

Commissioner Alexander said absolutely.

Ms. Tobin said so they might have to revisit that. But the whole complex is geared toward people of relatively low income. She can tell them, working with that company immediately after the hurricanes because they were in the process of actually getting their Certificates of Occupancy in January, the City wanted them to be a partner to provide housing for people who were without housing; and if these individuals met the requirements, this company has been very helpful. But if they have problems with the migrants, they might have to go to the State because they are regulated by the State as a result of those tax credits.

Commissioner Alexander said but if there is no mention made from anyone in the community, not that he is trying to spearhead anything, it is just that he knows this community has been devastated. And for them to have vacancies, saying this has to be migrant only because they filled the low income portion of it... Again, if it has to be revisited, he thinks there is something they need to look into because there is no agricultural going on. Is it? Not to his knowledge.

Mayor Benton said there is a little bit.

Commissioner Alexander said a very little bit, but nothing to maintain the amount they are charging for those units plus utilities. Whatever it is to maintain the household, the migrant people are not making that kind of money.

Ms. Tobin said there are different rental rates for the migrants versus the low income. But she will be happy to look into that; and if they do have a problem filling the migrant quota, then they can maybe discuss that.

Commissioner Alexander said when he read through the pamphlet he saw that they obligated themselves and only 1% makes them eligible.

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The next item on the Agenda was Approve Plan of Action to be

included in Grant Application (Community Development Block Grant) for \$3 million in federal funds allocated through the U.S. Department of Housing & Urban Development, **Disaster Recovery Initiative**, for hurricane recovery.

Mayor Benton asked is this the money that Secretary Cohen called them about?

Ms. Patti Tobin, Director of Community Services, said yes, this is. It is her understanding that issue has been resolved. It was a paperwork kind of issue related to the Federal dollars coming through the State.

Commissioner Alexander asked was this \$3 million included for St. Lucie County? How did they get \$3 million per city and then get a total of \$9 million?

Ms. Tobin said it was a total of \$9 million that was allocated to St. Lucie County. She did provide them with the chart. They will see St. Lucie County was ranked 2nd as having the most damage assessment. Charlotte County was the only county that actually beat St. Lucie County. It is not like they won anything. But several counties each are getting \$9 million. And the Action Plan that the State approved requires that it be divided up equally among the entities. In their case there are three entities. The staffs of the cities sort of agreed that would be the approach they would take. While Port St. Lucie's population is greater, Fort Pierce's need is greater, so she feels good about getting the \$3 million. What they have done is a small Action Plan - and she would remind them this can be modified later - but the grant application is due April 4th, so her turn around is very quick. They are looking at finishing the infrastructure (in the South 26th Street area). And that number of \$812,000 will actually decrease because FPUA is making a contribution. But if Fort Pierce can make a contribution of probably a little over \$500,000, they can complete that project, which she thinks they are all aware of the septic tanks. What they would like to do is put money into housing activities. They are currently working on the \$500,000 they got from the State through the SHIP Program for people who have totally lost their houses and have no insurance. Through that program they can't rebuild except on that site, so they are working with those homeowners and it is probably about eight homeowners. They are right now working on getting building plans that will accommodate the people they are looking to house. What they would like to do is take this \$1.7 million - it will actually probably be closer to \$1.9 million - and provide new housing maybe in an area like Avenue B between 7th Street and 10th Street. If possible, and if the people have the wherewithal, her suggestion would be that the City give them small mortgages, maybe no interest, so that they can repay that money; and that money goes back out again, so it is continuing to help Fort Pierce rebuild this community. That is going to depend on the individuals and their circumstances.

Commissioner Coke asked when they are looking at rebuilding these houses for the people who lost their homes and didn't have insurance, are they looking at instituting a plan where they are going to insure these houses?

Ms. Tobin said yes, that is required. They are not helping anybody from now on, she means they have been generally helping people, but they don't do SHIP downpayment assistance without insurance. But these are people who have not been assisted by them and had no

insurance.

Commissioner Coke said her assumption is, some people just didn't understand the need. She is sure now they all understand the need for insurance.

Ms. Tobin said yes, that would be required. They are going to have a brand new house. And one of the things she thinks they need to keep in mind is, they are going to have an energy efficient house so their electric bill should go down significantly and maybe they can afford to pay a small mortgage.

Commissioner Coke said her concern was, not as much getting the money back in the form of a small mortgage, but be sure they have something that these people promise they are going to insure their house for "x" number of years because God forbid they ever have this happen again. They don't want to be rebuilding the exact same houses with no insurance.

Ms. Tobin said she would agree.

Commissioner Alexander asked along with what Commissioner Coke is saying, in case the individual wants to sell the house or something, the City is a roadblock in between that?

Ms. Tobin asked if they want to sell the new house that is going to be built for them, is that what he is asking?

Commissioner Alexander said yes.

Ms. Tobin said she thinks it would behoove them to have something so the house isn't turned over for an immediate profit, because then it takes it out of the affordable housing market.

Commissioner Alexander said okay. His last question is concerning the improvements on the South 26th Street area. They had another area Commissioner Nelson was speaking about, Avenue Q in the City limits with septic tanks. Ms. Tobin said they are going to have a shortfall?

Ms. Tobin said she can look into that. She actually tried calling Commissioner Nelson a couple of times to find out where. She has called FPUA as well. She will investigate that. That is also an outstanding issue.

Commissioner Alexander said his question is, why hasn't it been looked into since they spoke about this a couple of months ago? They did ask for staff to look into that area?

Commissioner Nelson said yes.

Commissioner Alexander asked why hasn't anything come back to them that would already be up front for Ms. Tobin to look into?

Commissioner Nelson said he isn't quite following him.

Commissioner Alexander said they questioned that area on Avenue Q that still has the septic tanks in the City of Fort Pierce. Someone was supposed to go out and bring that information back to the Commission.

Commissioner Nelson said there seems to be this area there between 25th Street and 29th Street on the south side of Avenue Q. Half of

the houses on that street on the south side have septic tanks. The U.A. has not seen fit to run the lines down there for sewage in that area. They are trying to get that squared away.

Ms. Tobin said she can look into that. If it is just one road, it doesn't sound like that would be a major expense.

Commissioner Becht said the issue of insurance is a bit troubling to him. He is familiar with, there are either two or three different agricultural reimbursement programs for crop loss, freeze loss, and that type of thing. And currently there are different schedule reimbursements for those farmers who carry insurance and those who don't carry insurance; and it is punitive of those who don't carry insurance and it is rewarding of those who do carry insurance. He would hate to punish someone who carried insurance and covered their losses to the benefit of someone who chose not to. He is sure there are those who can't afford it, but he is sure there are those who could afford it and just chose not to carry it.

So as they go through this program and set it up, he would like for Ms. Tobin to view that objective of encouraging people to carry their own insurance and not rewarding them in the sense that they didn't carry insurance but can get this federal money. It doesn't have to be a big punishment or penalty, but he thinks they need to give incentives or to get people motivated to carry the insurance they need to carry.

Ms. Tobin said she would agree. She thinks it is important too that they will be helping people who have insurance but not enough insurance to make some of the repairs they need.

Commissioner Alexander said they ought to do that first.

Ms. Tobin said so they will be assisted as well. That will be a smaller job for her department. But there are several people out there without housing at all. One of the things she found since working here, many of the homes don't have mortgages, so they don't have insurance. Whether it was just oversight, whether they never had it, it is just what she has seen.

Mayor Benton said Ms. Tobin talked about the SHIP Program. Is that something they apply for each year; or does the State automatically send it to the City?

Ms. Tobin said that depends on what the Governor does with it, but generally speaking it is an annual allocation. They are right around \$320,000 or \$330,000 annually with most of that going toward down payment assistance. Some of it does go toward rehabilitation.

She would also inform them that coming this summer, right now the Governor has a plan to provide St. Lucie County with about \$24 million additional for housing. What is interesting about that money is it is the SHIP money that was sort of - she doesn't want to say hoarded - but it was saved in an account. And if they know what has happened with SHIP, they keep taking a little bit away. But as the Commission also knows, their need for affordable housing keeps increasing given today's market. Those dollars should be coming some time this summer. Those dollars will, generally speaking, be more flexible. So if they can get one-third of that \$24 million, adding that into this \$3 million, they can make a significant dent in the housing in the City of Fort Pierce.

Mayor Benton said the reason why he brought it up is, he had a meeting with Representative Ralph Poppell from Brevard County and

they were talking about the concern of no affordable housing in the near future. Rep. Poppell said through the SHIP Program, the money is allocated through doc stamps and there will be this huge amount ready to come back to them and he said that will help get people in the housing. That is why he was asking, is it something they have to apply for? Rep. Poppell made like there was going to be this huge amount coming to them in the near future maybe this year to help them out.

Ms. Tobin said that might be what Rep. Poppell is talking about, because St. Lucie County is again ranked second for those dollars.

They are using the same formula, which is good. Each group is not coming up with a different formula on how the counties were impacted. Adding it up, close to \$10 million would be quite a bit of money for their housing needs. She will look into Avenue Q.

Commissioner Coke asked in her opinion, is the County going to use the same formula to divide up that \$24 million - one-third, one-third, and one-third - or is there some lobbying they should start doing at this early stage requesting that they get one-third of that?

Ms. Tobin said with the \$9 million, the actual plan of the State said equally dividing it up. If there is a community that has a greater need, she could for example apply for the \$9 million. If the other three apply for the \$9 million, then the State is just going to go \$3 million, \$3 million, \$3 million. With the additional \$24 million, that is a significant amount of money, again depending on what can be done with it. At the staff level they all agreed on one-third. But the formula for how that money is split up hasn't come out yet.

Commissioner Coke said that was her concern, that if it wasn't going to be dictated that it would be one-third, one-third, and one-third, that maybe the Commissioners needed to be writing some letters, making some phone calls.

Ms. Tobin said if she hears anything to the contrary to one-third, she will let the Commission know, because they could influence that.

Commissioner Alexander said he sees the administration portion (\$450,000). Is that going into her budget?

Ms. Tobin said she put that in because that is the maximum allowed by the grant. What she would like to present to the Commission in the future is a consultant, who helped rebuild part of North Carolina after major flooding, to help them set this program up. This would either pay for the consultant or pay for staff to implement these programs.

Commissioner Alexander said so if the money is not used, she will be able to use it to assist...

Ms. Tobin said that is right. That is the maximum they can set aside.

Commissioner Alexander asked is she saying this individual out in North Carolina, they don't have any local expertise by now with all they have gone through?

Ms. Tobin said she thinks they all know the quandary they run into in terms of still finding contractors. This gentleman is

suggesting a program working with the prison system where they actually help build parts of a house and then those are brought to the site and erected. So they might have a significant savings as well.

Commissioner Alexander said all right.

Ms. Tobin said this is just a plan she would like their blessing on, but it can be modified.

Commissioner Nelson asked can it be modified to the extent that it includes those areas on Avenue Q?

Ms. Tobin said she will look into Avenue Q before she makes that grant application which is April 4th and she will provide them with where she goes with that. If generally the Commission agrees with the Avenue Q, she would be happy to put that in the grant application.

Mayor Benton said he would agree.

Commissioner Alexander said but he was just thinking she had some monies available from the South 26th Street area.

Ms. Tobin said she does. She just doesn't know how much Avenue Q is going to be.

Commissioner Nelson said they made a study on that. He thinks they talked in the neighborhood of about \$8,000 per household and there are about four households there, so about \$50,000 or \$60,000 ought to solve the problem.

Commissioner Coke said \$8,000 times four is \$32,000.

Ms. Tobin said okay.

Commissioner Becht said he is going along with Avenue Q, but he doesn't have any personal knowledge that Avenue Q is the worst of the areas. He doesn't know that anybody has done a study.

Commissioner Alexander said no one brought anything back.

Commissioner Becht said so Commissioners Nelson and Alexander are saying Avenue Q is in need. He hasn't heard any other areas. If someone came in and identified 20 homes that had a problem, they might want to redirect that where they have a 20 home problem. But the only thing he is hearing about is Avenue Q.

Mayor Benton said in general they are going along with this plan, but he thinks they would like to hear a report back on Avenue Q.

Commissioner Alexander said absolutely. Do they need to make a motion on it?

Mayor Benton said he thinks they all just need to agree with it. He doesn't think they need a formal motion.

City Attorney Schwerer said he thinks they need a consensus as opposed to a formal motion.

Mayor Benton said okay. They have a consensus.

Commissioner Coke said good job, Ms. Tobin.

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The next item on the Agenda was City Commission discussion on City plans for taking **code enforcement action on hurricane damage** within the community.

