

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, MAY 2, 2005.

Mayor Benton called the meeting to order.

Reverend John Lee, Mt. Olive Missionary Baptist 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.

Mayor Benton proclaimed May 2005 as "**National Historical Preservation Month**". Anna Brady was present to receive the proclamation.

Mr. John Foster said he is Vice-Chair of the Historic Preservation Board and has been a member since its inception. This year they have six historic districts in the City that are named and listed with more than 300 structures individually listed in those districts. The City received a grant from the State for restoration of the old Post Office and that is now proceeding. In addition, other grants have been received - one was for the City of Fort Pierce 4th Grade Historic Teaching. The State of Florida Historic Trust awarded the City of Fort Pierce and St. Lucie County jointly an award this year for the Zora Neale Hurston Dust Tracks Trail which is considered to be a model for things of that nature in the State. He would like to mention the 100 Monuments display that is going to open here in City Hall lobby on Wednesday night from 7:00 to 9:00 p.m. If anyone is interested, there is quite a collection. Tim Harrington from City staff has collected the photographs and locations. He thinks it will be very interesting.

Mayor Benton said he wants to thank the Historic Preservation Board for all the hard work they do. He knows there is a lot of work coming up and development that is coming. They have their work cut out for them.

Ms. Anna Brady, Planning Department, said she would like to thank the Mayor and City Commission. They have some tee-shirts in honor of Historic Preservation Month for each of them.

Mayor Benton proclaimed May 5-11, 2005 as "**Public Service Recognition Week**". Mazella Smith was present to receive the proclamation.

Ms. Mazella Smith, Department of Human Resources, said they have something for the Commissioners. They have revised their benefit package. It is much more comprehensive than the previous packet. Also as a prelude to their upcoming City picnic which will be held on May 21st at Jaycee Park, they have a little something (umbrellas) they would like to give the Commissioners.

Mayor Benton said this is the one year they should all thank their employees - public service folks - because after two hurricanes their staff and City employees, everybody in this building really shined. They got through two hurricanes a lot better than he ever thought they would. He has said thank you many times and he is going to continue to thank everyone out there that works for the City of Fort Pierce because they did a heck of a job.

Mayor Benton proclaimed May 9 - 15, 2005 as "**Law Enforcement Week**" and May 12, 2005 as "**Law Enforcement Memorial Day**". Chief Savage was present to receive the proclamation.

Police Chief Eugene Savage said the Mayor and Commissioners are welcome to come to their award ceremony on Thursday at 10:30 a.m. He doesn't have anything to give them tonight, but they are welcome to come by and he will give them some coffee and donuts.

Mayor Benton proclaimed May 14, 2005 as “**Zora Neale Hurston Day**”. Adrienne Moore was present to receive the proclamation.

Mr. Jon Ward, Cultural Affairs Director for St. Lucie County, said they are looking forward to welcoming the community and everybody here to their first annual Zora Neale Hurston Festival on May 13 - 15, 2005 on the campus of Lincoln Park Academy. It is going to be a wonderful festival. They have literary authors, entertainers, singers, and dancers coming literally from all over the country. It is going to be a particularly high quality event, a fabulous event. They are looking forward to hosting it here. Stetson Kennedy, who was recently inducted into the Florida Artists Hall of Fame about three weeks ago in Tallahassee, will be here as one of their keynote speakers. It will be an event to be remembered. It is a celebration for the community to celebrate Zora Hurston in their midst and they look forward to putting on a real good festival. Thanks to the Commission for their participation in sponsoring it as well. They look forward to doing a good job for them.

Mayor Benton said they look forward to this. He guesses it has been put off a few months because of an unfortunate situation, but it will be bigger and better.

Mr. Ward said they have struck that word from the vocabulary. They don't even mention it.

Mayor Benton said it will be bigger and better. They had a little more time to plan.

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

Letter from Joan Walker, St. Lucie County Neighborhood Watch Association, in appreciation of the assistance of Fort Pierce Police Officers Paul Pearson, Robert Stagner, Christopher Guadagno, Christine Stockton-Davis, and Animal Control Officers Kenneth Nelson and William Blue.

Phone call from Jack Fountain commending Fort Pierce Police Officer Atilano Garcia for his positive influence and a fine example of a good officer.

Letter from Joann & Dave Schmidt thanking Building Department Inspectors Dan Gargas and Danny Hawkins for their assistance.

Letter from Edwin T. Miller, Florida Department of Law Enforcement, commending Fort Pierce Police Detectives Charles Davis and David Jones for their assistance, professionalism, and efforts.

Letter from Brittany Georges commending Fort Pierce Police Officer Kristin Anderson and Detective Steve Griffith for their concern and professional manner.

Letter from Marlene Hadden in appreciation of the dedication, patience, and diligence of Fort Pierce Police Officer Atilano Garcia.

Letter from Robert J. Hain thanking Fort Pierce Police Officer Jim Minton for his fine work and professional manner.

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 7c (Weed and Seed's Community Mobilization Team) and 7i (Professional Services Contract for Department of Building & Community Response) be removed for discussion.

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

- a. Approve the Minutes of the Regular Meeting on April 18, 2005.
- b. Approve Addendum to Business Lease Agreement between the City and Bracken & Associates, Inc. d/b/a **East West Yachts** for lease of office space in the City Marina, Harbormaster Building at One Avenue "A".
- d. Approve upgrade to **Questys Records Management & Imaging Systems** to allow for citywide use in the amount of \$34,722.00. (Proprietary Software - Single source - Decision Management Corp.
- e. Award bid for **City Marina D & E Dock Renovation** to Lucas Marine Construction, Inc. in the amount of \$1,446,673.75. Bid No. 5504
- f. Authorize application by the Fort Pierce Police Department for the 2005/2006 Paul Coverdell **Forensic Science Improvement Grant Program**, funds for education of Crime Scene Investigators and update lab equipment.
- g. Authorize negotiation of a contract for **Comprehensive Plan Update** for the Department of Development with Calvin, Giordano & Associates, Inc. RFP 5519
- h. Approve ranking for a consultant to Prepare Five-Year **Consolidated Plan** for the **Community Development Department**; and authorize award of a contract with Meridian Community Services Group, Inc. in the amount of \$36,000.00. RFP 5518
- j. Approve increase to Blanket Purchase Order with Helena Chemical Company for Chemical Supplies for **Indian Hills Golf Course** in an amount not to exceed \$40,000.00. (Sole Source)
- k. Authorize piggyback Florida Sheriff's Association for purchase of two 2005 **Ford Taurus** (one vehicle each for the Police Department and the Department of Building & Community Response) from Don Reid Ford in the total amount of \$24,250.00. Bid No. 5472

The next item considered was Item 7c, which had previously been removed from the Consent Agenda: Approve expenditure of \$612 from the Law Enforcement Trust Fund for attendance by members of **Weed and Seed's Community Mobilization Team** at the 20th National Conference on Preventing Crime in the Black Community in Tampa on June 1-4, 2005.

Commissioner Alexander said he is not questioning the amount of this expenditure. But he got word in the last couple of weeks that the kids that were contemplating going to this function no longer have the funds available. The Sheriff's Department had offered transportation. He just wants to know had anyone approached them about any funds?

Police Chief Eugene Savage said no, not to his knowledge, other than Weed & Seed.

Commissioner Alexander said he thinks for those kids not to be able to go... They have gone for the past 10 years or so. He wasn't questioning this expenditure. He was just questioning the event.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve expenditure of \$612 from the Law Enforcement Trust Fund for attendance by members of **Weed and Seed's Community Mobilization Team** at the 20th National Conference on Preventing Crime in the Black Community in Tampa on June 1-4, 2005.

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

The next item considered was item 7i, which had previously been removed from the Consent Agenda: Approve additional \$37,600.00 to existing **Professional Services Contract** with LM Engineering, Inc., d/b/a GFA International, Inc. for Florida Certified Building Code Administrator (Building Official) and/or Plans Examiner and/or Building Inspector in the Department of Building & Community Response. Bid No. 5470 (Emergency)

Commissioner Alexander asked what are they approving this for, a Code Administrator? Are they just arbitrarily giving them additional... He thought the Community Response was justified.

City Manager Beach said this is a contract that was authorized immediately after the hurricanes for building inspectors to come in and assist with inspections, plan examinations, and things of that nature. This is a consulting firm that specializes in that field. The request in front of them is to authorize an additional \$37,600 to the existing contract. They have a contract now for somewhere in the vicinity of \$62,000 to \$63,000; and this allows them to continue with this contract until the \$100,000 figure is reached. All of them he believes have been presented with information previously that they have taken their Building Department from probably a staff of 11 people to a staff of 30 over the past several months. In addition to that staff, they use this contractual service whenever the demands reach a point that this is called for. This is their attempt to stay up with the applications for permits that are submitted and to stay up with the inspections that are necessary for all the repairs after the hurricane.

Commissioner Alexander asked the fact that they raised the fees and the cost of all these items, why is that money not sufficient?

City Manager Beach said those monies are sufficient. This is simply an extension of a contract that they have with an independent firm.

Commissioner Alexander asked so the monies are coming from the Community Response?

City Manager Beach said yes.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve additional \$37,600 to existing Professional Services Contract with LM Engineering, Inc. d/b/a GFA International, Inc. for Florida Certified Building Code Administrator (Building Official) and/or Plans Examiner and/or Building Inspector in the Department of Building & Community Response.

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

The next item on the Agenda was Public Hearing on Application for Conditional Use submitted by Kamlawaty Lakram to operate an **Adult Congregate Living Facility** for nine clients at 308 South 30th Street; said property zoned R-3, Single Family Moderate Density Zone.

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

Ms. Kamlawaty Lakram said she is owner and administrator of 308 South 30th Street, Assisted Living Facility. She is presently residing at 8007 Georges Road in Lakewood Park. She is here once more. She guesses all those after seeing her so many times know

her very well. But she is here today to actually beg for the nine clients she has been asking for. She wants to let the Commission know that her heart still goes out for these people that she is taking care of. For the past year they have no problem with any one of the neighbors or anybody complaining about anything around the neighborhood. She went around the neighborhood and talked to all of the neighbors and they all agreed that if she has nine there is no problem because she managed the place differently from the previous owner. So they have no problems. So she kindly asks if she could have nine clients. She is actually paying for nine clients.

Commissioner Alexander asked at this time, how many clients does she have?

Ms. Lakram said she has six at this moment.

Commissioner Alexander asked when it came before them last year, did they put a cap on that residence?

Mr. Ramon Trias, Director of Development, said six are allowed by State law without the Commission's approval. Anything beyond six requires Commission approval and they have never approved anything beyond six for this location.

Mayor Benton said he thinks they have asked for more though in the past.

Mr. Trias said this has been requested at least a couple of times before.

Commissioner Alexander asked so they have the capability or capacity?

Mr. Trias said they have made the request and staff has recommended denial and also the Planning Board has recommended denial a couple of times before, including this time.

Commissioner Alexander asked do they have the capability of having nine clients? Do they have room for nine clients?

Ms. Lakram said yes, she does. She has nine bedrooms.

Commissioner Alexander said he just remembers her coming before the Commission last year and he just doesn't recall why it was such a dilemma. He doesn't see the public input on it as it was last year, right?

City Manager said just as a little background. As Mr. Trias indicated, within residential zoning districts the State has permitted the Adult Congregate Living Facilities throughout all of the State of Florida. Those facilities have been a source of controversy and a source of contention within single family neighborhoods since their inception. This Commission, as Mr. Trias indicated, they clearly intend to comply with what the State law mandates they comply with. However, it is up to the Commission whether they permit the number of residents to go beyond what the State law dictates. Past recommendations and past discussions by this Commission, if they had the ability to not permit these within single family residential neighborhoods, that would be their recommendation. This is a business. It is something that generates additional activity and additional traffic within single family neighborhoods. It is, regardless of the good intentions of the State, a disruption to single family neighborhoods. It is something that cities have been in a contentious battle with the State over since they permitted it. The Planning Board and Staff has consistently recommended that they not allow individuals to exceed what is permitted by the State.

Mayor Benton said just for the record, he believes this property has been in front of the Commission several times in the years he has been involved with the Planning Board and the City. Years ago, they would have to approve everything, even with six or less. He thinks it was about five or six years ago the State took that ability away from them and said

if they have six or less they are automatically permitted. So the City has no decision in that, only when they come in with more than six. He thinks the problem has been, number one is the traffic generated, plus they are dealing with ambulances and other things that normally wouldn't be visiting the neighborhood maybe as much. He is sure there are neighbors in the audience that are going to have something to say. They will open it up to them as soon as she is done.

Ms. Lakram said however, she wouldn't think she would have heavy traffic with them, because New Horizons has opened a club that they send them to from 9:00 a.m. and they come back home at 3:00 p.m. from the club and she gives them dinner. After 10:00, no one stays outside, so there is no heavy traffic there.

Mayor Benton asked so there are patients from New Horizon who are going to be at this facility?

Ms. Lakram said yes.

Mayor Benton asked are they on medication, does she know?

Ms. Lakram said they do take medication. She monitors the medication to them.

Mayor Benton said he has been called many times from several locations where there have been problems with patients who maybe didn't get their medication at the right time or something and it created problems with the neighbors. So he is just telling her his experience.

Ms. Lakram said but like she said, the neighbors did not complain. She walked around to the neighbors and asked them if it is okay and they said yes, because she manages the facility differently from the previous owner.

Commissioner Coke said first of all for the record, unfortunately she was sick today so she didn't return any calls, but she did get a number of calls from neighbors that were concerned and that they did not want to see this increase. Secondly, is she reading this correctly that if they go to nine people living here that is equivalent of 35 units per acre?

Mr. Trias said yes.

Ms. Carol Eldeen-Todesco said she was here last time also. She is the Adult Mental Health Specialist for this district. Since the last time, they have talked about what types of activities go on there. She knows there was some discussion about the traffic and how many people were there and there might be ambulances or police cars. None of that has occurred during this last year. She would say probably a good deal of it is because of the type of people that are running this facility. They do a very good job. She would recommend that they do get nine people to live there. Most of the time when anybody does visit there, there is a whole parking area that is fenced-in in the back, so there are not a lot of cars on the street and that sort of thing, if that is what they were talking about when they were talking about the traffic and everything. She has had a lot of very positive things said to her by parents or family members of people who live there and they probably have done the very best they have ever done in many years. She just wanted to let them know that she is really in support of this. Also, the last time they did talk about the nine bedrooms that were there, and there was some concern because Ms. Lakram was living there also. She no longer lives there, but she does come to the facility and there is staff there 24 hours a day. So there would be room for everybody to have a bedroom by themselves, because that was part of the discussion.

Ms. Angela Guzinski, New Horizons of the Treasure Coast, said she program manages

case management. The majority of people she has lives in Ms. Lakram's place. A lot of the reasons why they need this need is because of a lot of the hurricane devastation. They lost G & N Tree of Life, which was an ALF licensed facility, so they don't have placement for people. And being a supervisor and wanting people not in boarding homes, but in a licensed facility where they have to follow licensed guidelines. The residents do get their medicines. Ms. Lakram has to check it off, that is her licensure, she is licensed to hold twelve. But Ms. Lakram does follow the medicine logs every day. She hopes they would add these three additional beds because they don't know where to put these people. They are putting them in non-licensed facilities because there is nothing there; and at least they know they are going to be taken care of over here. She hopes they can give them the additional three.

Mr. Herbert Beach said he lives at 1012 Saeger Avenue and is soon to be annexed he believes. He is here on behalf of Ms. Lakram. He was here the last time. His son is a client at her home. She is asking for nine clients to make it financially feasible to keep operating this facility. The facility was built previous to her buying it to be a home to more than nine clients. She is only asking for the nine so it can be comfortable and financially profitable to her because she has to make a living too. It was hard for him to sit here and hear that Commissioner Coke had gotten numerous calls against this. He is in and out of there once a week, twice if they want to count Sundays. He picks up his son and brings him back on weekends. Those people are cared for. These are the same people that they are going to have, if they are not allowed this to happen for nine people, these people are going to be living in Fort Pierce. The object is, where are they going to be living and under what conditions are they going to be living? They are going to be living under conditions that are not controlled environment. With Ms. Lakram, it is a controlled environment. She has herself, she has a staff, she has New Horizon staff. She has parents or relatives like himself who come in there and they give a little bit of guidance as lay people. He really doesn't see any reason why she should not be granted to have a permit for nine clients. Sure they are from New Horizons. There are many of them walking the streets who are from New Horizons who live in their own dwellings. That does not put a stigma on us, so why should it put a stigma on them because they need supervision. He sincerely hopes that they do not take into consideration the density as it was mentioned just earlier this evening, because there are many areas in the City and the County... He owns property in Harbour Isles. Figure that density over there. This density is nothing compared to that. It is not going to hurt this neighborhood. He sees people living in other houses, not belittling those people, but he is sure there are more than nine people living in those houses and they are not licensed for any reason. He asks the Commission to please consider the nature of the housing, why it is there. And give these clients a controlled environment in which to live and allow Ms. Kamlawaty to make a decent living in caring for these people.

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

Mayor Benton said just for the record, he thinks New Horizons does a great service to this community. His problem, what happened was there was an adult congregate living facility on Wyoming Avenue that had problems and he was over there many times with phone calls and witnessed the police over there many times; and it was a threat to the young girls who lived across the street. So that is some history there, it happens. But New Horizons does a great job, so there is nothing against New Horizons. It was just a situation.

Mayor Benton asked what about the Planning Board and Staff?

Mr. Trias said the recommendation is denial.

Commissioner Nelson said he would like to have a legal opinion regarding the statement or reason for denial, if a denial is given; and are they being consistent with respect to this being a conditional use request? Do they have to give reasons for denial if denied? In

view of the fact that they have a conditional use request, what is the Commission's options?

City Attorney Schwerer said the conditional use process for adult congregate care living facilities is stated in Section 22-87 of the Code. It talks about the procedure for the review and approval. In there it requires some basic use standards. It does state that maximum residential density shall not exceed the level that the City Commission determines is consistent with the comprehensive plan. That is one of the requirements that he sees immediately in this application that it does not comply with. The Planning Director has indicated clearly that the density is at 34 units per acre if they calculate the number of residents on this .25 acre lot or whatever it is. Therefore, based on that consideration alone, this application should be denied. There is an issue here about the projected impact on the neighborhood. Again, the level of service that is provided by the current owner, the nature of the service, is really not of consideration. It is, what are the basic use standards they need to use in approving or disapproving these applications. They have some setback issues. They have parking issues, they almost have a requirement for perhaps .75 parking spaces for each dwelling unit and that has not been provided. So in essence, they have a number of reasons for denial of this application not only in the memorandum for the Planning Director but also in the code. As with any conditional use, if the Commission is going to deny it, he would ask that some reasons be stated. By no means is the Commission required to recite each and every reason that exists either legally or factually to deny the conditional use. But it is something for future records, so that when and if an applicant comes back like in this case, they can come back in 6 months. This applicant has come back it looks like every year, starting in 2003. They were here in March 2003. The next time they were here was April 2004. And then now here in May 2005 with the same application. So by stating their reasons of record, they are giving some consistency to their determination; so that if this should come back again, there is a basis for whatever action they took.

Commissioner Coke said she thinks Ms. Lakram does a wonderful job and New Horizon does a great job, and they are very grateful as a community for that. Unfortunately she has this conflict, because any way they look at it, this boils down to a business in a residential area. And although Ms. Lakram is doing a fine job with this, she knows for a fact that there were people in that facility that did not do nearly as good a job as her. If they grant this as a conditional use, it would automatically pass on should she decide to sell the business to someone else and they might not be as caring and conscientious as Ms. Lakram is. She has a problem with nine people in a house. She has a problem with the business in the residential area. She also has a problem that a conditional use would pass on unless the business were closed down for six months. That being said, she would not be supporting this conditional use.

Commissioner Nelson said let him state for the record that he appreciates what these people are trying to do and the service they render. He has an elderly person who attends a facility such as this. He recognizes that the partners in this case, the New Horizons, has a facility there on Avenue H and about 9th Street. There still is considerable land over there now that could be used and developed for this if they so wanted to pursue it. It is in fact inconsistent with their Comprehensive Plan. It does in fact, as an odd entity to that neighborhood, is co-located fairly close to a park over there. For those reasons he is selecting to recommend denial as proposed by staff.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, that the Application for Conditional Use submitted by Kamlawaty Lakram to operate an Adult Congregate Living Facility for nine clients at 308 South 30th Street be denied.

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

The next item on the Agenda was Public Hearing on Application for **Conditional Use &**

Site Plan Review submitted by Velcon Group, Inc. for Graciano Santos to construct a Warehouse Facility to be known as Santos Center at 2107 Kirby Loop Road (a/k/a South 35th Street); said property zoned C-3, General Commercial Zone.

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

Mr. Ernesto Velasco said he is with the Velcon Group and he is here to address any questions they may have regarding this project.

Commissioner Coke said she sees that the recommendations were that there be no outdoor storage, there would be construction services use only, and no retail or anything else that would encourage the general public to be in and out. Are those conditions acceptable to him?

Mr. Velasco said he has explained that to their client and he understands very well.

Commissioner Becht asked will these units be separately owned or is there going to be one owner?

Mr. Velasco said rented. One owner, Mr. Santos himself.

Commissioner Becht said he did not see, and maybe he missed it, but he didn't see any sidewalks.

Mr. Velasco said there is an existing sidewalk which is in bad shape. It will be replaced.

Commissioner Becht asked even though it is not shown on the plans, it will be replaced?

Commissioner Nelson said they can make that as one of the conditions.

Commissioner Becht said right, but he doesn't want to have to make it a condition. He wants to see it on the plans so they don't have to do this ad nauseam. Is it on the plans or not on the plans? Show him on the plans. That is the easiest way to handle this.

Mr. Velasco said the Commissioner is correct. It is not on there right now. But if they would like to make it a condition tonight, that would be fine with them. It is their intent to do that.

Mr. Ramon Trias, Director of Development, said what the Commissioner is saying is the existing sidewalk should be replaced. Is that it?

Commissioner Becht said yes. He thinks Mr. Velasco just said on the record that is part of his plan. Is that not correct?

Mr. Velasco said yes. The existing sidewalk is broken and it is not in good shape; and they were intending to replace that part of it which is damaged.

Mr. Trias said he would recommend they make that a condition explicit in their approval.

Ms. Lela Garrett, 1916 South 35th Street, said there are some questions she wants to ask. Basically, she has no big problems with what they are suggesting. She wonders how come there was no inspections before they approved...?

Mayor Benton said they haven't approved it yet. That is what this process is.

Ms. Garrett said she had a little trouble understanding, because many of her neighbors, and some of them are not here, thought this was across from the college. When they put Kirby Loop, they are across from the college, not on 35th Street. She also wondered, it says public utilities, that there is sewer available. Is that correct?

Commissioner Becht said it says that.

Ms. Garrett said she is wondering where they got this. Basically, her thing is, why hasn't somebody looked at this property before they got further along, so there wasn't this thinking it is across from the college or they don't know where it is?

Mayor Benton asked Mr. Trias can he help them here?

Mr. Trias said he doesn't understand the question.

City Manager Beach said these plans go through a site plan review process that involves a number of different departments that looks for specific issues. And the availability of utilities is one of those issues. He is not sure, as Mr. Trias indicated, what her question is.

Mr. Trias said it may make her feel more comfortable understanding the process. There is a meeting that includes the Utilities Authority staff. At that point they check if there is water and if there is sewer available, and they are the professionals who deal with that. They are the ones that check and they were there at this meeting.

Ms. Garrett asked just from this write-up here, nobody in three months or something like that came out and looked and wondered where 35th Street was or 37th Street was? She is not bringing any big objections to what they are doing if it is going to be like they say. She just wonders why there hasn't been more research done before they got this far along. As far as she knows there is sewer she assumes at the college; but are they going to go under the road to somewhere across to 35th Street? Because they will have to have a septic tank for that.

Mr. Trias said the applicant is to design an appropriate system and then that will be approved by the Utilities Authority and all that work is done. It is part of the process.

Ms. Garrett said she understands that. She has been around a long time. She has been here since 1944. But she just can't understand why something wasn't done before they get this far along.

Mayor Benton said the information that is provided to the Commission basically says that water and sewer services are available.

Mr. Trias said right; and that is provided by the Utilities Authority, who are the professionals involved in that process.

Mayor Benton asked so there is water and sewer there already or they are going to have to extend the lines? It is one or the other.

Mr. Trias said maybe Mr. Velasco can explain the details and the implementation.

Ms. Garrett said she would like to understand it because she really doesn't.

Mr. Velasco said there is water and sewer available on 35th Street. The reason why it is called Kirby Loop on their plans is because, according to the plat, that is the name of the street.

Ms. Garrett said it hasn't been since Virginia Avenue went in.

Mr. Velasco said unfortunately they have to go what the plat says.

Ms. Garrett said her son told her this too. But she wants to know where that sewer is. They don't have it on 35th Street.

Mr. Velasco said there is a force main that goes north and south on 35th according to the Fort Pierce Utilities Authority.

Ms. Garrett said she is not trying to be difficult. She just knows that somebody hasn't done their research. She has lived down that street a long time.

Mayor Benton said he thinks the utilities should go as far as the apartments and stuff across from IRCC.

Mr. Velasco said he is not sure where it goes other than north and south across the property. And there is both water and sewer there according to the Utilities Authority.

Mayor Benton said he thinks FPUA one way or the other they will require water and sewer, especially sewer for something like this.

Ms. Garrett said she would think so too. She thought if there is any sewer, she thinks it comes to Fairlawn School and it comes to IRCC; but as far as she knows, the sewer does not come any further than those areas.

Mayor Benton asked does she know those apartments and everything on the west side of the road across from the college, just to the south? Those should be all on water and sewer.

Ms. Garrett said it might be those are, but that is way down on Kirby Loop, and they are up here on 35th Street. There is a difference. Virginia Avenue went through.

Commissioner Nelson asked Ms. Garrett lives in what proximity to this development?

Ms. Garrett said right across the street.

Commissioner Nelson asked does she have water and sewage?

Ms. Garrett said she has City water. She is now in the City limits. But her one neighbor is in the City limits and the rest are in the County. But this area is in the City because that whole area was taken in because it was to have been a shopping center and they folded before they got it built. That is why all the buildings are gone on that side of 35th Street.

Commissioner Nelson said he has talked to the County about that area trying to get this water and sewage situation solved out there. There might be some benefits to her. He doesn't know exactly where those lines would be running to provide water and sewage to this facility. What they try to do is, once those lines are in fact run in certain proximity, they try to assist in some way the people who can benefit to connect on to those properties though. They might want to look at this a little closer and make sure those who can benefit do benefit.

Ms. Garrett said she thinks that is her question. Somebody needs to go out and look because she thinks they will be surprised.

Commissioner Nelson said they might be able to talk to the developer along those lines because they want this thing to be a win/win situation for as many people as possible. It appears this gentleman here is the type who wants to work with the community and certainly they might be able to see what they can do. It is conditional use.

Mr. Velasco said when they went through their review process, the Utilities Authority gave them as-built of what is in the ground. They have installed the force main, which is a pressure line. Unfortunately or fortunately, whichever case they make, their project is going to have a lift station, a little pump station. They are going to pump their sewage onto that force main. It is a different configuration than if they had gravity lines in the neighborhood. If they were to design a bigger pump station and then install gravity lines to come through that pump station and then feed it into that force main, that would be a project for the community. And certainly something like that could be done. But it would be a different scenario than what they are proposing at this time.

Commissioner Nelson said they are willing to explore that. They will see what they can do about that when they come back with another discussion on it. He would like to see everybody win as much as they can in these type of things.

Commissioner Becht asked what type of construction materials are they using for this four bay structure? Is it concrete block? It is not a metal building, is it?

Mr. Velasco said the architect happens to be here tonight in the audience. Shall they ask him?

Commissioner Becht said yes, they should. He thinks it is a good question, so let's ask.

Mr. Mike Menard, Cook & Menard Architecture, Inc., said to answer their question, actually that is a pre-engineered steel building. It is going to be a Nucor metal building that has architectural details which makes them believe it is a concrete structure. It is going to be designed for 140 mile an hour winds and it meets all of the requirements. As they can see according to the plans, it is a stucco facade with a lot of architectural details to make it a really sharp looking building.

Commissioner Becht said he is sorry but he is a little bit ignorant here. What is the stucco attached to?

Mr. Menard asked are they familiar with U.S. #1 where Sunrise Ford is, the Quick Lane?

Commissioner Becht said yes.

Mr. Menard said there is a new stucco building that has a green metal roof right between Roger Dean Chevrolet and Sunrise Ford. That is a Nucor metal building that is stucco as well. Basically what it is, they have a corrugated galvanized wall panel that goes over the purlins in the steel main frames and they stucco right to it. It is similar to using a Epcor metal deck which they pour with concrete to create floor systems.

Commissioner Becht said he lost him already. Was Mr. Trias aware this was essentially a metal building?

Mr. Trias said yes. However, if they look at the facade, the architect is explaining that it looks like a stucco building. It has significant architectural detail which is, from an aesthetic point of view, one of the goals that the Commission had in terms of seeing a higher standard.

Commissioner Becht asked when they get their architectural standards, is this something that would pass those architectural standards?

Mr. Trias said yes, in his view it would; but clearly the Commission's decision will be the one that will count.

Commissioner Coke asked could he tell her the height of this building?

Mr. Menard said if he remembers correctly, the highest point would be 18 feet, which would be the parapet.

Commissioner Coke asked do they not have a moratorium on metal buildings over 10 feet in height?

Mr. Trias said that expired a few months ago. At this point they are processing all these projects one by one and trying to enhance the architectural quality of the project. This is a conditional use, so they are able to place reasonable conditions; and architectural conditions are some of the ones he would recommend they impose.

Commissioner Coke said she thought when they passed that originally that the intent of it was that it would come back and become a full time ordinance, that they didn't want metal buildings. It is really more to do with safety issues than architectural features. And she thought it was their intention not to have them within the City limits over 10 feet tall. Was that everybody else's understanding?

Commissioner Becht said that is his recollection.

Mr. Trias said certainly if that is what they want to do, they can bring that ordinance to them. And certainly they have the ability to place a condition like that for this conditional use.

Mr. Menard said just to maybe help clarify the reasoning for the height. It is a single slope roof. On the rear side they needed a minimum clearance with a slope toward the front and the roll up doors or the garage doors need certain clearance above the roof clearance. And in order to hide the roof to give it the architectural appearance they have, they had to raise it a little bit and that is to make the building water tight because they need minimum requirements for flashing the back side of the parapets for the stucco facade.

City Manager said the only relevance of the height issue that Commissioner Coke brought up is that there was a moratorium placed on sheet metal structures over ten feet. He thinks that was a six month moratorium. It did expire. The idea behind that moratorium was to establish some architectural standards for sheet metal buildings. What the Planning Department has been doing since then is simply working with people who have submitted plans for sheet metal buildings to see that those architectural issues were addressed.

Commissioner Coke said she must have missed the whole thing, because after the hurricane, it was her understanding that they passed that moratorium because it was a health and safety issue for the residents of the City. And that it was a six month moratorium, but by the end of that six months they would have established the guidelines. And she thought it was more to do with health and safety than architectural standards.