City Manager Beach said as he and the Mayor have discussed on a few occasions, they have a significant amount of damage throughout the community to residential and commercial and both public and private property. The staff is starting to get inquiries from members of the community about what and when the City intends to take action in regards to code enforcement activity related to hurricane damage. There is a letter attached to this Agenda item from an individual who owns property on the Island who pretty much summarized what the problem is. He drafted a response to that correspondence indicating the Commission would be discussing that issue and trying to set some direction on it. Clearly at some point it will be necessary for the City to get back into the code enforcement activity to cause some of these improvements to take place that have not yet gotten under way. They are six months beyond the storm. Driving around town they can see there are buildings - commercial and residential and public - that have not been touched within that six month period of time. They can talk about this tonight, but he is not asking them for a decision tonight. They need to decide how long they are going to wait until they turn lose the Code Enforcement Department to start dealing with the enforcement of the building codes through the Code Enforcement Board and Special Masters to get some of these repairs to take place.

Mayor Benton said he has ridden around, he thinks all of them have, and he sort of did an inventory the other day, not just the beach but around town. He personally believes it is time. It has been six months. He has seen buildings that are just wide open, nice homes on the beach. If they don't get a grip on some of this... To start now it is going to take several months. And with hurricane season coming, why should people who have fixed their homes up have to worry about the debris from the neighbors who haven't, which he thinks in a lot of cases are rentals. But in his opinion, a nice letter to start with and then some action.

Commissioner Coke said she understands the concern that they want to get this stuff done. She probably really very well understand the concern that, even despite the fact that they could hire a contractor and get a permit to get the work done, getting anybody to show up to do the work is an entirely different situation. She thinks there are people out there who probably need prodding to take the first step to get the contractor and to get the permit. She thinks once somebody is to the point that they have hired a contractor and gotten a permit to make the repairs, she doesn't know that she would feel comfortable penalizing them. Because her daily phone call three or four times a day is to her contractor asking what week are they going to show up and do anything at her house? So she doesn't think they should penalize the homeowner, whether it is a private house or rental home, for not doing it if they have made those necessary steps. But she thinks at this point in time everyone who has damaged property should have had ample opportunity to contact a contractor and get a list of repairs that need to be made and apply for a permit. And if they haven't, she thinks they need to move forward to tell them they have 30 days to get a contractor and apply for a permit. The truth is, hurricane season is coming rapidly and she doesn't want to see what is left of these people's houses blowing into her house in case it ever

gets fixed.

Mayor Benton said his idea, he wouldn't go after someone like Commissioner Coke, because her house didn't have that type of damage. The type of damage he sees that needs to be fixed are the ones that have structural damage where their trusses are gone, their roofs are gone, the walls of their house are gone, so any wind storm blows their belongings that are left there. There are several out there that have their doors open. There are rentals on this side of town that basically the roof is caved in. These landlords, he doesn't think, are going to start fixing things up. He thinks a lot of people are waiting, thinking when there are more people and less work the prices will go down. But he doesn't think they can wait that long in some cases. If people have made an attempt, that is one thing. But they can see the people who haven't made an attempt and now there are transients living in these homes.

Commissioner Alexander said again, he just is that sentimental individual. They still think this community is above and beyond approach with the damages. They are still suffering in here. They just had the State to give the ultimatum to the insurance company just recently. Individuals are still suffering. He is not one because believe him, as far as contractors, they are difficult. If the City has some magic wand out there they can appoint individuals to be contractors and go out and get some of this stuff done, he could understand that pressure. But again, he just asked Mr. Beach a couple of months ago how long he thought it would take for this community to recuperate and he said well over two years. He says at least give the community a year to get themselves back. September is hurricane... Then they can start addressing these things because they still have coming into the hurricane season, they are going to have more damage. They as a Commission spoke to Code Enforcement about going out and being strict on these individuals. They have still have Code Enforcement meetings and hearings and everything else concerning damaged properties. They are preaching one thing and they are teaching another thing. Again, he is the first one to say this community, if it could be back on board, Commissioner Coke wouldn't sit there on a communication line about her problems. She lives on the beach. And not that the beach is top priority, they have seen it is not. So again, this community is still suffering and he still says they should be lenient on these individuals who are trying to get these properties back together. He won't change his attitude or mind about that. They need to be a little lenient. He has had so many calls of people complaining about rental properties not being put in place. He tells them to call Code Enforcement. Code Enforcement gives them a deaf ear. And he has called behind these individuals and it is like "No one ever reported this". He is not going to call anyone a liar. But again, when he sees it is a certain particular place in the City of Fort Pierce. And it is the landlords who are not making these properties available for these people because they want to rent them out at \$700 or \$800 a month. He doesn't know what the cost would be. But again, they need to be aware of what is going on when they are preaching these ideas about being strict.

Commissioner Nelson said first of all, he would like to commend the City Manager for his letter. He thinks it is on target. It shows the sensitivity that is needed to address a very perilous time and a very stressful time for their citizens. To move forward and to have a sledgehammer type approach to get these deficiencies

corrected as a result of the hurricane is not the right approach on the public or private property. The example they should set in his opinion should be that of trying to ensure that the public properties, the rights-of-ways, the properties that are causing undue safety hazards such as burned down buildings, vehicles parked on the side of the streets, the shrubbery and trees blown down on the side of the streets, potholes on the public rights-of-way, these things should be corrected. In short, he is saying they as a City should have a desire to feel the types of pain their citizens are enduring by repairing first of all those things which are in the City's prevue to repair or correct. To rush ahead with a sledgehammer approach right now in these stressful times he thinks would be counter-productive. They are trying to show they are sensitive people, sensitive government, and they want to work with their citizens. So he thinks the tone and tenor and sentiment expressed in the City Manager's letter on the 17th of March is quite appropriate. And he endorses the comments made to a large extent made by Commissioner Alexander.

Commissioner Becht said by his calculations, at the end of this month it will be a full six months post hurricane. The Legislature or the State has said the insurance claims need to be resolved, if he has his information correct, next month in April. The Code Enforcement Board they have, he doesn't know the typical time is for starting a violation and then getting to a Code Enforcement hearing; but his guess is, it is at least 60 days. If that is true and the City reactivates with appropriate consideration, like April 15th, then that means their citizens will have from April, May, to June before they even come before the Code Enforcement Board. The Commission appoints the Code Enforcement Board; and they are there to hear the people and weed out which are the legitimate people who couldn't get their insurance claim settled and couldn't get a contractor in, from those who are not going to do anything until their feet are brought to the fire. So he is of a mind trying to be compassionate, but yet trying to do his job. It is time to let the Code Enforcement Board ferret out the difference between the two and make sure the good property owners who did take steps to protect their property aren't going to be harmed during the next hurricane season by those who chose not to take care of their property.

Mayor Benton said he would agree with Commissioner Becht. When the City Manager and he had this discussion, by no means does he want to go out and push anybody. But what he sees a lot of, especially on the Island, because so many people are buying property to flip the property. And there are homes that are destroyed that either will not be rebuilt or there has been no attempt to rebuild million dollar homes. The doors are wide open, people are living in these homes. And in that case, instead of Code Enforcement knocking on their doors or sending them nasty letters, what he thinks should happen is maybe everything that was red tagged and maybe some type of status report on those structures and the ones that have not had any attempt to take out a permit or something. Maybe a nice letter from the Commission, something that the Commission authorizes. He doesn't want to say to Code Enforcement just do it, because they know what has happened in the past. Let's use common sense. But also, like Commissioner Becht said, he knows people who have fixed their homes and their homes are going to be threatened the minute the next hurricane comes by because their neighbors have not made an attempt. So he thinks they owe it to these people who have worked hard to fix their homes up to show they are looking into it. And if people have got an insurance check and sold their property,

that the new owners take care of it. He would like to see a status report and he would like to somehow get a grip on these.

Commissioner Coke said she guesses she needs to clarify her point here. She was not looking to send Code Enforcement out tomorrow with their little fine book writing up fines for people. What she thinks they need to do is ascertain which people have done nothing, have made no attempt to fix that property, properties that are in such a state of disrepair that these are health and safety issues to not only the community around them but they are an attractive nuisance for the drug dealers and the youth of the community that might want to look to get into a little bit of mischief in the afternoon. And she thinks it would behoove them to move forward to try and get those situations corrected. She is all for being very lenient with people who are trying to get their homes in repair. But for the people who are just going to sit back and wait and do absolutely nothing... If they call somebody who says they have a contractor on standby but is waiting for his insurance check, then let's go ahead and give them all the time they need until they get their insurance check. But for the people who have not contacted a contractor, applied for a permit, took their insurance check and went on a nice little vacation. If it is a rental property and they are letting their tenants live in slums, or their own home where they put the price tag on the house double what it was worth before the hurricane and now it doesn't have a roof and they spent the insurance money on whatever they want to and they are just going to hold out until they get that price and leave that around as a nuisance to the public, she thinks those are the people they need to get after and they need to get after them adamantly.

City Manager Beach said what he is hearing out of three Commissioners is that they should start tackling buildings that represent public health and safety concerns - such as open buildings, attractive nuisances, things of that nature. And also, in addition to that, buildings that apparently have made zero progress. And those are apparent, as the Mayor indicated, where the roofs have blown off and nothing has been done for six months.

That is what he hears coming from at least three Commissioners that they should start that process. What that will involve is singling out a number of properties throughout the community that fall in that category. He thinks staff can do that, they can design a plan that does that; and at the same time avoid putting an undue burden on Joe Homeowner who really has a legitimate problem in making progress in getting his owner-occupied building put back together.

Mayor Benton said he thinks before they send any letters or talk to these people, he thinks the Commission would feel comfortable knowing what is put on paper. They want to do this delicately. They don't want to push people. Maybe they can find people out there who haven't been able to fix their homes up because they don't have insurance and they might be able to show them the ability through these grants and this money that is coming to Fort Pierce to fix their homes. Because there are a lot of seniors out there who are just overwhelmed they don't know where to go. Maybe by the next step they can find these people.

City Manager Beach said what he has observed, the damages are in rental properties, duplexes, triplexes, and apartment complexes. He doesn't see this level of damage to owner-occupied single family homes. Those are being taken care of by the individuals who live there. It is those buildings that are being ignored that he

believes the Commissioners are wanting to pursue. And they really should pursue them with some aggressiveness, because they have done nothing in several cases.

Commissioner Alexander said again, he doesn't want Mr. Beach to think he is against anything that comes out. It is just again, he is telling them the rental properties they are speaking of, these rental landlords who are demanding money from people with houses with no roof or no ceilings on the inside, if they would walk there and see that type of nonsense going on, he would wonder why if they reported these things to Code Enforcement. Maybe because that is a danger to the children with electrical wires and all that. And the Code Enforcement, these are the kind of things he insists the Code Enforcement do first is to go in and see what is behind those doors that people have to live through. He is willing to agree with anything that goes along making this community better. But for the Commission to sit there and say everything is okay. People bring pictures and their entire ceiling is down. And they have some of these landlords who don't care, all they want is their rent money.

If they don't get the rent money, then they take them to the courts and the courts are down in Port St. Lucie. People don't have transportation to get there, much less getting there on a workday they have to work, and then they are evicted. They sit around as a community holding each other's hand saying Code Enforcement, they don't want them to go. He insists that Code Enforcement pick up some of these complaints and then come back and say at least they tried to. Again, he agrees with whatever they need to do with this community to get it back. But he is not sitting here looking at these landlords, they made it regardless of whether this hurricane kicked them out for five or six months, they made it over here when they are charging for those dilapidated places. It is sad. If they as a Commission don't look at these things behind the doors, they are creating the problem.

City Manager Beach said he would encourage all of them that if they find somebody in those circumstances, if they are living in a house that is not fit to live in, please get that address to either the Building Department or the Code Enforcement Department, and there will be steps taken. They know the City has worked closely with FEMA and any number of agencies trying to house people and get them into places that are decent to live in and they will continue to do that. But they can't do it unless they have some inquiry. Have them either contact the City or the City contact them.

Commissioner Alexander said he will give them Mr. Beach's number and name personally.

City Manager Beach said he can deal with that.

Commissioner Alexander said he knows Mr. Beach would address it. He doesn't hesitate doing that. He never had a complaint about Mr. Beach not responding to them. But he has heard them complain when he tells them to take this to the Code Enforcement office and they just get the run around. It is like a smirk.

Mayor Benton asked is there a consensus that they move forward very slowly and tactfully?

Commissioner Alexander said yes.

Commissioner Nelson said good.

Mr. Bob Dusanek, Code Compliance Manager, said he would like to

address the Commissioners. He keeps hearing Code Enforcement about the interior of houses. The Building Department handles the interior of houses, not Code Enforcement. They have worked very closely...

Commissioner Alexander said if there is an electrical problem...

Mr. Dusanek said let him finish.

Commissioner Alexander said no, let him finish. If there is an electrical problem in a house, Mr. Dusanek tells him that is not a Code Enforcement issue?

Mr. Dusanek said that is a Building Department issue. They do not have the expertise.

Commissioner Alexander asked why don't they send them to the right person then?

Mr. Dusanek said they do send them to the right person. His point is, they do handle the outside of the building, not the inside. They do not have the training or expertise to do that.

City Manager Beach said thank you, Mr. Dusanek.

Commissioner Nelson said there is another issue there. They have got due process. When they start going inside the houses they have to be extremely careful about that too. Unless there is a valid complaint.

City Manager Beach said they have the ability to do it though. If they can get them to the right people, they have the ability to do that and they will do that.

Mayor Benton said when it is a renter and it is a tenant who will let them in, they will go right in.

Commissioner Becht said the tenant has the right to let them in.

City Attorney Schwerer said there is the solution.

Commissioner Nelson said just be careful.

Mayor Benton said that should be a priority too. Nobody should live in those surroundings.

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The next item on the Agenda was City Commission discussion on routing of **truck traffic** through City.

Commissioner Nelson said some time ago they addressed the idea of stopping trucks from going up and down Avenue A between 13th Street and 7th Street. They put the signs up, but the signs were blown down by the hurricane, and they were put up again. Initially they said they didn't want trucks running up and down Orange Avenue between U.S. #1 and 13th Street. They have had considerable damage to their trees. They have had congestion of traffic making a right turn off U.S. #1 going west on Orange Avenue. They have trucks coming out of Orange Avenue on to U.S. #1 making a left turn there.

And the problem they see there is the fact that some trucks as they come down Orange Avenue coming out going east don't have much of a problem negotiating the turn; but once the trucks coming out are seen by the trucks going into Orange Avenue, it creates a

problem for them. Having these trucks run through the City and causing congestion and all that is not in the best interest of all the citizens they have to deal with. It would be appropriate in his opinion to have a designated truck route - some signage, some education. Define a route for these trucks to get back and forth primarily to their packing houses and all so they don't end up coming through town and causing problems. He has seen loaded 18-wheelers come down Orange Avenue, go down past U.S. #1 and down to 2nd Street, try to make a turn, and then end up going all the way down by the Indian River Drive and try to get out of there. That is unacceptable. They don't need those trucks running through the City like that. He doesn't think they find those types of trucks in other cities that go through there. A route should be well defined, signage should in fact be put up to say big trucks go down this route, they can't go down that route; and of course, if trucks do that, they should have something to penalize them for it. But primarily, let's get them educated.

City Manager Beach said he is read a memo here from Hector Arias and he thinks it summarizes the reason this was placed on the Agenda and it is asking for some direction from the Commission. It basically says, "The reasoning for funding of four-lane 25th Street from U.S. #1 through Fort Pierce was to create a truck route to alleviate U.S. #1 truck traffic. This has not occurred because the County has never followed up the subject with the Department of Transportation. There should be a combined City-County effort to request FDOT to designate 25th Street as an official truck route with the appropriate signing to exclude trucks of certain designated weights from using U.S. #1 through Fort Pierce. They will contact the County Traffic Department and FDOT for this effort. However, it will help if the request would come from the City and County Commissions." So this is in front of them to make that request to FDOT to deal with the official designation of certain truck routes throughout Fort Pierce. Many of them were around when Virginia Avenue was reconstructed from U.S. #1 to the Turnpike and the primary purpose of that was that it was a truck route. 25th Street was the same thing, it was a truck route trying to relieve U.S. #1. What has not been discussed is Orange Avenue. But if they find a way to confine the trucks to those corridors, with the exception of those whose destination is downtown. If they could limit them to Virginia Avenue and 25th Street, they could solve a lot of those problems.

Mr. Hector Arias, City Engineer, said this would be a very good issue to be brought up to the MPO (Metropolitan Planning Organization). They know that the heavy duty FDOT (Florida Department of Transportation) representatives are all with the MPO. He thinks that the members and the Mayor could bring that up; and then there must be some meetings with the FDOT, the County, and the City to designate all these routes. It is true that 25th Street was done for that purpose. But FDOT is in total control of all the FDOT roads. They could control Orange Avenue east of U.S. #1 in the very near future and other things like that. But it has to be a County/City effort with the FDOT. And unless the MPO calls for that, he doesn't think it is going to happen. He would suggest strongly they bring this to the MPO level.

Commissioner Coke said she and Commissioner Nelson serve on that. Mr. Arias would like them to put this on the MPO agenda?

Mr. Arias said please.

Commissioner Coke said okay.

Mr. Arias said he thinks there should be some kind of motion to support the members to bring this to the MPO so the Commission is right behind it.

Commissioner Nelson said it is an excellent idea. He was there when 25th Street was so designated. It was a dirt road.

Mr. Arias said that is not the only solution.

Commissioner Nelson said he was there for Virginia Avenue as well. In the back of his mind, worrying about 25th Street; but he doesn't think he has enough something to say no, don't make 25th Street the truck route. That is the extension off U.S. #1. They can go out Kings Highway or Jenkins Road too. But the objective is to get them out of downtown Fort Pierce and off of Orange Avenue. He just wants to point out too that they at the MPO level did in fact make a successful effort to get Okeechobee Road part of the intermodal system, Highway 70. They have a lot of trucks coming down there; and that being part of the intermodal statewide system, then of course they have to be extremely careful about what they say can be on there and not be on there, because that is going to be State and to some extent Federal control.

Mr. Arias said he thinks the idea is excellent because there is going to be more trucks coming into the City as they can see by the amount of units they have been approving for development, 3,000 or 4,000. He thinks the way to go is the MPO to request a meeting with the City, the County, and FDOT to start tackling this problem, because it is going to be a problem.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to ask the City Manager to draft expressing their concern and have it discussed at the MPO level.

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

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Mayor Benton said this is not an Agenda item, but on an urgent note, with the Police Chief and with the Deputy Sheriff here tonight. They have been overwhelmed with hundreds, if not thousands, of **dump truck trips on the Island**. It was FP&L first and now it is the County. The other day they had what could have been one of the worst accidents he had seen in a long time. Luckily the lady walked away from it. It was in front of Cumberland Farms where a truck full of sand couldn't make it through. He was going so fast through that turn that he was not even in the other lane, but he was off in the dirt near the Pelican Yacht Club's tennis courts. It flipped over on its side. He thinks one of their officers said they clocked somebody going over the bridge at 96 miles an hour. But they can write tickets there. The County has to get this work done by April 1st because of turtle season. He talked to Ray Wazny, Assistant County Administrator, twice that day and has pictures going to him. But the County says they have talked to Dickerson. He knows FP&L has spoken to their people and FP&L he thinks is finished. But all this sand is going to the south County, none of it in Fort Pierce. But these trucks are just driving and they haven't slowed down. So if they could get out there and write tickets so the County understands the City means business, please. He is begging the Sheriff to help out because these trucks are going 60 or 70 miles an hour from the

minute they hit South Bridge all the way past Ocean Village and the City limits.

Commissioner Coke said she will just add to that. Normally between 4:00 a.m. and 5:00 a.m. when she leaves the house, she can drive to work and never see another vehicle. But for the last six weeks it has been scary sometimes as she is driving toward the bridge. The dump trucks are coming and they are driving so fast and they don't stay in their lane. They are lucky they haven't had a major accident there where someone has been hurt. They are going 24 hours a day.

Mayor Benton said he was surprised, there was nothing left of the front of that car. To see the truck wasn't even on the road making that turn, it was just unbelievable. Luckily their Public Works people were there and cleaned the mess up; so he thanks those guys, they did a heck of a job.

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The next item on the Agenda was Commissioner Nelson discussion on name for **Federal Courthouse**.

Commissioner Nelson said he sat one night just thinking and that was unusual for him. He just found out there were some questions about this Federal Courthouse being built over here under his protest and all. But he figured they ought to make it a memorial situation to people who have in fact been quite instrumental in the legal area, to name it after that person. He thought of a man by the name of Alto Adams, Sr. who was a Supreme Court Judge at the State level as well as a man who has made great contributions here in the City of Fort Pierce and St. Lucie County. He just feels a person who has made this type of contribution to this area and of course brought such great credit on himself and his family and this City should be honored. At this juncture based on the information they have as sort of a quasi-resume on this man and newspaper coverage on him in the past, that they consider advising their Federal representatives as well as their GSA people to so name this new courthouse they are going to build. He is willing to make a motion to get the new Federal Courthouse to be named after Alto Adams, Sr.

Commissioner Coke said she doesn't want to make a big deal out of this. But have they asked the Commission for their opinion; or are they just going to put this in as a suggestion?

Mayor Benton said they are giving them their opinion.

Commissioner Nelson said it has been his experience on these kinds of things that they need to step up front to make their position known to ward off the competition that might be involved. This is a Federal Courthouse. There are other names that went through his mind. For example, Alcee Hastings would in his opinion be called on to support this effort. He himself was a Federal Judge and might take the position that it should be named after him.

Commissioner Coke said her question was, did they ask for an opinion; or are they just offering this up as a suggestion?

Commissioner Nelson said they are offering this up as a suggestion and it is an opinion from a guy named R. Duke Nelson, a very fine fellow.

Mr. Ramon Trias, Director of Development, said the process of

naming the courthouse as told to him by GSA is that Congress names it upon the recommendation of the local representatives, so they are welcome to talk to him and then through him...

Mayor Benton said they are right on track.

Commissioner Nelson said he proposes they make a resolution and send it to Representatives on the Congressional level as well as to the GSA people to get this moving.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to prepare a resolution requesting the new Federal Courthouse be named after Alto Adams, Sr..

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

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The next item on the Agenda was Commissioner Becht discussion on appointing a Task Force to research and negotiate a joint venture with St. Lucie County and the Fort Pierce Utilities Authority for Regionalization of Utility Services to City and County residents.

Commissioner Becht said he had nothing better to do last week on Thursday while sitting in Snowmass, Colorado, than to draft this little letter seeing if they could get the bubble off dead center with the general discussions they have had with various County Commissioners about trying to do something to make the utility systems in the County and the City more economically viable and citizen-friendly. Apparently after he sent his e-mail on Thursday, Bud Boudreaux got motivated to send a letter on Friday. He would rather not spend all of this session talking about Mr. Boudreaux's letter. If they all think it is a good idea, let's move forward with an idea. If they don't think it is a good idea, let's kill it and quit talking about it.

Commissioner Alexander said he is in agreement with Commissioner Becht on these ideas. Again, it is only ideas to try to... He made some very viable points concerning running into the problems that Port St. Lucie did. He thinks they need to just have these types of conversations among themselves. He wants to at this time find out why hasn't the meeting been rescheduled between the City and the County?

Commissioner Coke said first of all, she would like to echo that concern too that she thinks it was totally unacceptable that the County cancelled their March 4th Joint Meeting on the JPA at 4:00 p.m. the afternoon prior to it taking place. When she had found out reading a letter from someone at the U.A. that their agreement from last year was not being upheld properly, she called Mr. Beach and asked him to add that to the agenda. And as soon as it was added to the agenda, the meeting was immediately cancelled. She would like to comment to Commissioner Becht - and she doesn't believe she has a copy of it with her - but long before his e-mail of last week, she received a copy of a letter dated March 15th from Mr. Boudreaux discussing some of these problems they are having. After three years of promises, negotiations, and contracts entered into and not honored, she would have a very difficult time moving forward with any future venture. Although this may be a very viable option in the future, she believes that prior to them making a commitment, because for some reason Fort Pierce is the naive child of the County. They enter into these agreements. Every time they do it - she doesn't care if it is money for parks or whatever

it is - they come away with big smiles on their faces and six months later they are all walking around asking "What happened? That is not what we agreed to." It is in writing and both Commissions agreed to it; and it doesn't come to pass. Fort Pierce on the other hand holds up its end of the bargain every single time. They send planning stuff to the County for input; the County sends nothing back to Fort Pierce. They have an agreement. It is beyond words for her to tell them how very disappointed that someone from the County would discuss the FPUA and its systems inability to provide service and that the FPUA has water treatment problems and all kinds of other things. These are totally erroneous statements. The County is going full speed ahead doing everything they want to do to build their utility system with no regard for the contract that they entered into with the City. And until they choose to honor that contract to the fullest extent - including allowing the City to grow, allowing the Utilities Authority to grow, and supporting the annexations - on a personal note, she would not venture to negotiate into any other contract with the County.

Mayor Benton said to add to that, the meeting was cancelled when the issue came up, those memos of Mr. Boudreaux's a couple of days before their joint meeting was planned for, he had spoken to County Commissioner Hutchinson and also the County Administrator. The County had this great program with South Florida Water Management District and St. John's. He told them before they go there, the City Commission would like to know, before they sit through hours of discussions, whether the County intended to live up to the Bulk Water Agreement they signed just over a year ago. He could not get an answer from Ms. Hutchinson or Mr. Anderson; and that is when they requested to postpone the meeting. So just so everyone knows.