Mr. Trias said yes; and the guideline is that it meets code as designed for 140 mile an hour wind and then there were the aesthetic issues that she may or may not think are important. They could certainly change things and they could certainly do other things. But the problem is that this construction method is accepted in the Building Code and it was very impractical to simply say no to it. But however, if that is what the Commission wants to do, they could certainly bring that to...

Commissioner Coke said no, she understands they can't say no to it now. She guesses her concern becomes, when she voted on that six month moratorium - and she lost track of time some place along the line - she assumed they were going to have something brought back to them prior to that expiring for them to approve within the City. Maybe she is the

only one who assumed that.

Mr. Trias said he remembers bringing something to the Planning Board and he doesn't remember if it came to the City Commission, but he lost track of time too.

Mr. Menard said this may help them a little bit as well just so they know as far as the 10 foot is concerned. Their firm is putting their license on the line in designing that. And any structure they have done made it through both hurricanes with no problem. They are not going to put their license on the line if they don't feel the structure is safe enough for pedestrians.

Ms. Helen Green said she lives at 1920 South 35th Street, right next door to Lela Garrett. They are on the corner a little bit closer to this development. They also don't think they have any objection to it either. She just wants to make sure that conditional use doesn't adversely impact, because there are residents all across on the east side of 35th Street. She just wants to make sure everything is checked out. They were concerned also by it being referred to as Kirby Loop. When they got the letter, they thought it was by the college until the sign showed up, and then her husband said he was sure it was that property. She came down Thursday to the Planning Department. What Ms. Garrett was referring to was the April 12th minutes of the Planning Board. She has a copy of those. And it didn't seem like some of the members were even aware of where the property was. That was a little concern, she thought maybe they should at least be aware of where it is at so they knew what was in the area.

Mayor Benton said when he first thought of Kirby Loop, he thought it was west of Cortez Boulevard. That is why it took him awhile to get his grip on this. This property is across the street from her?

Ms. Green said yes, it is cater-cornered.

Mayor Benton asked isn't that all vacant? There used to be homes in there.

Ms. Green said it is all vacant. There were homes across there, but those were torn down. And the City water does run across there; and that is why they connected to it, they were given that option. But to their knowledge, the City sewer never came through, they never got the option to hook up to that. But they are on the water. It seems to be a good use of that property if it is built according to what the plans looked like when she did look at them, but she just wanted to make sure it didn't negatively impact on the residents across the street was the only thing.

Mayor Benton asked how long have they lived there?

Ms. Green said 28 years.

Mayor Benton said the reason this might have this type of zoning designation, wasn't there a pump service across the street?

Ms. Green said yes, there was a business there. Ms. Garrett was familiar with them. But the rest of the houses in the area are all on sewer. The only businesses they refer to front on Okeechobee Road. There is nothing else down 35th Street.

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

Mayor Benton asked what was Staff and Planning Board recommendation?

Mr. Trias said Staff and Planning Board recommend approval with the three conditions that were mentioned before: (1) No outdoor storage of any type should be allowed; (2) Tenants

shall be restricted to those included in construction services; and (3) There shall be no retail or any other type of use that generates customers. In addition to that, that the architecture be consistent with the plans as submitted.

Mayor Benton said he will just voice his concern because that is a pretty big parcel. On that side of the street there is a lot of acreage that appears to be vacant. This is .4 acres, so it is less than half an acre.

Mr. Trias said it is very small.

Mayor Benton asked if they put in warehouses, are they setting the direction? Because when he thinks of warehouse, he thinks more of an industrial use than he does a commercial use.

Mr. Trias said that is the reason it is allowed as a conditional use.

Mayor Benton said that is why he questioned it. It is close to IRCC and Okeechobee Road and Virginia Avenue. He knows they have somebody coming in again with those restaurants across from the college. He is just afraid if they allow one, the next thing they know is they are going to see more of an industrial type use go for that whole block. He doesn't know whether that would be very inviting for the residents across the street. This is in the middle; and if they say yes to this, he thinks they are going to see more of the same on both sides. But commercial, they might see restaurants. He is surprised that area hasn't been developed yet, but he just doesn't want to see it go the wrong direction. He is kind of up in the air on this. He thought sewer lines would be running through there. Maybe that is why it hasn't been developed. He would hope they would make that a requirement, not just a lift station be put in, but that sewer pipes be put along that road from one end to the other or at least to the business.

Mr. Trias said those are all very reasonable requirements for a conditional use and also denial is a very reasonable solution too.

Commissioner Nelson said he would like to have added to those conditions that the sidewalks be repaired and/or installed. He thinks for commercial facilities, they do by code require sidewalks; and the plans should in fact indicate that on all plans submitted to this Commission. Essentially he would like to emphasize or amplify somewhat the comments made by the Mayor regarding the sewage and force mains and lift stations in the area and would like to try and solicit from the developer some commitment as to what extent are they willing to provide services that will facilitate sewage connections for those people who are currently without sewage connection in their immediate area? Can Mr. Velasco come back and make a commitment to that effect?

Mr. Velasco said he doesn't know how reasonably or financially feasible that would be at this time. What they are talking about to service this project is a mini lift station which is capable of handling the equivalent of what a septic tank generates in terms of sewage, 250 gallons a day. He thinks that a lift station required for an area - he doesn't know how big an area they want to service - would also involve looking at their right-of-way maps. The Fort Pierce Utilities Authority would have to make an assessment as to how far they can go and what area they want to service in there. There is no room on their property to put a lift station that would handle a community. It is just not practical. It doesn't work. He thinks his client's commitment for doing something like that is certainly out of the realm of possibilities. There is no space on that site for that sort of lift station.

Commissioner Nelson said he recalls from personal experience having seen a development in the north section of town around 41st Street or 43rd Street where they put in a lift station and going from 41st Street back to 25th Street along Juanita Avenue. If it can be done in that area, it certainly could be done here. He recalls in his own personal home he ran

sewage and water lines from 13th Street down to 15th Street. The feasibility of this is there. If there is right-of-way, it could be done. He doesn't know exactly the route it would take to get there. But coming in there as a general commercial type of entity asking for conditional use, it appears to him they should be able to do something to demonstrate they are going to be a good neighbor. As the Mayor pointed out, the potential for this developing into a full scale general commercial type area as opposed to having to clash with those residences that have been in the area for a long time is quite real. So he thinks it behooves the applicant to try to develop a method by which he can in fact demonstrate that he is a good neighbor.

Mr. Velasco said he would be happy to meet with the Fort Pierce Utilities Authority and discuss this further. Again, he thinks that for this type of project for the size of property that this project has, it would be virtually impossible to accommodate a lift station that the City could possibly use for area wide service.

Commissioner Nelson said he is talking about just for those people in the immediate area. For example, this lady who was just up here a few minutes ago who remembers houses in that area. It is their desire to have all of their residents on sewage systems. It is State law that if they put lines down in a certain proximity of existing houses and their septic tanks fail, that they require these people to connect on if they are a certain distance away from it. He wants to make the environment conducive to this thing happening, and make it as amenable and less painful to all parties concerned.

Mr. Velasco said one last thing on that. From his plan's perspective, the lift station they are talking about for this project, is going to be less than \$10,000 investment. The lift station Commissioner Nelson is talking about to refit part of a community, regardless of the distance they go - and it should be a minimum distance of 1,200 feet - he would think just from knowing the area that they are looking at an investment of over \$100,000. He thinks it is certainly financially difficult to accommodate this project with that sort of number.

Commissioner Nelson said let him turn to staff. Do they all have anything they can add to this?

City Manager Beach said as it relates to the utility provision of it, no they really don't. This is a Fort Pierce Utilities Authority issue. If there is something that needs to be done to expand the capability of the area, that should be done in conjunction with that planning.

Commissioner Becht said he believes he has the authority to review this, because it is a conditional use, with a view toward making sure it is harmonious with the surrounding neighborhood.

City Attorney Schwerer said yes. That is a factors. The Commissioners are required to consider, with any conditional use, the effect it would have on the surrounding neighborhood, the proposed use versus the existing use of the neighborhood, as well as considerations of what the future use of the neighborhood will be. And look for some consistency, is there a harmonious existence between the two uses. If they find it inconsistent, then the Commission is charged with the responsibility of providing conditions which they feel would move toward making it more harmonious.

Commissioner Becht said his concern is, and perhaps it is a limitation of their existing code, that while C-3 in this particular location seems appropriate for a retail operation or restaurant or maybe office, the warehousing proposed here is more what he would view an industrial use. He is going to put an industrial use across the street from single family residences. On the other hand, the whole side of that street as he recalls, their vacant land or once they get up to Okeechobee Road there is some pretty heavy uses up there on Okeechobee Road. So, like the Mayor, he is bothered by the neighborhood.

Mayor Benton said he thinks the reason why it might have been zoned that way is, he remembers years ago there were businesses but those were sort of home occupational businesses. He believes they had a little shed out back and they lived there. He personally thinks it would create a real problem for the folks across the street. There has been a lot of redevelopment in that neighborhood with Fairlawn Elementary a block away. His personal opinion, this would open it up to more warehouses or industrial type of uses instead of maybe doctors offices or something which would fit in better in a residential area.

Commissioner Coke said she also shares the concerns of this area becoming too commercial. She wants to be sure that when she reads City water and City sewer are available, she assumes that means it is going to be run so that future expansion would allow the residents in the neighborhood to hook up. This obviously does not. She guesses she is going to be a stickler, but that six months expired and they didn't see anything on metal buildings. But she has a great concern about that because they did have lots of discussions after the hurricane about health and safety issues of metal buildings. So since it is a metal building, since they don't have provisions for City sewer, and the sidewalks... But all things considered, she just doesn't know that she can support this.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, that the Application for Conditional Use & Site Plan to construct the Santos Center Warehouse Facility at 2107 Kirby Loop Road be denied as presented.

Commissioner Nelson said he would hope they could possibly rework this staffing effort with the U.A. and determine what it would cost to put in the sewage capabilities for a more expanded area and have some alternative uses of this property if they warrant doing it. He just has some concerns about the warehouses and people not getting some benefits over and above what they currently have. That area with Fairlawn School and the college, the vacant property is ripe for more positive development in his opinion.

Commissioner Alexander said he just wants to come to this Commission. He has been reading Planning Board minutes and it stipulates here that there are utilities. So if they say it is utilities, why are they questioning whether it is utilities? Again, if he is going to utilize these minutes for his decisions, and if he finds out different, then that means the Fort Piece Utilities Authority has got some work to be done. Again, what he wants is they need to be aware. They have businesses and industries trying to come into this community. And when they are speaking of construction, this community needs to be rebuilt because of the historical factor. He just wants to say that piece because they can't tell what to be placed there. But they need to be kind of careful when they have individuals coming to this community wanting to become part of this community and they question their own staff. If he questions staff again about something like this, then they know he is going to have some fingers to point because they cannot allow these people to be spending this type of money to come here for preparation and then the moratorium kicks in. He does remember the same as Commissioner Coke, but they just cannot keep allowing individuals to come before the Commission and have to turn away in disgust. That is where he is at with this. He is disgusted.

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

The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted for Michael Matakaetis of Dimamafo, LLC, to construct a **Dunkin Donuts** (restaurant and office building) at 2102 South U.S. #1; said property zoned C-3, General Commercial Zone.

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

Mr. Abraham Chabab, P.E., AC Engineering, said he is the applicant for the owner. What is proposed here are two buildings - one is the donuts building, and the two story building behind. This property would be accessed with two driveways, one on U.S. #1 and one on Tennessee Avenue. They are proposing sidewalks on both streets. They have adequate parking. If there are any questions, he would be more than happy to answer them.

Mayor Benton said the residents who live behind there, they had a request when they saw several months ago that a Dunkin Donuts was going to go up. Tennessee Avenue, there were a number of trees that used to line between the sidewalk and the curb there. He is trying to think if those were palm trees or whatever, he would have to look. But the residents were asking if they could get those trees back when it came in. He thought that is a minor request if in the landscaping they could put the trees back that were there. Let him verify whether they were palm trees or oak trees.

Mr. Ramon Trias, Director of Development, said along Tennessee Avenue, the proposal is to have oak trees on this site plan. But clearly it could be changed. Mayor Benton said he is not sure. It might have been oak trees. All he knows is that whatever was there was damaged in the storms. But that was the request from the homeowner's group there and he thought that was a minor request. They were glad to see something finally going in there, especially a Dunkin Donuts.

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

Mayor Benton asked what was the recommendation of Staff and the Planning Board?

Mr. Trias said Staff and Planning Board recommend approval.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Site Plan submitted for Dimamafo, LLC, to construct a Dunkin Donuts restaurant and office building at 2102 South U.S. #1.

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

The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted by **Lawnwood Medical Center, Inc.** to construct an addition to the Emergency Department of Lawnwood Regional Medical Center at 1700 South 23rd Street; said property zoned C-1, Office Commercial Zone.

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

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

Mayor Benton asked what was Staff and Planning Board recommendation?

Mr. Ramon Trias, Director of Development, said Staff and Planning Board recommend approval.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve the Site Plan submitted for construction of an addition to the Emergency Department of Lawnwood Regional Medical Center at 1700 South 23rd Street.

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

The next item on the Agenda was Public Hearing on Application for **Site Plan Review** submitted for Creekside 8 LLC to construct a commercial development to be known as **The Shoppes at Five Mile Creek** (retail, office, and restaurant) on property generally located on the south side of Okeechobee Road, north of McNeil Road; said property zoned C-3, General Commercial Zone.

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

Mr. Troy Holloway said he is with Gentile, Holloway, O'Mahoney, Associates, Inc., the land planners and landscape architects for this project. Basically he is just here to answer any questions.

Commissioner Becht asked are his buildings metal?

Mr. Holloway said no, they are not.

Commissioner Becht said he noticed, he doesn't know whose letter it was, but there is some mitigation of what he considers some fairly large oak trees. What is that? What are they all doing to mitigate?

Mr. Holloway said the oak trees they are preserving. There are four oak trees in the southeast corner.

Commissioner Becht said no, he is talking about the mitigation. They are killing a 30-inch and 36-inch tree. What are they doing with those?

Mr. Holloway said they all show up on the mitigation in the landscape plan.

Commissioner Becht asked are they bringing in a bunch of little 4-inch trees? Is that what mitigation means? He doesn't mean to be sarcastic, but he thinks that is what it means.

Mr. Holloway said actually the trees, if he can recall, they are preserving four 18-inch to 36-inch oaks. Everything else out there is very degraded. When the property was cleared the trees were in bad health and the hurricane came through and really destroyed most of the trees. They are mitigating for all of the cabbage palms that are out there.

Commissioner Becht asked did they make Paul Williams happy?

Mr. Holloway said yes, he is very happy.

Commissioner Becht asked was there any thought given to a deceleration lane off Okeechobee Road?

Mr. Holloway said yes. A meeting was held just in this last month of April with FDOT and a turn lane will be required.

Commissioner Becht said that is not shown on their plans.

Mr. Holloway said no. They just finished the meeting about two weeks ago with FDOT. But a turn lane will occur on Okeechobee Road as it is a right turn.

Commissioner Becht said great. When are they going to break ground?

Mr. Holloway said hopefully in the next three months.

Commissioner Becht said it looks like a lovely project.

Mayor Benton said he noticed in the Minutes from the Planning Board he hadn't found a retail anchor yet. He was wondering if he found one yet?

Mr. Holloway said no. The property has not been heavily marketed for the restaurant as well. They are basically waiting for the site plan approval to send out packages to a lot of the restaurants and larger retail anchors.

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

Mayor Benton asked what was Staff and Planning Board recommendation?

Mr. Ramon Trias, Director of Development, said Staff and Planning Board recommend approval. Staff had a chance to work extensively on the site plan, so every design and every condition is incorporated into the drawing, so they are simply recommending approval.

Mayor Benton said if there is room for a baffle box to run the water and the drainage right into Five Mile Creek, he is sure maybe Mr. Arias can push a little bit there.

Mr. Trias said Mr. Arias can do that very well.

Mayor Benton said maybe they will volunteer to put one in.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to approve the Site Plan submitted by Creekside 8 LLC to construct The Shoppes at Five Mile Creek (retail, office, and restaurant) on property generally located on the south side of Okeechobee Road, north of McNeil Road, subject to the installation of a deceleration or turn lane as referenced.

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

The next item on the Agenda was Public Hearing on Application for Subdivision Review - Preliminary Plat of **Pioneer Park S/D** - submitted by the City of Fort Pierce Community Services, for property generally located on the west side of North 29th Street, north of Pioneer Park & Avenue M; said property zoned R-4, Medium Density Residential Zone.

City Clerk Steele said this was to be a Public Hearing on the Preliminary Plat of Pioneer Park Subdivision and the Director of Development has requested that this item be withdrawn from the Agenda.

Commissioner Alexander asked can he get a reason why this has been taken off or withdrawn?

Mr. Ramon Trias, Director of Development, said yes. There were some minor technical issues that dealt with the dimensions of some lots that the City Attorney had recommended they go through a variance before the Commission approves it. So it is just a matter of a little bit of time to correct the technical issues of approval.

Commissioner Alexander asked what kind of time is he speaking about?

Mr. Trias said about 30 days maximum he believes.

Commissioner Alexander asked the Director of Development, wasn't that Patti Tobin?

Mr. Trias said Patti Tobin managed this process and she left.

Commissioner Alexander asked who is handling this now?

Mr. Trias said he had a chance to work on it.

City Manager Beach said Mr. Trias is handling it.

Commissioner Alexander said he just needs to know those things.

Mr. Trias said he is happy to work on it as much as he can.

Ordinance No. K-347 entitled, "AN ORDINANCE CREATING SECTION 13-26.1 OF THE **CITY RETIREMENT SYSTEM** ALLOWING THE CITY MANAGER TO PURCHASE CREDIT FOR THE PERIOD OF HIS CITY SERVICE DURING WHICH HE WAS NOT A MEMBER OF THE RETIREMENT SYSTEM, AND ALLOWING THE CITY MANAGER TO PURCHASE CREDIT FOR ONE YEAR OF MILITARY SERVICE IN ADDITION TO THE THREE YEARS AUTHORIZED BY SECTION 13-28; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-347 in session and asked if anyone in the audience wished to be heard.

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

City Attorney Schwerer said he has just a brief report. Recall that Ordinance No. K-347 was before them for first reading at the last meeting. It was passed. During the discussion there was a reference or mention that they would like to have the Retirement Board as a matter of protocol review the ordinance and give them a recommendation. Again, it would be only a recommendation because the ultimate authority to adopt any ordinance dealing with the retirement system lies with the Commission. On April 21st Ordinance No. K-347 was presented to the Retirement Board at their meeting; and they approved of it, indicating it had already received actuary clearance and had been through the process of being reviewed by their actuary and the language. They did however recommend that the code itself be changed to the extent that it allows all members of the retirement system to purchase up to four years of military time as opposed to the three that are now provided for in the current ordinance. They also indicated they desire to allow any exempt member - and there are only a few of those who are mentioned in the code, the City Manager is one of them - to buy back time otherwise excluded through election and there would be a window period for that. In essence what they did was they prepared two ordinances based on the recommendations of the Retirement Board. Those ordinances are before them for discussion purposes only - they are not advertised, they are not proofed as to final form, and they certainly haven't been to the actuary. So that is where they stand with that matter. They have a number of options. They can simply approve on second reading Ordinance No. K-347 and then simultaneously authorize Staff to proceed to final draft word the other two ordinances, send them to the actuary for sign off, come back for advertising, and then back before the required two Public Hearings; or they can simply wait until that process is done before they approve Ordinance No. K-347. The pleasure is the Commissions. Just understand there is a time factor dealing with opening up these same provisions to the other members because they still have to go through the process of actuarial clearance and advertising and then the Public Hearings, and then the other members of the system could come in and ask for comments and other input before the Commission during those Public Hearings.

Commissioner Becht said he would like to move forward with the ordinance they already

voted on the first time. Briefly discussing the draft of the other one, is there any reason why the general employees would not be allowed to transfer assets from a 457 Plan or other 401(a) Plan?

City Attorney Schwerer said he can't technically answer that because he doesn't have that expertise, but his general understanding is because they are not exempt employees. They have to be an exempt employee to be able to transfer that. He doesn't know if Mr. Bergalis knows. They have to get with their...

Mr. George Bergalis, Director of Finance, said anybody has that option.

Commissioner Becht asked do they have the option under the plan as currently drafted?

Mr. Bergalis said yes.

Commissioner Coke said she thinks also they ought to move forward with Ordinance No. K-347. The proposed ordinance regarding purchase of military time, she thinks they should go ahead and move forward for all employees the way it was written for the City Manager, that they would pay the full actuarial value of it. She thinks it should be the same in this. The second proposed ordinance, she is on the Retirement Board, but she had some reservations about this. They looked at it and it affects absolutely no one in their system. The recommendation of the Retirement Board was to allow somebody to buy in that extra year for a period of 90 days. There is no one who would be eligible in their system to do that other than Mr. Beach; and she thinks it is a waste of paper, printing and advertising to put into effect an ordinance that they know there is no employee who can benefit from it.

Commissioner Becht asked is he to understand then that this draft has not come before them with the recommendation of the Retirement Board?

Commissioner Coke said the Retirement Board recommended the one for purchase of military time and the other (for membership time otherwise excluded), but they recommended that it be only open for a period of 90 days. And they fully understood that the only person who would be affected by it would be the City Manager. So in retrospect in looking at it, why would they pay to advertise and print and do all kinds of other things for an ordinance that will affect no one in their retirement system?

Commissioner Nelson said he sits as Vice-Chairman of the Retirement Board. During this particular hearing reviewing this ordinance he was acting as Chair as the sitting Chair was ill that day. The reports that have been given to them thus far have been substantially correct. Commissioner Coke put in the 90 day window of opportunity to join, once this ordinance is passed. What this is going to require under the current situation is that they are making this solely primarily to address the City Manager. Commissioner Coke talking about the cost for advertising it for a second ordinance. It is going to require another ordinance if they want this to be opened up to all employees of their system to include the other members, i.e. the Utilities Authority, the Police, etc. They have determined that throughout the State that three years is not the normal, that four years is perhaps the normal for buying back military time. The exempt employees - certainly the City Manager, the Finance Director, and others - can take advantage of this now. One would look at this and be critical they are making an ordinance strictly for the City Manager. Basically he opposes that, but he doesn't have any "fall on my sword" opposition to it because there is in fact a limited number of people who this would affect. He is not sure. He knows their Chief of Police is a veteran, but he doesn't know whether the Chief has four years or three years or five years of military service or whatever the case may be. But they would probably be doing the prudent thing to go ahead and pass this at this time. However, he does think they are somewhat circumventing the utilization of their Retirement Board by not waiting and get the full report from them. He has sitting before the Commission two members on the Board who looked at and reviewed the sentiment of the Board and they basically concur

with this with the exception that they want to extend this to everybody beyond the City Manager.

Commissioner Coke said she thinks he misinterpreted what she was saying. She is agreeing with Ordinance No. K-347. She is agreeing with the proposed ordinance to allow all employees to purchase military time. The Retirement Board decided that the second ordinance the City Attorney is proposing would only affect the City Manager. Did they not decide that? Not the one with the military time, she thinks they ought to go full speed ahead with all employees. This other one, retirement buying in...

Commissioner Nelson said she is misinterpreting what he is saying. He thinks what they can do here administratively, what he would like to see is just one ordinance cover the whole thing, military as well as the buy back.

City Attorney Schwerer said they can't do that, the ordinance is...

Commissioner Nelson said if they were to in fact delay this ordinance, they could incorporate all the dictates and requirements of the second ordinance that will cover everybody.

City Attorney Schwerer said he is sorry, he misunderstood what the Commissioner was saying. They have two ordinances that deal with two different subjects. These aren't before the Commission, these are drafts for discussion. They cannot combine those two subjects in one ordinance. That is what he is simply saying. They can't combine the buy back of the time plus the other.

Commissioner Nelson said he doesn't see why they can't. They can put anything and everything in one ordinance if they want to. It is retirement issues. They can have something where they can buy back the military time, make it three years versus four years.

Mayor Benton asked don't they have to advertise an ordinance as written?

City Attorney Schwerer said yes.

Mayor Benton said the one they have in front of them has already been voted on once. This is the second reading. How do they feel about the Ordinance No. K-347. Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-347 be passed on second and final reading.

Commissioner Nelson said he would like to emphasize the fact that they have a Retirement Board. Utilize that Board. It serves all the employees in this City. To rush to judgment is improper use. He just wants to emphasize that.

Those voting in favor of the passage of Ordinance No. K-347 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Attorney Schwerer asked could he have direction on the other two? Do they wish to proceed and send them to the actuaries and then proceed to advertise.

Commissioner Coke said that is what she was trying to discuss before. She thinks it is a great thing to go forward with the military time. The second ordinance that their City Attorney has prepared...

Commissioner Nelson said that is not even on the agenda. Now they want to add that?

Commissioner Coke said it is here for discussion.

Mayor Benton asked does everyone agree to move forward with it?

Commissioner Alexander said yes.

Commissioner Coke said it doesn't affect anyone.

Mayor Benton said let's move forward with it.

City Attorney Schwerer asked both proposed ordinances they wish him to proceed forward?

Commissioner Coke said keep in mind the second one, if they ask Mr. Bergalis he will tell them it affects no one in their retirement system and it is only good for 90 days.

Mayor Benton said he is sure before it gets to them, they will straighten all that out.

City Attorney Schwerer said they will have it advertised and brought back for the Commission for discussion at that time.

Commissioner Nelson said he is going to fall on his sword on this one now. This is something that should be submitted by this Commission to the Retirement Board and let the Retirement Board massage it and do what is appropriate.

City Attorney Schwerer said he doesn't want to belabor this. This is the result of the Retirement Board's meeting and the recommendations the Board...

Commissioner Nelson said which Mr. Schwerer has not even received the report.

City Attorney Schwerer said he is not going to be criticized for not doing his job. Commissioner Nelson said he is not criticizing him. But Mr. Schwerer is stepping in and acting like a Commissioner. The legal aspect of this thing...

City Attorney Schwerer said he is giving a report to the Commission if he could have the floor for a second. What they were instructed, when they put their hat on as Retirement Board counsel, the Retirement Board instructed them to prepare these ordinances. The Retirement Board told staff to prepare these. As the Retirement Board attorneys, they prepared them. These are before the Commission for discussion purposes only, because the Commissioners asked for a report. They asked him, what did the Retirement Board say about these? He gave them a report of what the Retirement Board said. The Retirement Board said they don't have a problem with the ordinance they just passed (Ordinance No. K-347), but they would like to see these two ordinances as proposed. It is up to this Commission to then say, advertise them; not go back to the Retirement Board, because they have the comments of the Retirement Board. What he has to do is he has to send the ordinances to their actuary so he signs off from a financial standpoint and a tax standpoint for those ordinances. They do not have to go back to the Retirement Board for further discussion. It is a recommendation only. The Retirement Board does not approve the form of the ordinances. They make recommendations. They made their recommendations. Staff followed the recommendations and drafted the ordinances. These will be before the Commission. That is their job and that is what they have done. He doesn't want to be criticized for not doing his job.

Commissioner Nelson said good. Now let him tell Mr. Schwerer what his job is. He sits here as a Commissioner. He votes on these things. He sits also as Vice-Chair of the Retirement Board. They have a Secretary who normally deals with the actuary and the Retirement Board. The person who should be dealing with this is the Secretary of the Board, not the lawyer. The lawyer of the Retirement Board, which in essence Mr. Schwerer

has a certain input on that. All he is asking is to make doubly sure they keep things in the right perspective dealing through that Retirement Board.

Mr. Bergalis said he can understand the Commissioner's concern. But last week he had addressed with the Board's attorney, Mr. Walker, as to who was going to respond to this Commission relative to the response that this Board wanted at tonight's hearing; and Mr. Walker apprized him that he was in the process of drafting the response vis-a-vis these ordinances. So hence, he thinks that sufficed and it didn't have to come from his office as long as the attorney was responding. Somebody is responding - the City Attorney or the Secretary/Treasurer. In this case, the attorney chose to respond and he was willing to abide by that. So he doesn't see what the problem is.

Mayor Benton said he is sure if the Retirement Board doesn't like it, they will let the Commissioners know. He has Commissioner Coke saying that is what they said to do.

Ordinance No. K-348 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTIES GENERALLY LOCATED IN **FORT PIERCE BUSINESS PARK PHASE II ON PROSPERITY DRIVE**; 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 first reading and read by title only. (Owned by: Troy Drawdy, Ake Enterprises LLC, Strange Warehouse LLC, FM Properties, and Larry & Celeste Bush)

Mayor Benton declared a Public Hearing on Ordinance No. K-348 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.

Mayor Benton asked Staff and Planning Board recommended approval?

Mr. Ramon Trias, Director of Development, said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-348 be passed on first reading.

Commissioner Nelson said on the first item there, the February 10th memo, it says the Taxable Value is \$0 and the Exemption Value is \$4,200. Why is the exemption there, equal and the same amount as the Assessed Value?

City Manager Beach said he believes what that means is that Taxable Value is exempt. He can't tell them why it is exempt. If he had property valued at some specific amount and it was exempt that same amount, he is assuming that is simply how it is reported. He believes what is being reported to them here is exactly what is on the tax records. If Ms. Satterlee can add anything to that, it would be helpful.

Ms. Anne Satterlee, Administrative Assistant, said just looking at the Property Appraiser's information that is in their backup, it appears that is a Stormwater Management Tract. She is assuming that is why it is exempt.

City Manager Beach said he thinks the short answer to this is, what is on here is simply what is reflected in the property records. They don't know the answer to why it is that way. That is just what is being given to them is what is reported in the Property Appraiser's information.

Commissioner Nelson said it has been his experience that when they annex property and sign an annexation agreement it has some value to the City as it becomes contiguous, it is advantageous to annex it into the City. Is this a linkage to other properties they annex in? Or is this piece of property exempt because it is a church and doesn't pay any taxes? He is at a loss.

Commissioner Becht said if they will go to the Assessor's Map and if they look at the map, the parcel at the westernmost is the Tract A, the 4.21 acres. It is owned by a Property Owner's Association. It appears to be exactly what Ms. Satterlee said it is, which is a retention area for the entire industrial subdivision. There is no road access to it. Very blurrily they can see some easements on the north and the south edge which leads him to believe it is the retention for the entire industrial subdivision. If nothing else, it will connect them to the property to the west; and as such, he would recommend that they proceed with this annexation. Those voting in favor of the passage of Ordinance No. K-348 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-349 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTIES LOCATED ON THE **SOUTH SIDE OF WEATHERBEE ROAD BETWEEN SUNRISE BOULEVARD AND ELM AVENUE**; 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 first reading and read by title only. (Owned by: Buccaneer Development)

Mayor Benton declared a Public Hearing on Ordinance No. K-349 in session and asked if anyone in the audience wished to be heard.