Whether everybody over at the County knows what is going on or just a few, he doesn't know. But his feeling was from the memos and from the discussions that they were looking for some answers from the County before they sat down and listened to hours of discussions and waste everybody's time. Because he thinks that is what they are all going into the next meeting wanting an answer on.

Commissioner Coke said she spoke with Mr. Thiess when she received his memo and requested him to talk to Mr. Boudreaux and hand-deliver to each County Commissioner not only a copy of the Agreement with the highlighted areas he felt the County had violated, but a copy of his memo stating that he felt the Agreement was violated. Mr. Thiess told her he spoke to Mr. Boudreaux and that they were going to do that. The other thing she noticed is, the last JPA they had they called for an adjournment before they got close to any sticky or tacky items where they might not get along. They did everything that was fun and feel good and they could agree on at the beginning of the meeting and then they adjourned. The second meeting they were scheduled to have however did not include as the top three items the three items that they had omitted from the previous meeting. Instead it was fully what the County wanted to present to the City. Whereas they had left their points behind on the table the last time to leave in a feel good mode, it was just not being brought up again and there was no place on the agenda.

Mayor Benton said the unfortunate thing is, right before that meeting, on Thursday there was a meeting here and County Commissioner Hutchinson felt that the March 2nd letter from Mr. Bowers (St. Lucie County Utility Director) was answer enough and good enough. To him, Mr. Bowers does not have a clue, he should

have stayed in the road and bridge business.

Commissioner Nelson said he hears them and he is sort of befuddled with respect to the task force that Commissioner Becht is asking to be formed with the backdrop of the things that Commissioner Coke is outlining. They have agreements going back to the 1987 to 1989 time frame that have not been fully executed on the one hand and on the other hand are simply being violated. What is Commissioner Becht trying to accomplish here with his request? Knowing that they have these disparities in their legal agreements they have already established, what is he trying to accomplish?

Commissioner Becht said what he does not know is what the disparities are. What he has learned in his short life is that there are always two sides to every story and usually a third. If they will take the time to listen to what the County is saying and what their staff is telling them, what they might find out is that the County might be thinking that the City or FPUA is in breach of these agreements. All he is suggesting is discussion. What he is hearing is, they are not going to have discussion until the County addresses their list of grievances. It has been his experience in his professional life that that doesn't work. The rest of the Commissioners have been here longer than he has and maybe they are more jaded, or maybe he is more naive, he doesn't know which it is right now. But what he wanted to do is create discussion - nothing more, nothing less.

Commissioner Alexander said he is in agreement with Commissioner Becht on this only because when he got notification of the cancellation of the joint meeting they didn't tell him why. And not even since that day has he heard of any of the concerns that may be coming from Ms. Coke or Mr. Beach. He only was told over the telephone that the meeting was cancelled. He resents that fact because he has to prepare himself to sit down with County Commissioners. They should be struggling for one purpose; and that is, this community as a whole. He does not care who blames who. He says, let the City Commissioners and the County Commissioners sit down - and let the attorneys and the managers stay in their offices - and they sit down and come to some agreement. He knows that can't happen, it won't happen. But they need to go in there with some type idea that they are all on the same page and in the same community and let them go forth.

Commissioner Coke said she has a question for Commissioner Alexander because he lost her someplace along the line. She is confused as to how he can agree with Commissioner Becht's standpoint about opening a discussion on this, but still be upset that the County cancelled the last meeting and is not willing to sit down and resolve these other issues. She is not saying this is a bad idea; but she would think before they move forward, they need to have resolution on the other issues. The City didn't cancel that last joint meeting, the County did.

Commissioner Alexander said he does not know who cancelled it. All he knows is Mr. Beach's office called and told him the meeting was cancelled. He won't get into a debate with that, because if he agrees with Mr. Beach or Ms. Coke, it is only to the items that they just read off that has not been prepared or placed before him as far as concerns of this Commission why they felt they were left out of the last meeting and adjourned without covering those issues. It has never even been spoken about since.

Commissioner Becht said he does not see the goals that the Mayor, Commissioner Coke, and Commissioner Nelson are talking about. Getting a response to the Friday letter that Mr. Boudreaux found the time to write, he does not see that goal as exclusive or inconsistent with what he is talking about. Perhaps what he is talking about will ferret out the facts faster than posturing that they are not going to sit down with the County until they get some answers. He believes face-to-face meetings between the three entities may sort out what the truth of the matter is faster than the grandstanding of not sitting down with the County until they respond. The County sent a response that side-steps it and that contains inaccuracies. He does not like that at all. But it was written by a staff person. What he is talking about is someone from this Commission - a decision-maker - meeting with a staff person from this organization which works for them sitting down with an equal counterpart from both the County and the FPUA. Understand the context, they essentially control four of those six votes of the people that would be there. He is talking about six people sitting in a room and four of them are Fort Pierce people. This task force would be a City Commissioner and a City Staff member, a FPUA Board member and a FPUA Staff member, and a County Commissioner and a County Staff member. So there are four people in that room that are immediately Fort Pierce biased. Now the County Commissioner ought to be Fort Pierce oriented because he or she does represent Fort Pierce citizens. It does not have to be called a "task force", it can be called anything they want. But he sees it as an expedient manner of getting to the truth of what may have happened here with the violations. He will accept that the County violated the agreement. The comments about whether the County violated every agreement the City has ever had with them and the comment that the City has never violated an agreement with the County, he has a hard time swallowing that. Maybe it is true and maybe it is not true, but it really has nothing to do with where they are going. Let's learn from the past, but let's not be burdened by it.

Commissioner Nelson said not to belabor the point, he is going to support his idea from the standpoint that he too agrees with the fact that they need to stop writing letters and sit down face to face and make some positive direction on this. It is important that they look at the history of what has transpired and it is important that they look at the current transgressions that are taking place today as alleged by their U.A. Director and one of their key engineers over at the U.A. Mr. Becht talking about this task force or committee or group. They can direct that a staff member and one selected Commissioner represent them at a meeting. The FPUA Director and one person from the FPUA staff can come. And request that the County provide one of their engineers and a County Commissioner to come and sit with this group. They can come up with some type of report or resolution or goals or directives that they should be following, a roadmap they should be following to resolve their differences.

Commissioner Becht said he thinks that is consistent with what he is trying to do, but it could be expanded to address more rapidly the issues raised in Mr. Boudreaux's letter and in Mr. Thiess' letter. They are either going to learn to get along and represent the citizens as a whole or they are not going to.

Commissioner Nelson said he thinks he has a good point.

Commissioner Coke said first of all she takes exception to the fact that Mr. Becht doesn't like her references to previous things. She is talking about a letter that was written January 14th and it was something they all got a long time ago from Mr. Thiess. So it is not something that Mr. Boudreaux, after he heard about Mr. Becht's memo, did. Secondly, as far as appointing a task force, it was her understanding that the JPA was formed and started so that they could sit down and work out all of these things. She can guarantee this, same as they have five different opinions here, they have five different opinions on the U.A. Board and five difference opinions on the County Commission. To extract one person from each board to represent that board on issues that are so highly volatile and people feel so differently about is not, in her belief, in the best interest of the citizens of this City or the County. Because if she goes and sits on that task force, she is going to look at this in an entirely different manner than Mr. Becht or Mr. Nelson or Mr. Alexander. Mayor Benton already sits on the U.A. Board. She thinks they started the JPA for a good reason, so that they could have the input of all the bodies involved and that all the Commissioners and the U.A. Board could sit down and work out what they felt was a viable solution. That is how they got to their water agreement a little over a year ago. That is how they got to the JPA. She has said before, she is not necessarily against the regionalization of services; but she thinks that it needs to be something that all of the boards have equal input into. The same as she is sure Mr. Becht would not trust her to go to voice his opinion, because it is probably different from hers, she does not know that she wants to put blind faith in anybody else to go voice her opinion.

Commissioner Nelson said sometimes they get better results with smaller groups and they don't have that level of exuberance going on. And certainly that group can come back and bring it to the Commission. They can give instructions as to what their representative is supposed to say when he or she sits with this group, if they want to be so preoccupied with giving instructions without having the input. They are in a position of legal status, yes. But at the same time, they are in the position of compromise and accommodations and trying to provide the best they possibly can for all of their citizens, including those in the County and the City too, so that they really look at what they are supposed to do and execute their fiduciary responsibility and be responsible citizens to themselves and their rate payers. They can accomplish this. If one Commissioner feels it can be accomplished from his venue and he might be a good candidate to sit on that group along with the City Manager or whomsoever they decide, why not give it a try?

Commissioner Coke said she will tell them exactly why she will not vote in favor of it. Because it will usurp her authority as a Commissioner to be able to voice her opinion on something that is crucial to the future development of this City and she resents it completely.

Commissioner Nelson said but all this group is going to do is...

Commissioner Coke said once a task force gets together and comes up with something, it is a done deal, same as the MPO.

Mayor Benton said that is Commissioner Coke's opinion. He will give Commissioner Becht his blessing. But he is not happy. He is very dismayed with St. Lucie County and Doug Anderson and County

Commissioner Hutchinson right now. He, just like the rest of the Commissioners, sat through hours and hours along with the U.A. last year to come up with that agreement which is just over a year old.

That is something they all worked on. And the County can't sit down and say to him that their intent is not to break that agreement? That is why they cancelled the meeting. That is what they told him, that they could not say to him that their intent was not to break an agreement that is just over a year old. He has seen the paperwork. If they can give him a straight answer, fine; but he has not heard from them since them cancelling that meeting.

Normally he hears from them quite a bit, he heard from them a lot that week. But that is what they told him. So he has a real problem with this. If Commissioner Becht can mend those fences, fine. But before he sits down with the County again, he wants some answers. Because the City Commission in good faith got the County Commissioner out of a lot of hot water. It would have cost the County millions of dollars. The minute the County's problem was solved...

Commissioner Coke asked when is the next JPA scheduled? It hasn't been rescheduled yet.

Mayor Benton said also, no discussion was brought up on working together on a wastewater treatment plant until he sat at a U.A. meeting where they approved a line going to 2,600 homes west of the Turnpike to bring sewage to the Island. He asked what were they doing here? In other words, they were putting more... The answer was, the closer they get to capacity, the sooner it will be moved off the island. So they were helping out some County development, but nothing to help the FPUA out. So he then pushed Mr. Anderson and things started rolling. But he cannot see they have gone anywhere other than backwards.

Commissioner Coke said they haven't even rescheduled the JPA.

Mayor Benton said Commissioner Becht has his blessing, but good luck.

Commissioner Becht said perhaps he is naive and perhaps the others have the real picture. He doesn't know or think anyone will know until they explore it. But to respond with great respect to Commissioner Coke's concerns, the letter he drafted does not contemplate in any respect that the one Commissioner that would be on this task force would be empowered to do anything other than report back to this Commission. He went on to say in the memo that he wanted staff to identify the issues that are significant to the City that need to be protected and held sacrosanct. And then once staff identified that, he wanted this Commission to identify those things they felt had to be preserved; and he specifically identified the annexation policy. That is what he had in mind, is that the person who goes will have some direction and some parameters from this Commission before he or she goes to meet with these folks. Get answers on how they can go forward with the County when they are already in breach of the only utility agreement they have together? How does the County expect them to go forward and discuss this until they can allay the City's concerns that they are already in breach? And then those issues that would be of particular sensitivity and significance to the City and the FPUA, then they can get into preserving and protecting those and moving forward. Or they are going to find out they don't trust the County and there is no need to negotiate further with them. Or there is so much give and take that the City is

sacrificing more than it is gaining and there is no need to go further. But all he is asking is they move forward, find out if it can be done. If it can't be done, it not be done. He is reminded of what someone once told him, that there was an attempt to do what logically made sense, which was to combine the law enforcement of the three different entities. On paper it made a lot of sense. Politically, it was a nightmare. Perhaps that is where they are with the utility system. On paper it makes a lot of sense; but in concrete, it just can't be done.

Commissioner Coke said first of all, she would like to point out they have more than one agreement with the County as far as utilities. There is an agreement back in 1987 or 1989 that clearly laid out their boundaries that the County tried to put aside last year. Secondly, she would think that if they are going to look at considering this, possibly the best way to do this would be to get the three boards together to hire an outside consultant to look at all of it, discuss it, and come back with a suggestion. Rather than any of them sitting there with their own personal ax to grind, let an outside consultant come in and tell them this is what should be done and this is what is in the best interest of all three entities. Then they can take it or leave it from there.

Commissioner Nelson said that is a counter proposal.

Commissioner Alexander said he thought they had an outside person come it.

Commissioner Coke said they had an arbitrator come in when the City and the County had that fight about annexation.

Commissioner Alexander asked something came out of that meeting with the arbitrator, right?

Commissioner Nelson said no.

Commissioner Alexander asked they got the annexation agreements, right? They don't have any problem with the County any more about their annexations.

Commissioner Nelson said that did not come about as a result of the arbitrator.