Mr. Herbert Beach, 1012 Saeger Avenue in White City, said this property is in White City. His reason for wanting to speak on this this evening, he has no objections to the City extending its territorial rights into that area because he signed up to be annexed there himself by getting City water. What he and many others would like to know who live in that area. First let him say this. He is past-President of White City Improvement Club. They have been there since 1894 and incorporated and they are trying to preserve the historical nature of White City. That is why he is here now. This property does have some significant historical value for some of the dwellings that are on the property at the present time, if he is correct, unless they have been torn down. The County last April 23rd they had a so-called Charrette forum in White City. Part of this property, Elm Avenue, was brought into the so-called historical aspect. He is asking, what is the intent of the City of Fort Pierce to help them preserve and protect the

historical nature and the buildings in that area when they extend out there?

Mayor Benton said he thinks Fort Pierce has written the book on historic preservation. He thinks St. Lucie County is following their guidelines. They were at that Charrette or at least some of their staff.

Mr. Ramon Trias, Director of Development, said yes. They should be proud of that fact. And he wants to say that he had a chance to work with the developer of this property. There is one historic building; and the plan is to preserve it and to incorporate it into the subdivision, which is a single family as proposed informally at this point.

Mr. Beach said that is a concern of the people in the community. There is a building he believes is about 100 years old.

Mr. Trias said it is 100 years old and it is one building. It is in a very good location. It is very close to the edge of the property, so it fits right in with the developer's current plan.

Mr. Beach asked is that going to be part of the developer's petition, to leave that building there?

Mr. Trias said yes, that is the current plan and that is what he would recommend to the Commission as a condition of approval.

Mr. Beach said that is what he is here for. He hopes they all carry this forth with that recommendation for the condition of approval, to keep that house there and to help them to preserve the history of St. Lucie County.

Mayor Benton said he thinks they will see this Commission supporting everything they are trying to do down there. They had a joint meeting, they meet once every two months with the County, and that was there biggest discussion at the last meeting was that historical area of White City. He thinks they have Fort Pierce on their side. It is Port St. Lucie they have to worry about. And the six-laning of Midway Road to the west of 25th Street. They are going to have to keep a grip on that. He thinks is a team effort on their side.

Mr. Beach said he is sure people in White City are ready to stand beside the City of Fort Pierce as opposed to standing beside the City of Port St. Lucie.

Mayor Benton said he has a lot of friends and a lot of history in White City, so he knows what they are talking about. They have the City's ear and hopefully the County will work together to straighten that problem out down there.

Mr. Beach said he has one last request and it is unusual. He would like to know if they would send a memo to the White City Improvement Club stating that they all have taken into consideration the historical house that he just mentioned and that they do what they can to help them preserve that house.

Mayor Benton said he thinks they can put a letter together.

Mr. Al Brodeur, Thomas Lucido & Associates, said he is here representing Buccaneer Development. In regard to that house, their

designer Jeff Waters has actually met with Anna Brady at the house and they walked the house. She determined that it was a significant historical structure and he has designed the neighborhood to incorporate that house. This wasn't a concern in the County, but this is a concern in the City, and their client is aware of that and they are working with staff to address it.

Commissioner Becht said the letter from Mr. Griffis on behalf of Buccaneer Development says it is a 13.4 acre parcel?

Mr. Brodeur said that is correct.

Commissioner Becht said the tax roll shows it as being 17.17. The legal description that is in the background materials references a fairly recent conveyance out to Mr. & Mrs. Keane. He is concerned that they might not have the right picture of what they are annexing in their packet.

Mr. Brodeur said it is pretty common that the tax record is a little bit off, from his experience.

Commissioner Becht said from his too.

Mr. Brodeur said when a development plan is submitted, a boundary survey with all that laid out will be officially submitted with it. Commissioner Becht said what he guesses he is asking him tonight, is it the intent of the owner to allow the City to annex everything he owns in this location or is he holding three acres out?

Mr. Brodeur said the entire parcel that is designated by that tax I.D. number in the tax record, that is what is being requested.

Commissioner Becht asked he is not holding three acres out somewhere?

Mr. Brodeur said no.

Commissioner Nelson asked that area is 17.17 acres?

Mr. Brodeur said correct.

Commissioner Nelson asked why is this two-thirds exempt to the tune of \$242,954 with \$316,734 total? What is that exemption for?

Commissioner Becht asked is somebody running cows on it?

Mr. Trias said it may be an agricultural exemption.

City Manager Beach said he would have to conclude from looking at it that what is being taxed here is the home, the residence. If they will notice, the land value is \$316,734. If they take the assessed value away, that is about the value of the house.

Mayor Benton said it is probably fruit trees.

Mr. Brodeur said it was an old grove.

Commissioner Nelson asked they exempt the fruit trees?

Mayor Benton said yes, an agricultural exemption for fruit trees or cows, until it comes into the City.

Mr. Brodeur said it is still in the County.

Commissioner Coke said when they build, it won't be exempt.

Commissioner Nelson said he wants to get one answer from one source now. Who can answer?

Commissioner Becht said Mr. Furst from the County would have to answer that.

City Attorney Schwerer said the agricultural exemption is not available when the property is annexed into the City. So the property will not receive an agricultural exemption, this property or any property. That is the position of the Property Appraiser that they take on all parcels.

Commissioner Nelson asked if it is agricultural now and it is annexed into the City, that exemption goes away?

City Attorney Schwerer said correct. That is what he has been told by the County.

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

Mr. Trias said Staff and Planning Board recommend approval.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, that Ordinance No. K-349 be passed on first reading.

Commissioner Becht asked is the City zoning of R-1, is that the lowest density that they have?

Mr. Trias said yes, except for estate zoning which is on Indian River Drive.

Commissioner Becht said what he wanted to point out to the Commission and to make certain they don't have any options here, is that the City's lowest land use classification is 6.5 units to the acre, which is 1.5 units more per acre than this developer would have had, had he stayed in the County. So if it is 14 acres he is bringing in, he picked up roughly 20 units by being annexed.

Commissioner Coke said he will do something very nice when he develops it.

Commissioner Becht said that would be his hope. But what they need to do is get their comp plan revisited as soon as possible so that they are not providing these kinds of incentives merely for annexations. They will deal with that later though.

Mr. Trias said they approved the contract for the Comprehensive Plan tonight (on the Consent Agenda), so that process is going on.

Those voting in favor of the passage of Ordinance No. K-349 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Request by Michael DiFrancesco, President of Indian Run Development, for abandonment of a 50-foot wide City right-of-way known as Osceola Avenue, running east/west between Oleander Avenue and 7th Street Canal in Maravilla Gardens Subdivision.

The next item on the Agenda was Request by Mercedes Homes on behalf of Kings Highway Development LLC, for **abandonment** of an unpaved 30-foot wide platted right-of-way running east/west through property located west of Kings Highway and south of Experimental Road in **Model Land Company's Subdivision**.

City Clerk Steele said she believes the City Attorney is requesting that these two items be removed from the agenda.

City Attorney Schwerer said yes. He did not see in the package of information two requests made of these applicants; and until those are received, they can't sign off on this.

Commissioner Becht said before they do that, Mr. DiFrancesco has sat here for the whole meeting. Does Mr. DiFrancesco understand he is going to be removed from tonight's Agenda?

Mr. Michael DiFrancesco said no, he doesn't understand why.

Ms. Meredith Pickens, Shutts & Bowen LLP, said she is here on behalf of Mercedes Homes as well. She didn't know anything about being removed. Mayor Benton said maybe they can get some clarification as to why.

City Attorney Schwerer said the only thing he can tell them is his staff worked on both of these. There is a written memorandum to the Planning Department and it was passed to the applicant. First as to the request to abandon a 50' by 958' right-of-way for Osceola Avenue. It is an existing road. There was some discussion early on about whether a replat would automatically abandon it. They resolved that issue legally and they worked with the City Engineer. The only remaining issue as to that which has not been addressed was a written directive to the applicant through the Planning Department to provide an opinion of counsel that Sabal Palm Plaza either agrees with this or has no rights to the road. Their laws and their codes require that only the owner of all of the property surrounding the alleyway, right-of-way, or whatever it is, can petition to abandon and they all must agree or else there is going to be an issue. This ROW goes east to west from Oleander Avenue right up to Sabal Palm Plaza and borders on their property. It was unclear by the information provided by the applicant whether it actually touches Sabal Palm Plaza. If it does touch with the property, they must join in the application or agree to the abandonment, because they have a legal right to the paper road that exists for providing access. The City has not received that and the applicant has a duty to provide it in the application process.

Commissioner Becht said his recollection of this is that the applicant came in and attempted to plat or replat Indian Run Development. In the process of that, the lots at the easternmost portion of the new plat or replat occupied what was a paper road.

City Attorney Schwerer said correct.

Commissioner Becht said he brought up a question which now has turned into a nightmare. Does he need to abandon that portion of the paper road that now comprises two of his lots? Mr. Laventure, the surveyor, sent City staff a letter stating he disagreed and he thought the replatting got rid of it. He and Mr. Schwerer talked about that, but he can't remember exactly what his opinion was or if he had formed one at that time. And they are now in a position of delaying him yet again. As he looks at the packet, it does appear that Mr. Laventure has drawn a sketch which attempts to abandon the entire stretch of Osceola Avenue rather than just the end of it. Is that Mr. DiFrancesco's intent now, to seek the total abandonment of Osceola Avenue?

City Attorney Schwerer said yes; it is a realignment, as he understands it, of the entire roadway. He can't speak for the applicant; but the application they saw was a total

realignment of the road, moving it. And there is also an issue from the Engineering Department, which he can't address, about the requirement for curbs and gutters and everything. All he can tell them without belaboring it is, they simply asked the Planning Department if they had received the information requested in writing, and they had not. They need the applicant to provide a legal opinion through an attorney. They don't have a title search as to the boundary between the Sabal Palm property and the end terminus point of the platted right-of-way that exists. So if there is no contiguity between the property, they just need the applicant's attorney to certify in a title search that there is no contiguity and then Sabal Palm doesn't have a right to the paper roadway that exists; and then this applicant can deal because he owns all the property that is surrounding it. Commissioner Becht asked the applicant has one requirement and that is a letter from the owner of the Sabal Palm property, is that what he is saying?

City Attorney Schwerer said that is what he is saying. That has been out there for a while. He doesn't know how long it has been out there, but that has been addressed by his office. They also need to recommend to the Commission - which they would and he thinks it is in there - that they not abandon this roadway until such time as the replat is ready; and it will be done simultaneously, so the City will not abandon a road and a road may not get built, if they understand what he is saying. That is why they asked for this item to be removed from the Agenda, because they had not received that information.

City Attorney Schwerer said the other request for abandonment (30' platted right-of-way in Model Land Company's S/D). They had questioned legal ownership because the last his staff saw, the report he received, was that this is a request by Mercedes Homes - which is a builder - on behalf of Kings Highway Development LLC, who did not appear by the title search that was provided to them to be the owner of the property. It appeared that the owner of the property was still some church or other group. He may stand corrected, but the information they received was such that the property on which the right-of-way was being asked to be abandoned was not being done by the owner, but by a developer who is presumably under purchase contract to buy the property. The laws and rules require that be done by the owner. The second thing they asked for is if this 30' right-of-way went all the way through to another property, they wanted to make sure there was no issue dealing with that other property. If they will look at the map, it continues onward; and therefore, they asked for that information. Absent that information, they were not able to complete their review of it. He doesn't know why it was scheduled before the Commission tonight without that review.

Mayor Benton said if they could have her name.

Ms. Pickens said she is a lawyer with the law firm of Shutts & Bowen in Orlando. She drove down from Orlando for the meeting. They received a staff report last Thursday when they called the Planning Department and they said all the departments had reviewed the application. It has gone to the Planning Board for approval and it was approved several weeks ago. They had submitted an application. She represents Mercedes Homes. Mercedes Homes is under contract to purchase the property from Kings Highway Development LLC, who is under contract to purchase it from the current property owner, the church.

City Attorney Schwerer said they don't own it?

Ms. Pickens said that is correct. The LLC does not own that. They had submitted all that information to the Planning Department several months ago. She hasn't gotten any kind of letter that they all needed additional information. She really wishes that had been brought up in the beginning of the Agenda so she could have gone back to Orlando. As far as other properties that it serves, this platted right-of-way does not actually reach the closest road, which is Kings Highway, there is the canal that interrupts that contiguity. The road is not paved. It came from a plat from 1911. They are just trying to clear up the title so Mercedes

Homes can start its site planning process and move forward with this subdivision. It doesn't service any other properties. There is not even a road out there. In 1911 when they platted all this property they actually put a 15 foot right-of-way around every 40 acres of land. And this happens to be the intersection of two separate 40 acre tracts so the 15 foot and 15 foot totals the 30 foot right-of-way. That is where that came from. It is just kind of a title glitch they are trying to clear up. They have authorization by the current property owner. She really wishes it could be considered this evening.

Mayor Benton said they have to go by the City Attorney's recommendation.

City Manager Beach asked is there a reason they are not including this request in part of her platting process for the property itself? Why are they doing this in advance of their platting?

Ms. Pickens said they will be going through the platting process. As part of one of the contract contingencies to purchase the property, they wanted to get rid of the old platted right-of-way. So that was a condition of the contract so that they could expend the money to do the future subdivision plat.

City Attorney Schwerer said let him explain. When these items are circulated to all the City Departments, they all make comments. His office made the comments. He apologizes, he doesn't know why the applicant didn't get them, but those are not generally directed to the applicant, they are directed to the Planning Department. Then they wait for the information to come back. When they received their package Friday afternoon, they noticed this was on the Agenda. He met with his staff this morning and they went down their checklist. Their checklist did not show this was ready to be approved. He doesn't know why it was on the Agenda. It should not have gone on the Agenda until such time as all of the checklist was met. She can call his office and speak with his paralegal, she will put her in touch with the person who can tell her exactly what she needs to provide in order to meet that requirement. They need to have the owner of the property certified for the abandonment because they cannot take it from a contract buyer.

Ms. Pickens said she understands that. That has already been provided, agent authorization by the current owner.

City Attorney Schwerer said they need the current owner to sign, not the contract buyer.

Ms. Pickens said that is what she said. The current property owner has given agent authorization for them to act on his behalf.

City Attorney Schwerer said no, they need the current owner to sign it. They can't take a Power of Attorney.

Ms. Pickens said it is an agent authorization letter.

City Attorney Schwerer said please direct it to his office tomorrow. They need to take it from the property owner, not an authorization. When they do abandonments, there is a legal statutory process. He doesn't want to belabor the point. The matters are not ready. There are two items that need to be fulfilled and as soon as they do they can sign off and it can come before them.

Ms. Pickens said she is just very concerned that she would have gotten a staff report that said all the departments have reviewed and approved the item.

City Manager Beach said they understand her concern that it happened and the staff report was clearly wrong.

City Attorney Schwerer said the staff report says no department objects to the abandonment. They did not object to it. They have a checklist that needs to be required and fulfilled and it wasn't fulfilled. They didn't object.

Ms. Pickens said it would have been nice to know that before this evening. That is her only point.

Commissioner Becht said when he sat on the Planning Board, they got to see copies of a check sheet that each of the departments had signed or at least it indicated the Utilities Authority, Engineering Department, and everybody. Now that he is a City Commissioner, he doesn't get that form any more.

Mr. Ramon Trias, Director of Development, said that hasn't changed. What the City Attorney is saying is that some of the requested information in both items was not provided timely for tonight's meeting. That is all he is saying. That is pretty much a matter of simply fulfilling the requirements. He doesn't believe there will be a great delay in either of the two.

Commissioner Coke said they have had people come and sit here. One lady drove a long way to be here. If they have a checklist and it is not fulfilled to the point where it is not legally able for the Commission to vote on this, they should not agenda the item. If there is a mistake made and the item is agenda'd, and they realize on Friday or Monday morning that they don't have what they need and they are going to have to pull it, it is common courtesy for them to call these people and say, "We are sorry, we made a mistake. We needed this information, but we don't have it. So you won't be on tonight's Agenda. As soon as you get that to us, we will do it." They have it happen way too many times where people are showing up here thinking they are on the agenda or that they have done everything they wanted them to and they haven't. For that she will apologize to everybody.