Mayor Benton said the City gave and gave...

Commissioner Alexander said he cannot sit here and be argumentative to any of his fellow Commissioners as well as any County Commissioners in this community because they are here for one purpose. If they need to have one or two Commissioners to just be quiet, because it takes three. Whatever decision those three make, then they are going to have to abide by it. That is the bottom line. That is for the County as well as the City, it only takes three Commissioners. Until they find out they don't have three to be affirmed, then they have a problem.

Mayor Benton said that is what he said he will give his blessing. County Commissioner Craft sat here until midnight one night (February 7, 2005). He thinks the intent for several of the County Commissioners to work with the City Commissioners. But he knows for a fact it isn't the intent of all of the County Commissioners.

So if they can work through this, fine. But he has issues with the County. But sometimes by putting issues on the table, they can work it out.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that they follow Commissioner Becht's lead and ask that one Commissioner and the City Manager sit on a group to explore the situation regarding utility service and relations with St. Lucie County and the Fort Pierce Utilities Authority; and ask that the County and the FPUA provide respective counterparts to work with this group to try to iron out some of the problems they have facing them.

Commissioner Alexander said up front, he does not know whether Mr. Beach wants to go and sit there.

Commissioner Nelson said it makes no difference if the Commissioners tell him to.

Mayor Benton said Mr. Beach loves meetings.

Commissioner Alexander said he wants to know if it would be okay for the Commissioner to choose whoever he or she pleases to go. Again, he does not know how it is with the administrators of the County. He has a problem with butting heads. Mr. Beach has a big head...

Mayor Benton said they all do some serious head butting. He thinks Commissioner Becht would be the one.

Commissioner Alexander said he thinks they need to pick Commissioners with more control than having the managers...

Commissioner Nelson said the reason he suggested that the City Manager go is that he does have very cardinal knowledge of what is going on. The City Manager also sits on the FPUA board and has real succinct knowledge.

Commissioner Alexander said that would mean they would have three individuals from the U.A. Board on that.

Commissioner Nelson said no, two people from the U.A. directly and two people from the City of Fort Pierce directly. And hopefully, two people from the County. And they want the County and the U.A. to come up with their counterparts. This Commission cannot dictate that the County and the U.A. come up with a specific person because they don't control them.

Commissioner Alexander said he wouldn't be in disagreement. He just wants, whenever this meeting happens, that there be some constructive criticism.

Commissioner Nelson said the idea of having Commissioners there is the fact that it adds a degree of civility to it; and the staffs won't be arguing and raising said with each other.

Commissioner Alexander said hopefully.

Mayor Benton said Commissioner Nelson made a motion that one Commissioner be on the group. Do they want Commissioner Becht in the Commission spot?

Commissioner Nelson said that is a second motion for that.

Commissioner Becht said he would respond that he is willing to undertake the work. But if the others don't think he is the best

person, if they think he is too much in favor of it, then he has no problem with anybody else going, and that would include Commissioner Coke.

Commissioner Nelson said Commissioner Becht has certain qualifications and certain interests that make him inclined to want to nominate him. But if Commissioner Coke wants to jump in there, he is not going to stop her.

Mayor Benton said she might want to bring boxing gloves. And right now, he might join her.

City Attorney Schwerer said he needs some fine print legal caveats here to make it absolutely clear for the record. He understands their discussion. What they are doing tonight is appointing a representative to go and discuss issues. They are not giving that person any voting powers and they are not giving that person any ability to commit or vote in a committee form or otherwise on their behalf.

Mayor Benton said right.

Commissioner Becht said that is correct.

City Attorney Schwerer said they would have some sunshine issues they would have to deal with if they do otherwise. He just wanted to make that clear for the record. Secondly, this is an informal type of designation where they are simply designating a representative for the purpose of talking with the others. That person, along with the City Manager, will be reporting back to this body as a whole as to the status of those discussions. So it is an informational and discussion type of meeting, but non-voting and non-committing. Correct?

Commissioner Becht said more work, but no power.

City Attorney Schwerer said that is fine. With that stated for the record, then the motion can stand.

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

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that Commissioner Becht be the City Commission representative on that group.

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

Commissioner Coke asked has anybody talked to the U.A. or the County?

Commissioner Nelson said the thing is, they can direct that the U.A. do it.

Commissioner Coke said no, they cannot direct the U.A. to do it.

Commissioner Becht said to answer the question, yes. He has talked to County Commissioner Craft about it. There was a lunch meeting with County Commissioner Craft and himself and Mike Minton and Tom Perona was there. There was general discussion. Mike Minton says he has no interest, does not want to be involved in this. But his firm was involved in the process with Okeechobee with three or four

different entities and their respective bureaucracies and the turf wars and everything else that went on over there. Mr. Minton said the only way they broke through that impasse was to sit down with each of the different political bodies and have each of the different political bodies identify what was important to them, what were they afraid of, what was non-negotiable, and what were the goals they were trying to achieve. Each of the bodies identified these concerns. And that, with the benefit of South Florida Water Management District - which he thinks gave up to \$500,000 for this process - that then resulted in the law firm and SFWMD coming up with an agreement that each of the bodies then had to bless. What he would intend to do, if they are going to move forward, is to find out what the successes of that has been and what the failure of that has been, so that they do not repeat the failures and hopefully they do achieve at least that much success and everything else. It is quite possible that this is not going to work. He is not willing to sacrifice the City or anything that is important to the City for this to happen, and the Commissioners are not going to let him do that because he has to bring everything back to them. But he would ask that in the next 30 to 60 days they identify those issues that are important to the City Commission as they go forward with trying to make this happen and those things that are just non-negotiable.

Commissioner Nelson asked Mr. Becht will come back in 45 to 60 days with some type of report?

Commissioner Becht said his understanding is, Chris Craft will bring this up at the next County Commission meeting. He does not know if Mr. Perona is or is not going to bring it up at the next FPUA Board meeting or who the designated board member from FPUA would be. He did not talk to County Commissioner Coward, but he attempted to get through to him. He has also talked to County Commissioner Smith. There is no reason he hasn't talked to the other two County Commissioners, but he hasn't.

Commissioner Nelson asked but in 45 to 60 days, they will have a report back from the group hopefully?

Commissioner Becht said yes.

Commissioner Nelson asked they are going to ask the FPUA...?

Mayor Benton said he will see that the FPUA talks about it at their next meeting.

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The next item on the Agenda was Submittal of Application for Appointment to **Code Enforcement Board**.

City Clerk Steele said they have an application from John L. George for consideration. There will be a resolution on the next Agenda.

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The next item on the Agenda was City Attorney report on **Liability Insurance** required for **Alcohol Beverage Permits** issued for Special Events on public property.

City Attorney Schwerer said the Commission discussed at their last meeting this issue concerning the liability coverage that the City has as a policy for the serving of alcoholic beverages in the parks

and on public property in connection with special events. There is a special event ordinance and a special event code section and there are special event rules. To summarize where they were and where they are today, there were several groups - primarily non-profits - approach the City indicating that the type of coverage the City has been asking them to carry as required by the ordinance which is to co-insure the City of Fort Pierce when alcohol is being served, with specific alcohol coverage for the event is either unobtainable by those groups or out of their reach monetarily. They attempted at that point in time to determine what type of solution might exist to that problem. He and the Risk Manager spent some time discussing what the particular issues of liability for the City were. His staff did a number of hours research concerning the City's liability with respect to authorizing and allowing alcohol sales on City property from the standpoint of the City owning the property, technically being the landlord so to speak, also the permitting authority. They also met with the City's insurance consultants to go over the liability issue. It was determined, based on those discussions and meetings, that they are going to recommend to the Commission that the policy stand, that they absolutely have to have this type of coverage or some alternative to it. He does not have an answer for the Commission tonight, but he wanted to report to the Commission because they did request it on this agenda. Given that conclusion they reached, that it is in the City's best interest to have that type of coverage or some alternative, they asked for some assistance from their insurance consultant to come to alternatives. The first alternative that was suggested was to have the various groups contract with a vendor who already has the coverage. Of course, they know what that means. These groups like to serve the alcohol themselves and take all the profits. That is not all the profits of their particular activity, but that may be a large portion of it and he can't tell them what portion it is. But one of the alternatives is for the groups to simply contract with a provider, someone in the business. That person routinely has the coverage available for those events. And that person will routinely charge certain fees; and of course, that will produce less returns to the group, but it satisfies the requirement of insurance to the City. That is one alternative. The second alternative is for the City itself to pursue getting its own coverage as the owner of the property and the permitting type of activity. This is done a lot in the areas where cities own sports or recreational facilities where alcohol is served. Those cities routinely have that coverage when they lease that facility to a group for a concert or any special event or something like that. The way a city recovers the cost of that is by charging a permit fee. It was thought by their insurance consultant in some discussions that the cost of the insurance to the City to protect itself would be far less than what the groups can get it for and therefore they could spread the cost out in a permit fee. Staff is not recommending that, but that was one of the alternatives. Another alternative would be to assist these groups in obtaining the special event coverage through referring them to companies that still underwrite that risk. He does not have an answer. The only thing he can tell the Commission is that they arrived at the conclusion that it is necessary to keep the policy in place and he would not recommend changing it. But recognizing that this coverage may be out of reach for some of these groups, staff does not have a solution. This is something he is waiting to hear back finally from the insurance consultants, who are looking at the market right now for this type of coverage, and they will get back with him shortly with some final definitive recommendations. At that point in time he will be able to share a

report with the Commission in writing. One of the things they exchanged in writing already deal with some liability issues he would rather remain in his office and not for public dissemination.

Commissioner Alexander said the City has its own insurance. Is there an individual benefit that this insurance covers? Is there an annual cost? Because he hasn't heard of any figures yet what it would cost either the City or any group. The individuals that came here tonight are having alcohol sales, so obviously it wasn't a great deal amount of money.

City Attorney Schwerer said these groups they heard from tonight (Wellcraft Hydra-Sports and Fort Pierce Jazz Society), they hire folks like Mr. Keith Anderson (Roy's Liquors) who has a liquor license, who is in the business. They have the coverage to provide the serving of alcohol. The serving of alcohol carries with it its own liability - serving to minors, serving too much to someone who gets in a vehicle and leaves and injures people or property, or causes a disturbance. The City does not have coverage right now for alcohol sales or any liability resulting from alcohol sales or providing of alcohol at special events. The City does not have that coverage. Their coverage specifically excludes that. They don't engage in that type of activity. But what they ask of these groups who use City property for their activities is they obtain the coverage for themselves. It is important for the Commission to let it be known that when they are allowing the service of alcohol, which is generally prohibited by ordinance in City parks and streets and public places - that is clearly prohibited by ordinance - when they are allowing that activity to occur and then requiring those groups to provide insurance, what they are really doing is telling the public who attend those events that it is going to be a covered event. They are requiring that person or group to get the coverage so that if anything does happen, the public attending those events at least have coverage to go against in the event of a liability. That is something good the City would want the public to be assured of.

Commissioner Alexander asked is Ms. Schwerer telling him the non-profit organizations that come here to have alcohol themselves, they are getting 100% profit? Is someone donating that alcohol?

City Attorney Schwerer said he does not know, he cannot speak to that. What he understands is that they are engaged in the serving of the alcohol themselves. Whether it is donated or bought at a reduced cost, he can't speak to that. He just knows that the serving of it is occurring and it is being done by the group members or volunteers, it is not being done by a business establishment, except in those rare occasions when they are not able to get the coverage.

Commissioner Becht said he feels like he opened Pandora's Box. The coverage would be important to the City, as Mr. Schwerer has pointed out. They needed numbers. He guesses they don't have numbers tonight on what it would cost the City to get this blanket coverage.

City Attorney Schwerer said or if it is even available. They don't have those numbers right now.

Commissioner Becht said the numbers he got from Main Street today were that it was going to cost Main Street... Keep in mind that Main Street has probably a more elaborate program than some of these other non-profits in trying to make sure that the people who

are selling beer have been through some kind of TIPS Program and that kind of control. But the coverage for Main Street for Friday Fest would be \$1,000 per event. For the Jazz Society or something smaller than that, they may not even raise \$3,000 or \$4,000. So to impose that kind of burden on them is not what he intended when he broached the subject. What Ms. Tillman did tell him, if they buy a policy for twelve Friday Fests - since he has been on the Main Street Board, they have not had twelve because they sometimes get cancelled due to rain or hurricanes or something like that - that would reduce the price down to somewhere between \$700 and \$800, he guesses. But again, Main Street has a TIPS Program, which reduces the coverage and they have controls in place and they have twelve they are going to buy in a given year. If they could find out what it would cost for the City to get that coverage and then factor that into their permitting fee, maybe that is the route they ought to go. But until they have a hard number, he does not know how they can make a decision.