Mayor Benton said he is glad she is apologizing. Usually it is him that apologizes. He doesn't know how many more times this is going to happen before something is done about it.

Commissioner Nelson said he would like to amplify both of those comments made by Commissioner Coke and Commissioner Becht. One is he would like to see - and he talked to the City Manager about that just as late as today - when one staff member says everybody else in the staff has reviewed this and agreed to it, there is no empirical showing that the U.A., the City Engineer, the Planning Department, and all these staff members have in fact reviewed it and agree with it or don't have an objection. An initial or something would be a good indicator to them. He would like to go further on Commissioner Coke's comment with regards to notifying the people. They might want to adopt a procedure here that if an item on the agenda is listed, they can announce from this dias the fact that whatever the item has in fact been pulled and the people sitting down there waiting on those respective items can go about their merry way. That would be helpful as far as procedure.

Mayor Benton said he just found out himself. He couldn't have told them at the beginning of the meeting because he didn't know.

Commissioner Nelson said somebody knew. Mr. Schwerer knew. Mr. Beach probably knew.

Commissioner Alexander said he reflects the same sentiment about the concerns. But his concern is for the project within itself. Just an arbitrary question. If they wanted to go west of that property and abandon that right-of-way, how would they get west of that property to service any future endeavors they may have? Again, that is the legal team and the other City staff making this recommendation. What do they recommend for service to the west of that? Will they have to go back in the future and purchase the right-of-ways to get to those

properties or something? Is that what will happen?

City Attorney Schwerer said that was a question his office raised and they are waiting for an answer on what happens west of the property line and is there alternative access. They needed that answer.

Commissioner Alexander asked they needed that from...?

City Attorney Schwerer said from the applicant, because they are the ones asking for the abandonment.

Commissioner Alexander said so the City staff had nothing to do with that recommendation or that train of thought what they were going to do west of that?

City Attorney Schwerer said yes. They noticed that this right-of-way goes west of the property line.

Mayor Benton asked but that didn't happen until it got to the City Attorney's office. Is that what they are saying?

City Attorney Schwerer said yes, but he doesn't know how long ago they wrote that memo. But he agrees the process should be that the checklist should be given so they understand everybody has approved of it. That should be a must. He apologizes because they notified the City Clerk late in the day today, because it wasn't until he received his checklist, he had to go back and go through the file and make sure and they discovered it.

Commissioner Alexander said the Utilities Authority signed off on this too, so they have no need of getting west of that property.

City Attorney Schwerer said he assumes so. He hasn't seen the forms.

Commissioner Becht asked who would know?

City Attorney Schwerer said Mr. Trias has that in his file. There is a sign-off from BellSouth, from Florida Power & Light, and anybody that has any...

City Manager Beach asked what is the question?

Commissioner Alexander said his question is, if the City of Fort Pierce wants to service an area beyond this project here, how do they get there?

City Manager Beach said he wouldn't know that without looking at a series of existing maps and right-of-ways that exists for that area.

Commissioner Alexander asked does Staff just arbitrarily give the recommendation?

City Manager Beach said no, staff cannot do it. That is why it is in front of the Commission. The staff cannot do it.

Mayor Benton said he would imagine they have site plans that are going to be coming forward soon that would show where the roads are and that is what they are probably going to hear right now.

Ms. Pickens said exactly, they do; and they will certainly bring that back before the Commission. If the question had been asked of them, they would have answered, they would have provided an answer. The City doesn't use that road because it is not a road actually. It is not paved. There is no road. If they did need it in the future or if the property owners to the west needed to get additional access, they have access off Experimental

Road which is to the north of the site. They can provide some exhibits that show them that. They didn't know that was a concern. This is the first time she has heard the question. But they will be glad to address that.

Mayor Benton asked have they annexed that property yet or is that County property? This parcel where Mercedes Homes is looking to develop.

Ms. Pickens said yes, that has been annexed into the City.

Mayor Benton said they do apologize; and he would hope next time when this is in front of them...

Ms. Pickens said they will call and confirm the day of the meeting and make sure.

Mayor Benton said call the City Clerk's office. He is sure they will get a straight answer.

The next item on the Agenda was Request by Natalie Neil for St. Lucie County Chamber of Commerce **Alcohol Beverage Permit** for 9th Annual Fishing Frenzy at the Fort Pierce City Marina on May 13-14, 2005.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve Alcohol Beverage Permit for Chamber of Commerce 9th Annual Fishing Frenzy at the Fort Pierce City Marina on May 13-14, 2005.

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

The next item on the Agenda was Request by Kathryn Basile and Sylvie Kramer for contribution of \$2,000 to the **Shared Services Network** St. Lucie County Executive Roundtable, Children's Services Council, to sustain full time Executive Director position.

Mayor Benton said this is a Board he has been requested to sit on that the City didn't sit on before but a lot of people throughout the community sit on. It plays a big role for their children in this community. So it is a recommendation he supports.

Commissioner Alexander asked did they say how much?

Mayor Benton said \$2,000.

Commissioner Alexander asked what is the wage of the Director?

Commissioner Nelson said they are trying to get a full time position.

Mayor Benton said it is full time and she has done a heck of a job. She is out there working 70 hours a week. He knows she has been sitting there, so if she can give them in a couple of minutes and tell what they do on that Board.

Ms. Christine Epps, Executive Director of Shared Services Network St. Lucie County Executive Roundtable, said the Executive Roundtable is a Board of 25 of their key leaders in St. Lucie County and the Board is specifically gathered together to unite on issues specific to children and building the quality of life for children in St. Lucie County. It is quite amazing. There are only 15 of these Boards in the State of Florida and they are lucky to have at least three of them on the Treasure Coast, including St. Lucie County. They work on a multitude of issues facing children and a multitude of projects. Just one recent project was the enhancement of the Juvenile Assessment Center which they received funding from one of their partners on that Board, the County, to enhance it so there can now be a 24 hour facility that will help their law enforcement officers greatly to get back on the road and

provide safety to their community. It is issues that are roadblocks to the community that the full Board resolves together in terms of resources to make sure they have a resolution.

Mayor Benton said also with the team effort, Tallahassee listens. They get through now. They came to him and asked him to be a member. For some reason Fort Pierce in the past was not a member but they are now. The Chief sits on that Board. They do great work for the community and they deal with a lot of issues, especially the juvenile issues.

Commissioner Nelson asked is she asking money from other agencies, the County, etc. for similar amounts?

Ms. Epps said absolutely. Each Board member is asked for a certain amount to contribute to the process and to her salary and benefits.

Mayor Benton said they made this contribution last year. It is more or less to sit on that Board is a minor contribution. He thinks St. Lucie County, Fort Pierce, Port St. Lucie, and everybody sitting there pitches in.

Commissioner Nelson said he has sat on that Board also. First of all, the monies come from the general fund? Is there any problem with the source of funding?

Mayor Benton asked does Mr. Bergalis have \$2,000?

Mr. George Bergalis, Director of Finance, said he could find \$2,000.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve contribution of \$2,000 to the Shared Services Network St. Lucie County Executive Roundtable, Children's Services Council, to sustain full time Executive Director position.

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

The next item on the Agenda was Request by Mazola Barnes for an extension of time to pay the administrative costs in reference to the Code Enforcement Board Lien against 1313 Delaware Avenue.

Ms. Mazola Barnes said her house is on 1313 Delaware Avenue. She had called for an extension because she thought she didn't have to pay anything for the simple fact that she borrowed money last year in January and got a copy of it where it said they had taken \$1,500.00 from her for administration costs of \$475.00. She understands the City owed her \$1,025.00. Then what they are asking her to pay now is \$603.00. That should have been subtracted from the \$1,500.00 with the \$1,000.00 the City owed her. She has pictures of what was the complaint on her house with Shirley Kirby. She brought these pictures in here, she mailed them to Ms. Kirby. (Ms. Barnes displayed photographs.) There was the complaint on her windows. The house is 104 years old. She used acetone. Everything they told her to do, she had done it. She doesn't know why they gave her a lien of \$7,300.00 and they dropped it to \$607.00 when she had done everything they asked her to do.

City Attorney Schwerer said the request before the Commission is for an extension of time to pay the \$607.00. This Commission voted on March 21st to reduce the lien from \$7,300.00 down to \$607.00, the administrative cost payable within 30 days. Somehow his office ended up with her letter of April 22nd. It came to his office written by Ms. Barnes requesting an extension on the letter he sent to her at the request of this Commission. He wrote her a letter as the file shows on April 26th saying it is not up to his office to grant her an extension of time. The Commission needs to grant that. So the only request before them is another extension of time. He asked her to be prepared to explain why she needs

the extension and the reason.

Ms. Barnes said because when she came to the last meeting, she came here March 21. She didn't know when she was getting letters from the City, she was responding, but to come to one of the meetings, she never thought she had to come to one until she talked to Commissioner Alexander. She has done everything the City asked her. The only thing she didn't do was to come to the meetings. During the process of her repairing her house and painting the awnings and doing what the City asked her to do, the awnings were stolen. She replaced the windows. She bought new windows. The more she did, the more... Her air conditioner was stolen as she was repairing what the City was requesting her to do.

Mayor Benton said they don't have those details in front of them. What he has to ask her is, how long of a time frame would she like to pay that \$607.00? She is looking for an extension. That is all they can do tonight, is maybe grant her an extension.

Ms. Barnes said she will ask for an extension as of today. But when she paid the City the \$1,500.00 on a \$475.00 administration cost, she was owed money which she never got.

City Manager Beach asked how long of an extension is she requesting from the Commission for the \$607.00 payment?

Ms. Barnes said one month.

City Manager Beach said 30 days, that is the request.

Mayor Benton said that is all they can deal with, because they don't have any other information in front of them tonight.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve a 30 day extension of time to pay administrative costs in the amount of \$607.00 for 1313 Delaware Avenue.

Commissioner Alexander said he has had calls from this young lady several times and he requested her to come see Mr. Beach about this matter because of the issues. He did not have information in front of him and she has not gotten those issues resolved. The extension they are giving her tonight. But again, he asked her to come to Mr. Beach's office.

City Manager Beach said yes, he has spoken with Ms. Barnes. He has also met with the City Attorney's office on this subject. The City Attorney has written an opinion to him that he believes he gave to Ms. Barnes and hopefully copied to the City Commission in regards to the \$1,500.00 she referred to earlier. He can't quote that opinion to them from memory, but the gist of it was that this City does not owe Ms. Barnes \$1,500.00. She paid that in settlement of a lien and there is no mechanism set up for the City to repay that. Right now at least the Commission has reduced a \$6,700.00 lien down to \$607 administrative cost and they have given her a certain time to pay that, or the \$6,700.00 or whatever that figure is for the lien goes back on the property. The request in front of them this evening is to extend the payment of that \$607 for another 30 days.

Commissioner Nelson said it is under discussion and they have a motion and second. He shares the concerns that he thinks Commissioner Alexander is trying to bring forth here. During the 30 day period they are about to vote on here, it would behoove her to again get back with staff, probably Code Enforcement people or Planning Department or the City Manager, and revisit that area she is indicating with the document she has before her that she has in fact paid some monies; and of course, these monies might be deducted from that. That may or may not be the case. He has not been privy to the information Mr. Beach just mentioned indicating his analysis of that, which probably is right. But there was

another case they had, the Monroe case, he thinks he got a copy of that one. If there is some legitimate reason she has paid a certain amount and that much to be deducted, he thinks it should be further resolved. Please be patient. Accept the 30 days they will probably give her for the extension. And try to go back very tactfully, very calmly; and let's take a look at whether or not they can make some further adjustment.

Ms. Barnes asked who does she contact? Because she was talking with Code Enforcement the whole time. Every time he sent her a letter, she responded back to them and they said she needed to come to a meeting. What meeting does she have to come to, to get this straightened out?

Commissioner Nelson said he doesn't know whether or not Commissioner Alexander would take it on and make a personal review of her case with the documentation. He would route it to the proper source. Or if she wants to give it to him, he will take a look at it and try to route it to the proper source.

Commissioner Alexander said two heads are better than one.

Commissioner Nelson said if she is asking him to look at it. But they have a legal opinion from the City Attorney and they have a position statement from the City Manager. Of course they would have to look at all those documents and make sure they are on the right track and that in their judgment she does in fact have a legitimate case. More than likely, if they have made their analysis, it probably has a lot of merit to it. She has basically what she asked for, an extension of 30 days to come up with \$607.00 to pay or straighten this out. He thinks they can live with that.

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

Commissioner Becht said last month he believes it was, he asked Mr. Dusanek if they could look into or asked Mr. Beach to look into what the actual **administrative costs** are for these things. Because it looks like they have four more coming behind the previous one. And the dollar figures that are given for handling by the Code Enforcement Board, Mr. Dusanek's time, his Department's time, and the Special Master's time, cannot be anywhere close to \$498 or \$607. So even when they wipe off a lien, the City has subsidized a property owner for not taking care of their property. He appreciates that the goal was to get the property compliant, but they are not even recapturing what the cost was to get the property compliant. Are they going to get numbers back? And if so, when?

City Manager Beach said his understanding is that they did report that at the last meeting and indicated they were standing by the figures that currently exist. Those figures that are included as administrative costs are the figures that Staff is saying is the cost.

Commissioner Becht asked is Mr. Dusanek in accord with that? A Special Master costs them like \$100.00 an hour.

City Manager Beach said but he may hear 20 cases in an hour.

Commissioner Coke said but there is no line item here for the Special Master or the City Attorney.

Mr. Bob Dusanek, Senior Community Response Officer, said they are in the process of updating. Some of these figures are old. But they are in the process of updating those figures. Ms. Caudill will be doing that. But at this time it hasn't been completed yet.

Commissioner Becht said so it is not that these figures are accurate, it is just they don't

have the new numbers yet.

Mr. Dusanek said these figures were accurate as what they have been since he came to work for the City of Fort Pierce, that there is "x" number of dollars for inspectors, "x" number of dollars for trips, "x" number of dollars for photos and all that type of thing. He thinks they get breakdowns in their packets with those as backup with what those figures actually come out to be.

Commissioner Becht said if Mr. Dusanek is telling him he truly believes this is a correctly allocated cost, then he is going to back off. But it just boggles his mind that they are telling him a Code Enforcement case only costs the City \$498. If that is what he is telling him, then...

Mr. Dusanek said those are the present figures they are working with, yes. Those figures that are coming out on their sheet.

Commissioner Becht said so what Mr. Beach said, these are accurate. Or is he coming back later with different figures?

City Manager Beach said Commissioner Becht keeps saying accurate. These are the figures that they are using and these are the figures that they allocate individuals time and everything else on. These are estimates. Now whether they are accurate, they would have to track a case like Mr. Becht keeps his time when he is talking to clients on the telephone. Staff doesn't do that. They have estimates they apply to these. They actually do keep up with the number of trips that it takes to go out and look at the site and that sort of thing. But it isn't a lawyer's checklist of time devoted to a case. He is certain of that. They don't keep those types of records.

Commissioner Becht said he just wants to make sure the City is fairly compensated because they are giving a big concession in writing off the lien. If these figures - staying away from the term "accurate" - if they fairly compensate the City for the cost that the City has been put through with the compliance procedure, then he is fine. He is sorry, but his gut tells him that is not the real cost to the City for a code case.

Commissioner Nelson said what they are dealing with, he thinks Commissioner Becht is inserting himself into, from a legal standpoint he is talking about \$100 to \$150 or \$200 an hour. For these code people, they are talking about \$8 to \$13 an hour or maybe \$15. They can do a whole lot in an hour. And those \$3 and \$2 don't add up that much.

Commissioner Coke asked did Mr. Dusanek say these figures they have been using - inspection figures of \$25 an hour and time in office at \$125 - have not changed since he came on board, pretty much?

Mr. Dusanek said he doesn't think they have significantly changed since that time.

Commissioner Coke said her concern is, if they are going to... She doesn't always agree that they carte blanc write off all of these, but she has always been the minority voice here on that. If they are going to do that, certainly she thinks the price of gas has gone up since Mr. Dusanek started working here, and he probably has gotten a raise or two, and they have added the cost of a Special Master and the City Attorney's office is there, and there are just things here that she thinks they need to revisit and get a more accurate portrayal. Because if they are going to carte blanc write off everybody's liens because they come and say, "I am sorry I ignored the City for 15 years, but now I would like sell my house, so could the City write off their lien", at least they need to be collecting administrative costs.

Mr. Dusanek said he wholeheartedly agrees with her that it is time these were revisited and they are in the process of doing that.

Commissioner Alexander said he just wants to say one thing about that. He doesn't have a problem with that. But the problem he does have is that they are human beings. Code

Enforcement officers make mistakes. And who is going to pay individuals that mistakes are being made upon? When they speak about going up on things, he wants to make sure they are doing the job right. He is not saying they are not. But believe him, they are going to hear from him tonight before this is over with.

The next item on the Agenda was Request by James E. McGee that the Code Enforcement Board lien against 307 South 22nd Street in the amount of \$4,900.00 be rescinded upon payment of administrative costs of \$498.00 within 30 days.

Commissioner Alexander asked they have two cases against this one address and both of them in 2003? What is this?

Mr. Bob Dusanek, Senior Community Response Officer, said the reason for that is that one case went before the Code Enforcement Board and one case went before the Special Master, so they have to go back before each to get the recommendation.

Commissioner Alexander said so they have two different cases on this one property.

Mr. Dusanek said that is correct.

Motion was made by Commissioner Alexander, that the Code Enforcement Board lien against 307 South 22nd Street in the amount of \$4,900.00 be rescinded upon payment of administrative costs of \$498.00 within 30 days.

MAYOR BENTON RELINQUISHED THE GAVEL TO MAYOR PRO TEM COKE AND SECONDED THE MOTION.

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

MAYOR PRO TEM COKE RETURNED THE GAVEL TO MAYOR BENTON.

The next item on the Agenda was Request by James E. McGee that the Code Enforcement Board lien against 307 South 22nd Street in the amount of \$70,700.00 be rescinded upon payment of administrative costs of \$562.00 within 30 days.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that the Code Enforcement Board lien against 307 South 22nd Street in the amount of \$70,700.00 be rescinded upon payment of administrative costs of \$562.00 within 30 days.

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

The next item on the Agenda was Request by Anthony Harriott that the Code Enforcement Board lien against 1510 North 15th Court (a/k/a 1611 Avenue O) in the amount of \$42,000.00 be rescinded upon payment of administrative costs of \$448.84 in 30 days.

Mr. Anthony Harriott, 2614 S.W. 2nd Street in Fort Lauderdale, Florida, said on this lien on this property he did everything that the City Code Enforcement asked of him. He took care of everything in a timely manner and he could not get an inspector to come out to inspect the job he had done. It was not until he started writing letters and he copied one to the City Clerk before he got any response. Now the Code Enforcement Board voted unanimously to take the lien off. They don't owe any administrative cost.

Mayor Benton asked did he have a copy of those letters he sent in?

Mr. Harriott said yes, he does.

Mayor Benton asked did he show them to the Code Board?

Mr. Harriott said yes, he did.

Mayor Benton asked did they take that into consideration?

Mr. Harriott said yes, they took it into consideration. That is why they recommend that he doesn't pay any administrative cost and nothing at all on the lien. As a matter of fact he was even told coming out of the meeting that he should be on the Agenda for today. When he met with the Code Enforcement staff person who prepared the minutes last week, she told him he was not on there. It was not until he wrote a letter and copied to several different offices and the City Clerk. He got a phone call this morning from the City Clerk that he was on this meeting today.

Commissioner Alexander asked he has had a problem with addresses. Where is 15th Court?

Mr. Bob Dusanek, Senior Community Response Officer, said he can't answer that one. He doesn't think there is a 15th Court.

Commissioner Alexander said there is no 15th Court. He read in the Minutes that it was a lack of communication that they were having problems with this gentleman. And that was the first thing that popped up in his mind when he saw this, there is no 15th Court. He rode by the property today. He noticed there is a 16th Court. If it is a typo error... And again, he is not pointing any fingers at anyone; but the first thing they say, they go to St. Lucie County and that is what they give them, but St. Lucie County can be wrong too. They have been on this job long enough to know there is no 15th Court, so they should be making some changes, should they not? He looks at the monies wasted with mailing of certified mail.

Mr. Dusanek said he has to apologize. This particular case, he was on vacation at the time of the Code Board when Mr. Harriott was evidently there. As far as 15th Court, he doesn't know how they came up with that address. He does know they do have a lot of addresses where the City has one address and the County has another address on the same piece of property or many different addresses on one piece of property.

City Manager Beach asked are they all aware that the recommendation of the Code Board is that they rescind both the lien and the administrative cost? If they do that, if that is their intention, then this will go away.

Mr. Dusanek said that is correct.

Commissioner Coke said that is what it says in their package, but it is not what it says on the agenda.

Commissioner Alexander said he understands that. But when they are expecting individuals to pay administration costs for stamps and trips and so forth, so are they telling him their Code Enforcement officer went to 15th Court to sign off on it?

City Manager Beach said they believe the confusion created by this discussion was sufficient to where they were willing to recommend to the Commission that this person does not pay administrative costs or the fines.

Commissioner Alexander said maybe he can't read to his liking, but it says be rescinded upon payment of administration costs.

City Manager Beach said that was Staff's recommendation. The Code Board recommendation is on the second page of that; and it is their recommendation that this person not pay administrative costs.

Commissioner Alexander asked is Code Enforcement Board not staff either?

City Manager Beach said no. They are an independent board.

Commissioner Alexander asked they don't have a staff member on that Board?

City Manager Beach said no, they do not.

Commissioner Alexander asked on the Code Enforcement Board, they do not have an attorney on that board?

City Manager Beach said there may be a member of the City Attorney's office.

City Attorney Schwerer said no, they advise the board only.

City Manager said the City Attorney is not a member of the Board.

Commissioner Alexander said okay. They are all making it seem like he is trying to create a problem. He is not. What he is trying to say is, the citizens come first, the City is secondary. If they tell him all these years they have been dealing with this piece of property, no one came up with 15th Court that said they may have a problem here, let's correct this problem?

Mr. Harriott said he went to the Property Appraiser and he mentioned it to them and asked them could they change it. The young lady told him she would do her best by contacting the City and see if they could get the City to go over there and change it.

Mayor Benton asked what address does he use for whoever lives there?

Mr. Harriott said they use a/k/a 1611 Avenue O.

Mayor Benton said he doesn't know how long it took them to find this out, but they have that here. The point is, he thinks the Code Board must have realized that and he thinks that is why they are asking to rescind everything.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to rescind the Code Board lien and administrative costs for property at 1510 North 15th Court (a/k/a 1611 Avenue O).

Commissioner Nelson said he lives one block from this house. There is a set of duplexes in the area. Of course, there is a problem associated with the trash and garbage there on the south side of that Avenue O right now that should be taken care of. The apartment complex there, right about eight or ten of them there facing to the west which caused some confusion. That west facing put them on 16th Court going south. So he can see where the confusion is there. But they talk about cleaning up the properties. The tenants are bringing trash and putting it on the street.

Mr. Harriott said he only owns one building.

Commissioner Nelson said he only owns one of them, but they don't know whether the trash comes from him or the other people. What they are going to do is probably having a waiving of his fine and the administrative cost. But as a good neighbor, he is asking that they all get together and clean up that street and put that garbage off the street there.

Mr. Harriott said he does his best with his property. His is on the corner and he tries to keep it as clean as he can.

Commissioner Nelson said do his best.

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

Commissioner Nelson said he doesn't have to pay the lien or the administrative cost.

Mayor Benton said just keep it cleaned up and take care of it.

Mr. Harriott asked how soon can he get a letter or something from the City?

City Manager Beach said he will get a letter from the City Attorney's office.

Mr. Harriott said he is asking how soon.

City Manager Beach said he will get it by the first of next week.

Mr. Harriott said he has some other properties.

The next item on the Agenda was Request by Louise Robinson that the Code Enforcement Board lien against 1721 Avenue D in the amount of \$12,950.00 be rescinded and that administrative costs of \$415.94 not be charged as recommended by the Code Enforcement Board.

Mayor Benton said they are looking to alleviate all the liens and the administration costs.

Ms. Louise Robinson said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to rescind the Code Enforcement Board lien and administrative costs against for 1721 Avenue D.

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

The next item on the Agenda was Resolution No. 05-26, Appointing a member to the Historic Preservation Board.

City Clerk Steele said they have two applications - one from Samuel Gaines and the other from Michael Menard. She will need a Commissioner to suggest a name for the resolution and then she will read the resolution with that name.

Commissioner Alexander said he will make a recommendation to appoint Samuel Gaines.

Commissioner Nelson said he would agree to that.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-26

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **SAMUEL S. GAINES** TO THE **HISTORIC PRESERVATION BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Alexander, seconded by Commissioner Nelson, that

Resolution No. 05-26 be adopted.

Those voting in favor of the adoption of Resolution No. 05-26 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Discussion on proposed Enns Family Dedication for the Indian Hills Golf Course.

Commissioner Coke said she wants them to know she got in trouble over this. Eddie Enns yelled at her.

Mayor Benton said that is why when he talked to Eddie Enns about it, he specifically said a group of his friends brought this up.

Ms. Anne Satterlee, Assistant to the City Manager, said at the last meeting the Commissioners had requested Staff to bring back a naming opportunity at the Golf Course, preferably for the Enns Family. (Ms. Satterlee gave a picture of a dedication plaque to the Commissioners.) What she distributed to them is something similar to what they were thinking of that would be appropriate to have at the Indian Hills Golf Course. As they may recall, they had a bronze plaque that was installed at the Lincoln Park Plaza about a year ago recognizing Mr. Scott who had extensive service with the City. She gave them a copy of what the plaque looks like. It is bronze with a photograph and made out of granite. They were looking to place something of this sort at the Indian Hills Golf Club, hopefully in the new Golf Club House and/or they could also mount it on a pedestal type basis prominently like what they have similar at the Lincoln Park Plaza.

Mayor Benton said put it out near the putting green or something where everybody can see it.

Commissioner Alexander asked are they just going to dedicate this to Edward G. Enns or the Edward G. Enns Family? He is kind of confused with that now. Are they going to do it for the individual?

Ms. Satterlee said they can do it either way, whatever the Commission would like to have. What she provided them with was just more or less to get a feel and get some feedback from them on what they would like to have.

City Manager Beach said he believes the discussion at the last meeting was that it would be dedicated to the Edward G. Enns Family. That is his recall. He believes Commissioner Coke made that suggestion.

Commissioner Coke said yes; and she got a lot of grief from the Edward G. Enns about even bringing it up. He told her, "Don't do anything."

Mayor Benton said he never liked to name anything after anyone.

Commissioner Coke said that is why she suggested the Edward G. Enns Family, because he is a little more receptive to that.

Commissioner Alexander said he knows; but Mr. Enns needs his accolades. That is just his feeling.

Commissioner Coke said however everybody likes.

Mayor Benton said when he looks at what they have done for Mr. Scott, he thinks it would be appropriate that they do the same for Mr. Enns. Because it was his commitment to this community as public service for many years. He thinks that should be on there. It is nothing against the family. He thinks this is the man and his public service, the same that

was shown here, in his opinion.

Commissioner Nelson said he has to echo that. He knows Eddie Enns personally doesn't like to be mentioned. And to drag his family in, he thinks it would be a precedent. He will accept it, whatever they want to do.

Ms. Satterlee asked would they all prefer to have the Enns Family?

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve the concept (of a bronze plaque in recognition of Edward G. Enns), less the family name.

Mayor Benton said the motion is they will take the family off and it will be in recognition of Edward G. Enns.

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

The next item on the Agenda was Discussion on setting a date for a **Joint Meeting** of the Fort Pierce City Commission, the St. Lucie County Board of County Commissioners, and the Port St. Lucie City Council.

Mayor Benton asked do they need to do this tonight?

City Manager Beach said he is not sure. This was put on the Agenda as a result of a request that was generated by a meeting Mayor Benton had with Mayor Minsky of Port St. Lucie and County Commissioner Hutchinson. He guesses what they are asking here tonight is, is that what they all want to do? If so, Staff will start working on dates and schedules and things of that nature. Is that acceptable?

Commissioner Coke asked doesn't it say here that Port St. Lucie can only make it Monday, August 29th from 2:00 to 5:00 p.m.?

City Manager Beach said he doesn't know that.

Commissioner Coke said the County gave them eight dates to choose from and Port St. Lucie says they can only make one. Their option is, if they want to all be together they better go on that one, or move it into September.

Mayor Benton said they must have a busy summer down there. August 29th is a long ways away to make a commitment now. Do they think they can have maybe Ms. Robinson or someone call around?

City Manager Beach asked are they all okay with that August 29th date?

Commissioner Nelson said he is not.

Commissioner Coke said she is. Where is Commissioner Nelson going to be?

Commissioner Nelson said probably at a Retirement Board Meeting.

Mayor Benton said he has no clue, but it is a long ways away.

City Manager Beach said some people schedule a lot better than he does.

Commissioner Alexander asked is this the meeting they were suppose to be scheduling?

Mayor Benton said that came out of their meeting. He thought they wanted to meet promptly about some issues. He guesses they weren't as concerned about those issues

now as they were that day. They are still going to meet before then, the three of them anyway.

Commissioner Nelson said the 29th of August is four months from now.

Mayor Benton said so he guesses it wasn't as urgent as the three of them thought.

Commissioner Coke said this is not necessarily utilities stuff. Remember, they decided they were going to try twice a year get together?

Mayor Benton asked is the School Board on here? The twice a year was supposed to include the School Board also. They started with the School Board. They were looking at all four of them getting together twice a year. It hasn't happened yet. First of all, it is a difficult time to have lunch with the people from the School Board.

Commissioner Nelson said he thinks they ought to put this on hold and probably have staff review it.

Mayor Benton said let's fine tune this and keep those dates. Does everyone agree? (The Commissioners agreed.) There must not be a dire desire to get together real quickly. He thinks they are going to just try to work it out among the secretaries.

The next item on the Agenda was Chief of Police request support in proceeding with a proposed Countywide Enhanced Alarm Call Verification Policy.

Chief of Police Eugene Savage said to make this very short, they experience in this City - and he is just talking about for the City of Fort Pierce - an average of 350 to over 500 alarm calls during a month time period. About 90% to 95% of those calls are false alarms. What a lot of cities are doing around the country is to go to some type of verified alarm system which places the onus on the alarm companies or the alarm constituents that have the alarms in their homes or in their businesses to first verify the alarm, that it is an authentic alarm, before the Police Department will respond. Or what some agencies do is have a no response policy. They respond to the first alarm call, they respond to the second alarm call, and if that call turns out to be false, then they have a no response policy until they can correct the false alarm situation. What they are looking at in this County is to get a unified alarm response policy so that both cities and the county will have the same policy so they can cut down on the false alarm calls. A false alarm usually requires at least two officers to respond, one is the primary and one is the backup. It takes anywhere from 5 to 10 minutes, once they get to the scene, to determine that the alarm is false and then go back in service. That doesn't factor into the response time and the time to go back into service. So it takes an inordinate amount of time for officers to handle these false alarms. They have a countywide and citywide policy in that people can purchase an alarm and not register with the County, but they are not penalized. He can put in an alarm system in his home and not even let the County know he has the alarm system. The Police Department can respond to several false alarm calls. And if the alarms have not been registered in the County, then the owner of the alarm is not penalized, so they get away scott-free. One of the things they need to look at also is to strengthen their policy, both in the City and in the County. Once they do that, they can experiment with a verified alarm response policy which he thinks is much needed. That is the long and short of it. In their packet they have a more extensive report about the verified alarm policies and protocols in many communities in the U.S.