Commissioner Coke said first of all, they don't want to create an undue hardship on these non-profits. But in the same vein, they also don't want to create an undue hardship on their citizens should there be an occurrence where someone was to come back on the City because it was public property and they didn't have insurance on it. So she thinks they need to very actively pursue the thought of the City obtaining the insurance and adding it into the permit fees. Also, for clarification, does someone pull an alcohol permit for Bike Night on Thursday nights?

Commissioner Becht said he will venture a guess at that. He talked to Lori Gately about that and she told him that she did. But he does not know if that is true or not true.

Commissioner Coke said she has never seen an Alcohol Permit come up in front of the Commission for Bike Night. And first thing on Friday mornings she has to spend 15 minutes picking up beer bottles before she can walk into her building. She will guarantee that alcohol is being served up and down the street. She is not arguing with that, but somebody needs to be pulling an Alcohol Permit for that.

Commissioner Alexander said they have alcohol licenses in their premises. They can't dictate where a person walks two blocks and throws a can.

Commissioner Coke said absolutely they can. Has he ever tried to walk out of a bar with a drink in his hand?

Mayor Benton said they are not supposed to leave the premises.

Commissioner Alexander said they have City employees who would not have a job if they didn't have a place to clean up. He is not going to take sides against anyone about alcohol. He merely brought the insurance issue up because someone said it didn't apply. Again, they are not here to punish non-profit people. They are supposed to make a decision on the individual group that was supposed to be having alcohol. And he does not think it is fair, because they are telling him their legal department has never ever asked this question in the past? That they can just hold themselves to the curb because it was only because he saw someone write something that didn't apply or didn't have.

City Attorney Schwerer asked what question is that?

Commissioner Alexander said the question that organization said on their application.

Mayor Benton said at the last meeting, because of the Sandy Shoes Festival coming up, Main Street asked to waive that. After talking to Ms. Tillman, just like Friday Fest, they were still hoping the Commission would waive that because it is going to cost them \$1,000 to have this event coming up this weekend.

City Attorney Schwerer said he is recommending they engage in no waiver of that because of not only the liability, but they are also opening the door. They have no guidelines right now to even begin to consider waiving that.

Commissioner Alexander said but this City is over 100 years old. And they have never ever had this problem to come before now? For them to even say consider not to waiver? Because this is a decision of the Commission.

City Attorney Schwerer said the City has had an ordinance and a policy for the last twelve years or more that the special events will get this type of insurance. That has been the law and that has been the rule.

Commissioner Alexander asked for a non-profit organization?

City Attorney Schwerer said yes. It doesn't matter whether they are profit or non-profit. It is every organization that uses a City park or City property and serves alcohol.

Commissioner Alexander asked that was the only organization that ever came before them without the insurance, is that what he is saying?

City Attorney Schwerer said he does not know if it was the only organization.

Mayor Benton said he doesn't think it was an issue until Commissioner Becht brought it up about a year ago.

Commissioner Becht said Pandora's Box.

Commissioner Alexander said they are speaking about an event that is coming up next week.

Mayor Benton said this weekend, Friday and Saturday.

Commissioner Alexander asked are they going to punish this group?

Commissioner Coke said if she wanted to get an insurance policy on a house tomorrow, she would pick up the phone and call the insurance agent and ask for a rider to be added to her house tomorrow, give them a check, and it would be done that day.

Commissioner Alexander said \$1,000 for just one event this weekend.

Commissioner Coke said that is not what she is saying. What she is saying is, it is inconceivable to her that in two weeks they couldn't get a figure on what it would cost. Because if she calls an agent tomorrow and says she is buying a house and ask what would the insurance policy cost, she guarantees the agent would give her

a price while she is on the phone.

Commissioner Alexander said he thought he heard the price of \$1,000.

Commissioner Coke said for the City to buy it, it would be a lot less money.

Mayor Benton said maybe they could find out tomorrow if they call the insurer. Find out what it would cost the City.

City Attorney Schwerer said first of all, the City's insurer is the Florida League of Cities. They do not have that coverage available, even if the City wanted to buy it, it is not available.

What they have to do is go into the marketplace and buy from a carrier who specializes in writing that type policy. The cost of writing that policy for just that type of coverage is quite expensive. But if it is added on to the City's regular insurance, and that insurer has the City's other business so to speak, then they can reduce the cost down. That is going to be the problem. As their consultant pointed out, right now if they go into the marketplace and buy their own coverage, then that is going to be expensive because it is going to have to go to a company who is going to write just that one line and that one risk. When they ask a company to write one risk, the price is always higher. So they don't have that ability to do that in two weeks, he can assure them of that. Their insurance consultants told them that. From a legal standpoint, his recommendation is that they can't waive it. How much it costs or where it is available from, that is really not his department's expertise. He has to rely on their Risk Manager and the insurance consultants to tell him that.

Commissioner Nelson said he thinks they have belabored this quite a bit. The City Attorney says he is going to get back to them on this issue with some more concrete recommendations. In the meantime, the City Attorney asks that they don't waive their current policy. That means they are going to have to advise the Main Street people for their event coming up this week to get some insurance from somewhere or borrow \$1,000 from Commissioner Becht and get this problem resolved. But to further belabor this point this evening, he thinks it is an exercise in futility.

Mayor Benton said he thinks the best thing is for Main Street to get the insurance or look into using somebody with a liquor license who can help them out.

Commissioner Coke asked can they get a report back to be certain that they are getting an Alcohol Permit for Bike Night on Thursday nights? Because the liability for all of 2nd Street has got to be just as much on those nights as any other event, perhaps more so.

Commissioner Nelson said there was trouble down there when somebody ran into Rosslow's building.

Mayor Benton said that was the first night.

Commissioner Alexander said that is any day of the week, somebody could have run into that building. If it was alcohol related, they would have been arrested. So that was an accident. They have got to quit labeling and putting on peoples shoulders. It is not their responsibility what another individual does. It is not his, he does not want to take it. But again, is there anything they have?

He thinks on Friday Fest they have one vendor that is allowed to

do alcohol.

Mayor Benton said for Friday Fest, Main Street has two or three booths set up to sell beer and wine.

Commissioner Alexander asked so they don't have individuals that may want to volunteer?

Mayor Benton said he thinks Main Street is going to start looking at putting somebody with a liquor license on their Board. That would probably be in their best interest.

Commissioner Alexander said but a non-profit needs to have some recourse.

Mayor Benton said he knows some of the fishing tournaments, there are certain people they have used who give them a break on the numbers. It might be half the cost as the insurance might be, but they carry the insurance.

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The next item on the Agenda was Director of Public Works and City Engineer report on cost for **replacement or replanting trees** damaged by Hurricane Frances and Hurricane Jeanne. (Postponed from March 7th Agenda.)

Mr. Gary Ferch, Director of Public Works, said the Commissioners have a memorandum in front of them (dated January 25, 2005) that he wrote to the City Manager's attention. He believes Commissioner Nelson before that date had brought up about the trees in the Farmer's Market concerning the hurricane damage. They checked with all of their resources for anything to do with city streets and city property. FEMA does not handle any of that and they will not. He doesn't see any trying in that area at all. On FDOT right-of-ways, they do have some chance of getting some of the trees back from FDOT at I-95. He believes Paul Williams was successful in working with the FDOT and having that happen. He believes they are still working on Virginia Avenue and places like that. But he brought to the Commission's attention some of the ones they have put a lot of money into. He believes the Commission approved about \$60,000 for the original Glidden Park Tree Garden. Maybe half of those trees have been destroyed. Avenue D Farmer's Market was one of Commissioner Nelson's concerns. Jaycee Park, Orange Avenue, and Georgia Avenue are just some rough ideas he just threw in there. The reason he brings that to their attention is because now people are starting to call. The City is being cleaned up and the right-of-ways look a lot better and all; but the trees that were there are either gone or they are in failing health. Attached to that memorandum there was a couple of memorandums. Paul Williams did a lot of work on that back in September and October of 2004. There were a couple of different areas where Mr. Williams had mentioned that the trees needed to be straightened and all. They have done most of that. Back in October he figured 264 trees. If they look at it right now, this many months later, there are a lot more than 264 trees that need to be replaced. There is probably up around 300 or more. He just brings this to their attention because there is no funding in the Public Works budget on this; and they talked to the Engineering Department and they don't have any way to replace these trees and all. So he brings that to the attention of the City Manager at this point and the Commission.

City Manager Beach asked what is the amount and what is the recommendation?

Mr. Ferch said they don't have an exact amount at this point. If the City Manager and the Commission want to proceed with that, they would have to get an up to date report, because Mr. Williams first report was back in October. If the Commission does agree on this, they would like to get an updated amount; and if they agree they want to fund this, where the funding would come from.

Mayor Benton said in his opinion, until they see financially where they sit with FEMA reimbursements and everything, he would prefer to see this kind of money kept in the bank. He worries more about funding employees to do the work in the next budget year. As much as he likes trees. It was brought to his attention there is nothing in here about the parks on the Island, so those numbers go up too.

Commissioner Coke said when they go to replace these trees - because she is looking at different landscapers here and she has gotten some competitive bids lately - one of the people they have on their list was six times the amount of somebody else. So she would certainly hope if they are looking to do this kind of thing that they definitely put it all out for a competitive bid. Because it amazed her that this company could be six times higher and it is the exact same size, same age, same everything. But she guesses some people think they use better fertilizer.

Mr. Hector Arias, City Engineer, said they were asking about how much would it cost. They sent a report to the City Manager and the Public Works Department made by Paul Williams. They have to start with a figure, if they are willing to fund this, and the figure is \$200,000. He wants to make something very clear. FEMA will not reimburse the City one dime for any landscape replacements. They tried and tried and tried in the beginning and FEMA totally refused to do that. He just wanted to bring that to the attention of the Commissioners.

Commissioner Coke said she has seen Minutes from the County meetings where developers come and the County says, "Don't you want to contribute "x" to the County?" Can the City not say, "Okay, for every house somebody is going to devote an "x" amount" for replanting the trees in the City?

Mayor Benton said there could be donations. What cable company did they have before ComCast? All those palm trees going out to the Island and the ones along Savannah Road were donated by a cable company. Each year they donated palm trees.

Mr. Ferch said he believes it was Adelpia.

Mayor Benton said so there is the ability for them to go out there and there are probably people in the community. In Jensen Beach that strip that goes to the Mall from Indian River Drive, all those trees there have a little name tag on them where somebody has donated them in the name of someone. So there are other ways of doing this. But right now, his concern is paying people. He would like to even give some of their employees a bonus for the work that was done after the two storms, if possible.

Commissioner Nelson said subject to availability of funds, he thinks they can find those funds somewhere. He thinks they should go ahead and fund this request. He thinks in the neighborhood of \$150,000 or \$200,000 is reasonable for the request. His rationale

for addressing this with some degree of urgency is the fact that these trees have a tendency to line their main corridors primarily. And these main corridors give an image of this City. Believe it or not, they are about the idea of image building. There is nothing worse than going down a street or boulevard and seeing a bunch of dead trees. The only thing worse than that is a bunch of people sitting out drinking too much beer or something. He thinks they ought to move forward with this. It is important for the aesthetics of their City, the image they have. They have an influx of business coming here quite frequently and they are coming out of this turmoil of hurricanes. They need to show that they are in fact doing it in a very positive and progressive manner. Certainly if they got donations from any source, then of course they will accept those. But these must be consistent with their landscape plans throughout the City and should be pursued with some degree of vigor.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve up to \$200,000 for replacement or replanting trees damaged by Hurricane Frances and Hurricane Jeanne.

Commissioner Alexander asked are they taking a right time in doing this? They are right around the corner from a hurricane. That is what the problem was with Avenue D. Those trees that were planted didn't get a chance to root themselves.

Commissioner Nelson said they have the same thing down on Melody Lane area too. They can wait forever or indefinitely if necessary.

Commissioner Alexander said no, he just asked a question. He thinks Mr. Williams may be able to answer. If they plant them now, they are looking into at least strong winds coming in this community.

Commissioner Nelson said on one hand they have the potential of a hurricane coming in which is going to be another act of God, but they also entered into the rainy season that gives these trees ability to grow and prosper. And the quicker they get them in the ground during the rainy season, the more possibility on the positive note that they will survive.

Commissioner Alexander said if Commissioner Nelson will tell him he is an expert, then he is in agreement with him.

Commissioner Nelson said he won't tell him, but he did get a degree in biology.

Mayor Benton asked are they going to update this list before they start on this, so they plant trees all over the City?. This list does not include the whole City.

Commissioner Nelson said they will primarily in his view be replacing those that are damaged. If Staff has a revised plan, he thinks it should be addressing whatever they need to stretch those monies and utilize those monies to the maximum. Commissioner Coke said she would agree with the Mayor that they need to encompass the entire City.

Mayor Benton said last year they had many trees donated - he doesn't know how many - \$20,000 or \$50,000 worth of trees to the South Beach Boardwalk. This money was given to the City. There is nothing here on those trees. But those people out there have

already met with him once and they have a number as far as trees in several parks out there. So to him, they need to look at the whole City first and then break down how they are going to do it. But he thinks they have to finish the job here.

Mr. Arias said he would suggest that since they approved up to \$200,000, Staff could bring an updated list and they can see what they have to do later on. But at least something, because if they don't replant the trees that are damaged, they will die. It is just like resurfacing, if they don't resurface they are going to have to replace a brand new road. So perhaps they can go up to a certain amount and then they will update the list and then they will cross the bridge when they get there.

City Manager Beach said any of the Commissioners who have specific information about areas where trees are damaged that are not on this list, please let them know so they can add those to the list.

Commissioner Becht said this is all well and good. But where is the money coming from?

City Manager Beach said if they can't find it in some of the construction accounts that exist, it would come from the General Fund balance.

Commissioner Becht said the General Fund balance has like \$5.5 million in it or something like that?

City Manager Beach said at the last report it did.

Commissioner Nelson said all they have to do is watch those line items where those guys ordered those vehicles and had money left over. It is there, those monies are out there.

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

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The next item on the Agenda was Director of Development report on status of scheduling **South Beach Charrette**.

Mr. Ramon Trias, Director of Development, said he had a chance to talk to Mike Buscha who is the Executive Director of the Treasure Coast Regional Planning Council following up on their request. Mr. Buscha said he will be able to help them in a one day event, say on a Saturday for four or five hours or so, with maybe two consultants, two people from the Regional Planning Council, to help them stage a Charrette. That is what Mr. Buscha can do within the time frame they have requested of 30 to 60 days. If they want to do that event, he can schedule it.

Mayor Benton asked does everybody agree?

Commissioner Becht said this is wonderful and he would commend Mr. Trias for getting it done in the time frame they asked him to get it done in.

Commissioner Coke said she will be out of town April 30th and she would very much like to be able to participate in this.

Mr. Trias asked are there any other dates they could avoid?

Mayor Benton said he is good in April and May he believes, at least with advanced notice. June is a problem for him.

Commissioner Nelson said he is good any time after April 15th.

Commissioner Becht said he will be gone the day after April Fool's Day and he will be gone April 16th.

Commissioner Alexander said he doesn't have any problems. He doesn't vacation.

Mayor Benton said Mr. Trias will see what he can do.

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The next item on the Agenda was Director of Development to give Status Report on **Sign Ordinance**.

Mr. Ramon Trias, Director of Development, said they may recall they already passed an ordinance and then there was some discussion about maybe having some leeway on the top of the signs for architectural embellishment. Upon further review, he does not believe they need to make any changes. Because they may recall that the height of structures, according to the building code and according to the City's procedures, is the average of whatever height a structure has. Therefore, it allows already for those types of embellishments. He believes the ordinance they passed would accomplish their goals.

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The next item on the Agenda was Director of Development report on status of **Comprehensive Plan** update.

Mr. Ramon Trias, Director of Development, said staff has prepared some of the base information needed for this update, including the future land use map. They have also gone out for a Request for Proposals for a consultant, with a very specific list of tasks which includes significant public input, meetings with the Planning Board, and meetings before the City Commission. So hopefully they will get a very competent group of people responding to that and at that time they will continue the process. On that related issue, he was going to say a couple of things about the Architectural Review Board. They took that before the Planning Board and upon discussion with the members and also with Jim Walker, Assistant City Attorney, the consensus was that it would be more effective to add the duties and responsibilities to the Planning Board as opposed to creating a new Board. That made sense to him. If the Commissioners are comfortable with that idea, they will continue under that direction. If not, they will do something else.

Commissioner Becht said two comments. First, he got a chance to glance at the large scale comprehensive plan map that someone was kind enough to provide him. And glancing at it, it did appear to him there are some patterns they need to address, meaning there is a lot of multi-family. He thinks it came up at the last meeting that there were a lot of multi-family in places that it really didn't belong. Hopefully they can review that and amend that. In regard to the Architectural Review Board, his first impression with hearing it tonight is that he likes the idea of it being combined with the Planning Board because it doesn't create an additional Board and an additional step for a developer to go through. It would all be heard at the same time so they would balance all the different things that come up. But right now he is not sure that Planning Board has... They have only one architect on the Planning Board. With all due respect to Don Bergman, who has been there and has served for a long time, his view of architecture is probably going to probably dominate the discussion of that Board, together

with Mr. Trias, because those two are architects and he doesn't know of anyone else. When he was serving on the Planning Board, there was great deference given to the opinions of Mr. Bergman and Mr. Trias on architectural style. So he is torn between that is a good idea because it doesn't create an additional step; and yet he is bothered by, he doesn't know that they have exactly what he was looking for on that Board. He doesn't know how to respond to that.

Mr. Trias said they have another Board, the Historic Preservation Board, which has professional standards. The City has some regulations in terms of the members and they have had some real difficulty finding those professionals. That is just a practical reality of Boards that have a professional qualification test for the members. What he was thinking was amending Chapter 22 which deals with a Site Plan Review to include requirements for building elevations, all the architectural materials, all the architectural drawings that are not required at this point, and making that part of the process of site plan review and see how it goes. He thinks they do that informally right now and it goes fairly well, but it is not part of the code; and he thinks if it was part of the code, it would probably be much stronger.

Commissioner Coke said she likes the second idea much better, to include that as part of the site plan review, because then the Commission would get to see it at that point also. Because she had some concerns that they had initially felt that if the Historical Board or the Planning Board was looking at the things the Commission wanted to look at, they wouldn't have discussed creating a new Board. If it is something that they maybe meet directly prior to the Planning Board... Because she shares Commissioner Becht's concerns in that, she doesn't know that is the mix of what they were looking for. And she thinks they are looking to address two entirely separate issues really - one is aesthetics and the other is all the technicalities of it - and they don't want to combine right brain and left brain people and get them all confused with each other.

Mayor Benton said he would have to agree with Commissioner Becht and Commissioner Coke. If he recalls, they have at least two or more members that are not only on the Planning Board but they are also on the Historical Review Board, right?

Mr. Trias said yes, Mr. Bergman and Ms. Gates.

Mayor Benton said some of the things that have come in front of the Commission, he just sort of questions. So if there is any way they can get maybe some professionals. Because he has heard a lot of other architects out there in the community saying for years this should be done, so now he is looking for those architects and engineers to step up to the plate and take part in it.

City Manager Beach said he thinks if they are going to get the performance they are looking for for this particular area, he thinks a separate Board would be more appropriate. He has been considering this since Mr. Trias brought it up. But he does believe that if the Commissioners want the emphasis placed on this that he hears them talking about, a separate Board would get them their best results. He thinks Mr. Trias is right, they are going to have difficulty with membership. But he thinks it would be worth pursuing it.

Mayor Benton said maybe it would be one of those that each

Commissioner would find somebody, if it means their going out in the community and finding somebody to sit on that Board. But he thinks it is very important to all of them and the community to get the right people on that Board. But that would be his opinion, that it would be a separate Board.

Commissioner Becht said it may not be as difficult as they think. He has heard some grumblings from some architects who want to remain anonymous that they feel like the one architect who is on the Planning Board has too much control. They all prefer to remain anonymous; but if they want to complain, now they are going to have to serve. And he doesn't mind going back to them and letting them remain anonymous and say he has given them a vehicle for having more to say about it.

Commissioner Coke said now they will know who they were.

Mr. Trias said that is the nature of the profession, is to complain about the colleagues, and that is unfortunately the way it is.

Commissioner Coke said she thinks they should stick with their original plan of having a separate Board.

Mayor Benton asked does everybody agree to a separate Board? (No one disagreed.)

Mr. Trias said okay, they will pursue that.

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**Ms. Marcia Baker** said she lives on Seaway Drive. She was on a very much needed vacation, rest leave, but she kept up with the Commission meetings that she missed by virtue of the posted Minutes and Agenda. She was very pleased to see on the meeting of the 22nd of February that Commissioner Becht brought up the issue of the situation there with the old **Holiday Beach Motel**. She noticed in the Agenda that there was supposed to be a report coming back as to what was happening on that. She did not see it happen at the March 7th meeting and it is not obviously at this meeting, but she assumes that somewhere along the line some report will come back. The discussion this evening about hurricane damaged properties that are presenting a hazard to neighbors who have labored long and intensively as she has to put their property back in shape really hits home because this particular property is directly across the street from her. It was very badly damaged by the hurricane. Nothing has been done. The roof is completely off in shreds. Pieces of the building are still coming into her property every time there is a strong wind from the north. The property is completely infested with mold. She spent untold amount time, trouble, and money ridding her home of mold; and she does not look forward to having to continue to keep all her windows closed because of the debris coming from that building. That building was condemned many years ago, rebuilt somewhat, and as her husband said some 12 or 13 years ago, the only good thing for it is to tear it down and take it to the dump. The present owners said they were going to tear it down when they applied for their 27 unit permit. Demolition was supposed to have started a year ago last August. Obviously that didn't take place. Really something has to be done about properties like that are presenting a hazard to adjoining property owners, a health hazard. There is vagrants and hobos and so forth living in the place at night because she can see the flickering lights from their flashlights and lanterns. They come out and they knock down her mailbox. Now it is the third time it has been knocked down. That is another story. This has to be

addressed.

Mayor Benton said the site plan for that project across from her, it has expired. It is past a year, so they will have to go back to the drawing board.

Ms. Baker said she does believe Code Enforcement or the Building Department or somebody should at least do something to have buildings like the one across the street from her... Commercial Buildings that are abandoned, that are a hazard, that are a health hazard now, much less if there is another hurricane. That is not the only commercial building in the City that has been abandoned.

Mayor Benton said they can smell that mold a block away. He didn't realize that until a few days when the wind wasn't blowing very hard. He is sure right across the street, that has to be a problem.

Ms. Baker said it is a big problem and it is a dangerous problem and it is a health hazard.

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**Ms. Marcia Baker** said the other issue on the beach that she hasn't heard discussed is what in the world is going to happen to that mobile home park (**Causeway Mobile Home Park**) with all those abandoned trailers. The park is closed. Those trailers have to be removed or something. The next hurricane that comes along, talk about trash and pieces of aluminum flying every place, that is going to be an absolute disaster to all of the adjoining property owners including the new Harbour Isle development and it is going to be a hazard to anybody anywhere nearby because there are pieces of metal all over the place and it is not going to take much to get them windborne.

Mayor Benton said the trailer park is something they have been trying to push the owner to... The City wants to see some progress there. It is their understanding that the owner has acquired titles to about half the properties.

City Manager Beach said he is currently going to court to get the remaining titles. And depending on what type of time is involved in that, his intentions are to start the removal of those mobile homes as soon as that is done. There are actually people in there now removing apparently selected mobile homes that they are authorized by law to remove. The owner does appear to be making a legitimate effort to clean this up.

Mayor Benton said the City is working with him on a weekly basis. But yesterday he counted about five of them that have been removed, which isn't much. They can't notice the difference.

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**Ms. Marcia Baker** said as to the **truck traffic on A-1-A** that was referred to earlier, about a year ago they had some kind of a beach renourishment thing going on in Martin County. They said they couldn't run the trucks over the non-bridge there, so they came down A-1-A, 24 hours a day just like they are doing now. Apparently that project is going to start up again sometime after turtle nesting season. Now they have a bridge. It would be very nice for Martin County to use their own roads to repair their own beaches instead of using St. Lucie County's roads. She does hope that the police does something about getting the speeders. They do come by her house all hours of the day, day and night, rumbling

through at 60, 70, 80 miles an hour. Aside from the hazards, it is illegal for them to go that fast and it is not reasonable or fair for the people who live there and who drive on those roads to have to put up with the noise, the dirt, the confusion, and the law breaking all at the same time.

Mayor Benton said they are doing what they can with those dump trucks. The one with the bridge where they were talking about bringing that through the City, he has talked to Mr. Arias about that. They have sent letters to not only Martin County, but FDOT and everyone involved with that, asking them to bring them through Martin County and not through Fort Pierce on the way down A-1-A. So hopefully that will be the case.

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**Mr. Keith Anderson**, Roy's Liquors, said he doesn't think the City of Fort Pierce wants to get in the insurance business or the **liquor liability** business or the liquor service business. He thinks they are going to find they have a major problem in getting liability insurance as a blanket for all their City properties. As Mr. Schwerer commented earlier tonight, some of the big cities have big arenas and they have special licenses in Florida that govern those arenas and then they can get the insurance for those arenas, but they don't have blanket insurance for all of their City properties.