Mayor Benton asked is the Chief going to come back to the Commission with something that they are all going to adopt together, is that what they are looking at?

Chief Savage said yes. It is a unified policy is what they are looking at.

Mayor Benton asked something soon?

Chief Savage said yes.

City Manager Beach asked is the Chief looking tonight for just some conceptual agreement with the idea from the Commission; or did he need something specific?

Chief Savage said no, he just wanted the Commission's support to pursue this.

Mayor Benton asked does everyone agree? (No one disagreed.) Lets move forward with it. He knows it is a problem.

Mr. Colin Forbes said he is a coordinator and organizer with their upcoming Annual Festival which is their second year with the **Frontline Kids** Organization. They are here requesting assistance in funds and also in permits for their banners in kind of steering the public towards the event on the event date.

Mayor Benton said they spoke together the other day. He doesn't know, do they have to submit something in writing?

City Manager Beach said he is not sure what they are needing. If they need a permit or something of that nature, special event permits are handled through the City Clerk's operation. If they are asking for some financial participation, that request needs to come in writing and be presented to the Commission at some point.

Mayor Benton said he thinks they were looking, like last year, the City helped out as far as advertising was concerned.

Mr. Forbes said yes, they did.

Mayor Benton said he thinks what they need is to have something formally submitted to the City Clerk's office in writing, because they do have a fund for that. Last year they put on the Reggae Festival and the profits went to Frontline for Kids, right?

Mr. Forbes said yes.

Mayor Benton said it was a very good program. There was a great turnout.

Mr. Forbes said they are improving it this year. It is bigger and better and more diverse. They incorporated various cultures.

City Manager Beach asked is this at the Amphitheater? Is that where that was last year?

Mr. Forbes said yes, the Indian River Park Amphitheater.

City Manager Beach said that requires a permitting process and reservations and things of that nature.

Mayor Benton said this year they are going to Lawnwood Stadium.

City Manager Beach said then that is through the County.

Mayor Benton said the other thing requested - and he is not sure whether this is something the Commission sees or if it needs to be in writing - they were looking for help with banners or the ability to put banners up. Does that come in a form of a letter to request those?

City Manager Beach said that is handled through their Planning Department for signage.

But typically banners are not permissible. If they recall, the Commission at one time would authorize banners to go across 2nd Street; and then that was given to the Utilities Authority and they would then place them on utility lines. One year one of those came off and took a finger off a motorcycle rider or something like that. And since then, the FPUA has refused and just said no. The FPUA will not put banners across the road. The other issue is just banners on trees and fences and things of that nature. That is not something that is permissible under the sign code.

Mayor Benton said people do it anyway.

City Manager Beach said they do it constantly. But again, they do come to the City asking for permits and they tell them it is not a permissible activity; and then they go and do whatever it is they do.

Mayor Benton said as far as the request for funding for advertising, if they would submit that to the City Clerk's office. Their next meeting is two weeks from tonight, so if he can get it in as soon as possible.

Mr. Forbes said he will do that. They look forward to seeing them all at the Festival.

Commissioner Coke said she actually was going to be about 25 minutes early this evening until she got stopped by the train. It went chug, chug, chug, it stopped, and then it backed up. Then she sat there for five minutes and it went forward. After 25 minutes of sitting there she had to back down Depot Drive, drive down Orange Avenue the wrong way, go over the roundabout and come down 2nd Street the wrong way to get into this parking lot to be here in time. It was 25 minutes she sat there. And by the time she went through all that rigamarole, that train was still blocking the intersection and had no intention of moving. It wasn't doing the chug-a-lug thing. It was just sitting there.

Mayor Benton said that same thing happened to him at the last meeting and he had to turn around and go back around. Several times at lunch he has had to climb through the train. He believes Mr. Beach is going to visit the **FEC Railway** people this week. That has been a real problem. Downtown comes to a halt for sometimes an hour during the day at lunch time. He and Mr. Schwerer were out and they got stuck and they had to climb through the train. He knows it is supposedly illegal, but some things they have to do.

Commissioner Coke said that has happened to her.

Commissioner Nelson said that is dangerous too.

Mayor Benton said he will take his chances. But if they want to talk about road rage, talk about trains.

City Attorney Schwerer said he office can write the FEC Railway another letter like they did the last time.

Commissioner Nelson said he noticed the **signs** that were blown down from the hurricane are being put up again. Some are not consistent with the ordinance they passed. He thinks a good example of one is the Haverty sign out on U.S. #1 across from Popeye's down there.

Commissioner Nelson said last Friday on behalf of the Mayor and the Commission, he attended a ribbon cutting over at **Live Oak Village** on 25th Street. This particular development came about as a result of their City Manager and their former Mayor visiting down in the Homestead area wherein they built some of these homes for farm workers. He would encourage each and every one of them to go and take a look at that facility. It is by far one of the better facilities he has seen built and it is not anything like the Grand Savannahs or anything of that nature. It is definitely not low income housing per se, but it

is for farm workers. Prices range from \$324 for one bedroom to a little over \$700 for a four bedroom. It is really something they can see and point people to when they start talking to the Commission about, "Not in my back yard". He thinks any of them would love to have this facility in their front yard. It is a quality development over there.

Commissioner Nelson said he talked at the last Commission meeting about a change in the ordinance for the **travel and meals and mileage**. They need to get that back as soon as possible because it is something they have not consummated. He made a cursory check around the Stuart area, the County area, and he thinks Indian River County; and each of them has allowances far greater than what the City is paying. He thinks they ought to move forward on that and he hopes they can get that back on the next Commission agenda.

Commissioner Alexander said he has had a couple of calls concerning Indian River Drive. The **speeding** over there is crazy. He just noticed last week over on 13th Street and Avenue H, he sees radar traps over there on a constant basis. In fact, he saw two or three officers sitting over there. Is there a problem with Indian River Drive?

Chief of Police Eugene Savage said no more than the usual problem they always have on Indian River Drive; but he will put some attention over there.

Commissioner Alexander said okay. He assured them the Chief would do that.

Chief Savage said it is just that whenever they do that, they end up corralling folks that live over there on Indian River Drive.

Commissioner Alexander said he looks at it over on 13th Street; and those young people over there, they feel the same way.

Commissioner Alexander said he has a serious concern. He asked the Chief about this earlier about that crime prevention function they are holding in Tampa (20th National **Conference on Preventing Crime in the Black Community**). He thinks it is robbery that the young kids aren't going to get the opportunity... Those kids go over there and excel. He takes it upon himself to go. He could be spending vacation time, but he doesn't have vacations. But he could spend time over there seeing how these kids come together and come back to their community. He doesn't think they have any kids going this year. They have gone from over the past years at 50. He is at Commissioner Nelson's desk today, because he knows Children's Services Council always supported them. Now, for whatever reason they want to give him, the children are suffering. That is what he has a problem with. He does not want to see these children suffer because of whatever the reason may be. He is asking Commissioner Nelson now. He heard him speak about it. He is not bringing this issue to be debatable. He is just thinking of the kids in this community that need to be at that conference. The Sheriff has put up money for transportation; and he guesses this is going to have to go back to the Sheriff's coffers because they don't have anyone to go. Again, he is just letting them know. He is not argumentative.

Commissioner Nelson said that is not a matter of argument. It is just a matter of a statement of fact. The sponsor of those groups that went over there last year selected this year not to apply for a grant from the Children's Services Council. Reportedly they said they didn't have the sponsors, i.e. the chaperones, to accompany them to that affair. A lot of the kids now are in fact much older and they require more supervision. And the Granny's Gang, as far as he knows, opted not to apply for the funds. They asked for a total sum of some \$17,000; and they indicated they weren't going to go this year.

Commissioner Alexander said that is not how he got it. Again, he does not want a tit-for-tat. But the thing is, he was told it was because the applicant did it in handwriting, that was why, that they were very resentful to them for even presenting them an application in long

hand.

Commissioner Nelson said he does not know, that might have been the case. He sat on that board. They kept it open for two or three months asking to please have the Granny Gang come in. And they did not come. The Council voted on two occasions some \$17,000 as requested. He personally talked to Ms. Green about that and he suggested that her board members talk to her; and the application was not submitted. When it finally was submitted, then of course staff recommended disapproval, primarily because - he was told - \$17,000 and they said they didn't have people capable of doing it. He can give him that in hard copy.

Commissioner Alexander said it was just a comment from this Commissioner. He just thinks it is robbery that their children cannot enjoy this. This is something that is put on his State Attorney or the State of Florida as well as Georgia. So these kids can come all the way from Georgia, surely they can send kids from this community. The Chief might have a group of kids they may want to send over there. He is not speaking of one in particular group of kids. There are plenty of kids in this community that can utilize that. Again, for it just to be arbitrarily dropped to the side, no one would ever pick that up.

Commissioner Nelson said he can assure him that the Children's Services Council is responsive to the needs of children and the requests made on their behalf. Virtually 99% of the times they ask for funds, those funds are granted. Certainly they have their procedures; but they have on occasion, with his insistence, waived some of the timetables for submission as well as the procedures. So that wasn't an issue. He can show Commissioner Alexander empirical data where that was in fact the case.

Commissioner Becht said they now have a Task Force meeting set up for a date that he is too tired to remember, but it is set up. They have a letter. He doesn't know if it was in any of their packets or not. But Mr. Boudreaux very succinctly put forth the concept that their current Interlocal Agreement provides the framework for **regionalization** if the County will just read it that way and follow through. So there is some progress there.

Commissioner Becht said he doesn't know where they are with the **architectural review standards**. Is it coming in, not coming in, did it come in two weeks ago when he missed the meeting?

Mr. Ramon Trias, Director of Development, said Assistant City Attorney Walker is working on that.

City Attorney Schwerer said there is a draft that has been through two reviews in his office. He thinks there are a couple of word changes and then it will be ready to come to the Commission for comment anyway.

Commissioner Becht asked does he know if Mr. Walker was able to access Port St. Lucie's review standards? Because they do have one and they have some experience with it. They don't have to mimic that one, but it is a starting point.

City Attorney Schwerer said he doesn't know.

Mr. Trias said he is familiar with that and he will be happy to explain it at the time it is before them. There are some advantages and also some disadvantages they may want to consider.

Commissioner Becht asked maybe the next meeting, is that realistic?

City Attorney Schwerer said yes. They took all the comments from staff and everything and put it into one package. By no means is he saying they are endorsing it, they are simply

taking it all and putting it before the Commission for further hashing it out.

Commissioner Becht asked maybe in two weeks?

City Attorney Schwerer said that depends on the advertising and their next agenda.

City Manager Beach said they can get the ordinance here for discussion, whether it is for action or not.

City Attorney Schwerer said absolutely, they can do that for discussion purposes, sure.

Mayor Benton said it just appears that at every meeting they are apologizing for things that are falling through the cracks with their staff. Once in a while is one thing; but it was again tonight, it was at the last meeting, it is at almost every meeting. To him, he thinks things can be run efficiently once they catch these problems. But this has been going on for months. He doesn't know about the rest of this Commission, but can they expect they can get either better communication amongst staff; or at least let people know if something has not been done properly, not to come here and sit all night long? To him, it has to quit. It is very embarrassing for the Commissioners. It has got to be embarrassing for Staff. It is very frustrating.

City Manager Beach said he is not making excuses, but individuals who present things to the City Commission have a responsibility themselves to have that information complete and intact. Staff absolutely should follow through; and if something is scheduled for the agenda, if it is going to be pulled, the individuals who are impacted by that absolutely should be notified. Without question, they should be notified. But don't forget that people who are approaching this City Commission are going to give their perspective of what is going on, what has happened to them, and they are not going to take any responsibility for what may or may not have happened. Clearly, there was communication to both of these companies (Indian River Development and Mercedes Homes) asking them to provide information that they simply did not provide. Staff should not have put it on the agenda, that is a given. Furthermore, the moment they knew it wasn't going to be heard tonight - which he doesn't even know what time today that was, because this morning at their Department Head meeting it was still scheduled for the agenda - but clearly, the applicants should have been notified that it wasn't going to be on the Agenda. But there is plenty of fault to go around both from the staff level and the applicant's level on these issues.

Mayor Benton said his thinking is that 99% of these have been in front of the Planning Board first. If the City Commission couldn't make the decision because the right information wasn't provided, the Planning Board shouldn't have made a decision. It should have been cleared up before the Planning Board made a decision and it came to the Commission. Is he right? He looks to the City Attorney because there is a City Attorney at that Planning Board meeting; and the Planning Board should need the same information that the Commission needs in order to make a decision. Is that true? Is that right? He sat on the Planning Board for years and so did Commissioner Becht. Is he wrong? He is looking for backup here.

Commissioner Becht said the Mayor has all the backup he needs. The Commissioners should get the same sheet their Planning Board members got when he was on the Board, showing the sign-off. If the City Attorney has signed off, then the City Attorney signed off. He doesn't know if he caught something after the fact or didn't.

Mr. Ramon Trias, Director of Development, said what happened is, at 4:30 today is when he had the last conversation with the City Attorney, and apparently it was something after the fact. In his view, it was a very reasonable thing that happened. In some ways, this is the way the process is designed to work. If they did not have the opportunity to look at things at the very last minute, then there would be no point in coming to the City

Commission. He thinks it would be preferable not to do it like that; but in some cases, like in this one, it came down to the very last minute. As the City Manager said, it had to do with some technical requirements that had not been submitted. There are some advertisement requirements as they well know in going through all the decisions; and once they set up the process, sometimes they set up the process contingent on getting that information. They could simply not do that and it would take longer; and then they would have applicants very unhappy with the fact that things take too long. That is the balance they try to play with. Unfortunately sometimes it doesn't work.

Mayor Benton said his suggestion would be, there is no reason why their staff can't get together several days before the Commission meeting once the agenda is set and make sure everything is in order. Then let the applicant know if for some reason something wasn't... They can see what happened tonight. This is just happening every meeting for months. It is frustrating for the Commission. It is frustrating for him because he is the one who has to apologize. It is time they saw some of the mistakes made and correct them.

Commissioner Alexander said the Mayor has his support with him on that. Because of the simple fact that he knows Staff doesn't mind putting things on the Agenda for the City Commissioners to sit up on Friday and Saturday night, half of the night. He doesn't mind sitting up because he wants to be abreast of things that are going on. But what really ticks him off, like 3:00 in the morning; and believe him, if he can stay up until 3:00 in the morning, Staff can stay here until he finishes. He means that. There is no concern or consideration about time. He knows they all have to spend from Friday afternoon when they get the packet, that means Friday night and Saturday night. He doesn't have a life, because he puts his life into this package and he wants to be abreast of things. If they can't get it in time... Ms. Steele has a cut off date on Thursday for anything going on the Agenda. So if they can't have Friday as a cut off for things taken off the Agenda, then beware.

Mayor Benton said he thinks he made his point. He hopes everyone agrees.

There being no further business, Mayor Benton declared the meeting adjourned at 10:25 p.m.

Adjournment.

ATTEST:

COMMISSIONER

CITY CLERK

MAYOR