He thinks it is going to be cost prohibitive for the City. He would say leave it to the professionals like himself. They work closely with a lot of non-profits. He pays \$15,000 a year in liability insurance personally just for liability, nothing else; so he offsets some of that by charging \$175 to non-profits just as a co-insured. If there is any laws they want to know about like the Florida Beverage Law, he is on the Florida Retail Beverage Council, part of the Florida Retail Federation. They watch the laws very closely; and every time they get a new director up there, which seems to be monthly, the laws get interpreted differently. They stay on top of it, so if there are any questions they need on that, he is happy to help.

Mayor Benton said they will have Doris Tillman or JoAnn Allen (Main Street Fort Pierce) give him a call tomorrow and maybe straighten that problem out.

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Commissioner Coke said several months back when they were discussing the **sign ordinance** they had a presentation that evening on new entrance signs, "Welcome to the City of Fort Pierce", and the proposed signs were pole signs. It was her understanding that staff is going to come back to them with some other designs on that. She is wondering if they can get an update on that.

City Manager Beach said they can give her an update, but they can't give it tonight.

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Commissioner Coke said she would like this Commission consider sending a letter to all of the organizations that utilize the downtown area, 2nd Street in particular. Because when she went to work last Wednesday morning, on each and every tree that was downtown, there was a "Do not park on this street tomorrow from 8:00 a.m. to..." stapled with four staples in each one of their trees. It had to be done by whomever was putting on the St. Patrick's Day event. But she thinks they need to send a letter to anybody who is utilizing their City property on a regular basis to tell them that staples in their trees is just totally unacceptable; and if it happens again, they are not going to let them use the

City parks because they are going to ruin their trees. They might not want to say that much, but she thinks they need to at least tell them they cannot do that to their trees.

Commissioner Nelson said he agrees.

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Commissioner Coke said the City Manager and she were out on the beach the other day and she happened to notice that every single day there is another piece of **oceanfront property** for sale. And she thinks this Commission ought to actively pursue through that real estate acquisition company they hired, trying to acquire every piece of it that they possibly can for their citizens.

City Manager Beach said that is the property east of A-1-A.

Mayor Benton said it is kind of funny. A couple of years ago one of the big developers in this community came to him and said instead of putting sand back on the beach they should actively try to purchase the properties between the Jetty and the Boardwalk. And at that point they probably could have done it for what it would have cost to put sand on the beach one time. Today it is a lot different. If they are going to, now is the time, because it is not going to get any cheaper.

Commissioner Coke said there is a lot of vacant property there too. If they could compile a couple of parcels, they could have another nice public beach area.

City Manager Beach said if the Commission is interested in that, if they will authorize staff to explore it, what he will do is assign that to their acquisition consultants to come up with some probable cost of pursuing that and then they can bring that back for more detailed discussion with the Commission.

Mayor Benton said he thinks with this Charrette at South Beach, there is something they really need to look into with the Department of Community Affairs about the Coastal Construction Control Line so they will know and they can tell developers what they can and cannot do east of that line. Because his understanding is, unless they are at elevation 10 foot or higher, they can only have one receptacle below that. That would eliminate any retail space. So if Mr. Trias can look into those details so they have those details for the charrette. And that would definitely change property values too if the people couldn't use the first 10 feet.

City Manager Beach said he thinks this subject of property acquisition east of A-1-A would also be a very good subject for that charrette.

Commissioner Becht asked would it be possible to get the County involved in that so they can use some of their money too?

City Manager Beach said either through their Environmentally Sensitive Land issues or even the Florida Communities Trust. He thinks there are a number of agencies that will be potential sources to acquire that property. It actually makes a lot of sense. If they go out and look at it, between Kimberly Bergalis Park to the Jetty, a good deal of that is already publicly owned, another good deal of it is currently for sale.

Commissioner Becht said somebody dropped, he thinks, \$9 million the

last time they put sand out there. He doesn't think it was just the Feds.

City Manager Beach said he is not sure that sand issue is going to go away with this acquisition. What happens, his understanding of the reason for placing the sand on the beach is to keep it from crossing over the beach. It washes away completely if they don't do it. And he doesn't think the houses have much to do with that.

Commissioner Becht said he is not a scientist, but he thinks it would give them more of a chance to see an ebb and flow, because he thinks it comes and it goes. He thinks the problem is that they don't have a chance to let it reach a point where it would return back because they have structures in the way. But he doesn't know. That is pure speculation on his part.

Mayor Benton said he thinks they all agree that they should look into it.

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Commissioner Nelson said last Commission meeting he talked about getting more from their **Boards and Committees**. There is a meeting on the 1st of April down in Lake Worth where they are talking about that same subject. He submitted a flyer to the City Manager regarding that which came out in the Florida League of Cities booklet or pamphlet. He hopes they are taking advantage of that. He thinks there is one day conference on the 1st of April at Lake Worth that might be worth going to. Maybe the chairman or somebody with those groups could go down there. Maybe two people, one from staff even.

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Commissioner Nelson said at the last Commission meeting he mentioned the work that is being done at **Open Space Park** out there. The County is doing a fantastic job using the insurance money and bonding money from the \$20 million bond issue to do substantial upgrading of those facilities out there - a swimming pool, first class ball fields, new bathrooms, etc. Recently they encountered a problem out there where they de-activated the bathrooms out there because they hit one of the water lines down underneath there and they had to bring in portables. Hopefully that problem will be solved by bypassing or reconnecting some of those lines to give them use of those bathroom facilities out there. The one that is currently or was operating at the time is the one where the guys play their dominoes and checkers, as well as the semi-professional and professional baseball players that come in and practice on those fields. So it is a dire situation. They tell him as of today that despite the hurricane and delay of some of the permits they had held up getting those facilities started out there, they hopefully will have the swimming pool operational by the end of July, which would be basically the end of summer. Maybe the kids will have use of that swimming pool there that they are building. He encourages them to go by and take a look at it and encourage the County to continue the fine work which they are doing out there.

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Commissioner Becht said he happened to be very thirsty Sunday in about the middle or latter part of a run on **South Beach** and he can't find water in any of the parks over there. Does Mr. Ferch have any idea when they are going to have water over there? Or was

he in the wrong park?

Mr. Gary Ferch, Director of Public Works, said they started at the Jetty and they are very limited on the water fountains. Almost every one got destroyed.

Commissioner Becht said the water fountains are above ground. It is the park across from Jaycee Park. There used to be a bathroom there and the water fountain was next to it.

Mr. Gary Ferch said they haven't even gone that far yet. They got as far as the Jetty with what they have. A numerous number of the water fountains got destroyed, probably in the dozen range. And they only had about two or three in stock. So they put most of those in and they started down by the Jetty.

Commissioner Becht said the water fountains are above ground.

Mr. Ferch said he is not sure, maybe he missed what he is saying. Is he talking about potable water?

Commissioner Becht said the fountains are there. They are on the east side of A-1-A across from Jaycee Park. There are two or three fountains that are above ground. The buttons are there, but there is no water to them.

Mr. Ferch said he can check that.

City Manager Beach said water is not turned on to them.

Mr. Ferch said he will check that. It might have been disconnected when they took the restrooms down.

Commissioner Becht said the bathroom got knocked down. But they could seal the pipes and turn the water back on and they have functioning water fountains. He knows they have a lot to do.

Mr. Ferch said he can check on that.

Commissioner Becht said the shower is not working there either. He doesn't know how many people use it.

Mr. Ferch said it was all disconnected when they took the restrooms down, he believes.

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Commissioner Becht said he would like a status report on the **parking garage downtown**. Has Mr. Schwerer made any progress with dealing with these four entities?

City Attorney Schwerer said he believes that is on the CRA Agenda for Wednesday. He has a report and also something in writing he didn't put on the Agenda. They will talk about it at the meeting.

Commissioner Becht asked are they on track?

Mr. Ramon Trias, Director of Development, said yes. They received 90% drawings. Those are being reviewed right now by staff.

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Mayor Benton said he just has one item, he has brought this up before. But with all the development going on and at the last Commission meeting they had concerned citizens from all over Fort Pierce here voicing what the future their neighborhood might look

like. He has asked before to look at **publishing the Agenda** in the local paper so people will see things that will affect them, not just the chance by having it next door to them or on a sign that they might drive by. But he has a lot of people request that. Years ago, when he was a member of the Planning Board, the Planning Board's Agenda was in the newspaper and it was done as a community service by the paper. To him, it is one of those where he doesn't want their meeting on television. He just would like to put their agenda in the paper so the public will see it; and if it is an item that would concern them, they could come. So if there is enough interest there...

Commissioner Becht asked how difficult would it be for them to post it on the website?

City Clerk Steele said it already is.

Commissioner Becht asked secondarily, what is the problem with televising the meetings, other than the cost?

Mayor Benton said then they have everybody who wants to become a star coming in here at every meeting. They don't know what they would be in for.

Commissioner Becht said he has seen some of the County Commission meetings. There is some grandstanding.

Mayor Benton said right, it can be a disaster. But to him, giving people the ability to know what is on the Agenda without having to happen by a sign; or in some cases, until recently they had to really push to make sure the signs were out there.

Commissioner Nelson said it is only a matter of time before they go on T.V. Everybody now is going T.V. in these public meetings - the City of Port St. Lucie and St. Lucie County - just about everybody is doing it. The City is going to have to bite that bullet sooner or later.

Mayor Benton said he hasn't been able to convince the Commission yet to publish the Agenda.

City Manager Beach asked is that a request before the Board tonight? Does Ms. Steele have a cost on that?

City Clerk Steele said the last time she checked, she remembers it was close to \$12,000 a year generally. And she doesn't have that in her budget. So if they want it done and the Commission makes that request, then they will just have to...

Commissioner Nelson asked why don't they ask the County and School Boards and all those people what it costs to do their television program?

Mayor Benton said no. Maybe if there is enough interest, at their next meeting they could have it as an item and they would see what it would cost to publish the agenda to finish the year.

Commissioner Becht said he would be in favor of that.

Commissioner Alexander asked does he understand it costs \$500 per meeting to put this Agenda in the newspaper?

City Clerk Steele said display ads, a quarter page of newspaper.

Commissioner Alexander said \$500?

City Clerk Steele said at least.

Commissioner Becht said that is until they get another paper of general circulation in St. Lucie County.

Commissioner Alexander said they do have one, the Hometown News.

Mayor Benton said he knows the Courier has the County's...

Commissioner Alexander said but he is asking a question. They have a free paper. What would they charge the City?

Mayor Benton said they can make some phone calls. Put it on the next Agenda. Okay?

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Commissioner Nelson said there is one thing that is a very serious thing. This tax time, paying taxes and all, and they don't have the delinquent or unpaid **property taxes** published in the newspaper in the Tribune as was done in the past. That has been brought to his attention as the deprivation of the citizens of Fort Pierce's rights to know something about their property values in the area. The list of the property and the delinquent taxes.

Mayor Benton said they get to know everybody who doesn't pay their taxes.

Commissioner Nelson said it is published in the Port St. Lucie paper, but not in the Fort Pierce Paper. And he is not sure that they are doing the proper service to the citizens. Could they insist? The County Tax Collector is the one who put that in the paper; and he chooses not to put it in the Fort Pierce paper, but in the Port St. Lucie paper. And they are not getting their fair share in that regard.

Commissioner Becht said he thought he had seen it in the paper.

City Attorney Schwerer said it is not a legal issue. He is not going to say it is political, but it is practical. The Tax Collector complies with the Statute by putting the insert in a newspaper of general circulation. They have raised questions before in the past about that. The Tax Collectors maintain and their lawyers maintain they are in compliance. If Commissioner Nelson wants it in the Fort Pierce paper, perhaps he might want to strongly make that recommendation to the Tax Collector and see if their office won't be willing to...

Commissioner Nelson said they have 40,000 people here in the City of Fort Pierce and he bets they don't have 3,000 who take the Port St. Lucie paper. He thinks it is important that the citizens of Fort Pierce know what is going on. The majority of the people of Fort Pierce use the Fort Pierce paper. That is a disservice to them.

City Attorney Schwerer said he is not disputing that. He is just simply saying legally they have raised that question with them before. He is well aware of what the Statute says. But he thinks the County Tax Collector could be persuaded perhaps by the right telephone calls to maybe reconsider what they are publishing.

Commissioner Nelson asked could he get a consensus to at least ask the Tax Collector to accommodate the citizens by putting it in the local paper?

Commissioner Coke said send them a letter.

City Attorney Schwerer said it is a special insert they put in the paper.

Commissioner Becht said first let's find out if it is being published. He thought it was being published.

Mayor Benton said he got it last year.

Commissioner Nelson said he assures Commissioner Becht, for the last two years at least, the delinquent taxes has not been published in the Fort Pierce paper. He used to look at them all the time and bid on some of the property.

Mayor Benton said he got them the last time.

Commissioner Alexander said forward a letter and request it.

Commissioner Nelson said the consensus is send a letter and ask the Tax Collector what he can do to get it in the Fort Pierce edition of the newspaper. It is the same outfit.

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There being no further business, Mayor Benton declared the meeting adjourned at 10:15 p.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER