

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 16, 2005.

Mayor Benton called the meeting to order.

Reverend Billie Davis, St. Mark 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 21-27, 2005 as "**National Safe Boating Week**". Mr. Robert Mercer was present to receive the proclamation.

Mr. Robert Mercer said thank you very much for this proclamation for National Safe Boating Week. He wanted to invite the Commission and residents of Fort Pierce to the Open House at Coast Guard Station Fort Pierce, 900 Seaway Drive on Saturday, May 21st from 10:00 a.m. to 4:00 p.m. They are having a pretty exciting day. They will have the search and rescue helicopter there at 11:00 a.m. for a demonstration of extraction from the water, lots of activities for the kids, and a touch tank from the Smithsonian. They are hoping folks will be able to come by and have a big turnout for recognition of National Safe Boating Week.

Mayor Benton said they will look forward to that. He knows in the past it has been a lot of fun.

Mayor Benton proclaimed May 16, 2005, in honor of **Imogene Griffis Vaughn** on her 93rd Birthday.

Ms. Imogene Griffis Vaughn said her father was a railroad man. That is why they came here from Jacksonville in about 1910. She was born on Orange Avenue. She thinks the Baptist Church maybe sits there on that lot now. She always says this is where she is from.

Mayor Benton proclaimed May 29 through June 4, 2005 as "**Hurricane Awareness Week**". Mr. Jeff Standing was present to receive the proclamation.

Mayor Benton said he wants to thank Project Hope for all their help after September last year. They all came through. He doesn't know what they would have done without them. It made his job a lot easier and helped a lot of people get through a tough time.

Mr. Jeff Standing said thank you very much for proclaiming the week of May 29th through June 4th as "Hurricane Awareness Week". He is accepting this award on behalf of Project Hop; but more importantly and most importantly for the community of Fort Pierce. He is very humbled to stand here before them to accept the award on behalf of the community. The week itself is filled with activities from church activities to good neighbor days where people will be picking up nominations to actually nominate a neighbor or friend for their support and help throughout the hurricane and the aftermath itself. They already have several boxes that are filled with nominations, which is wonderful. They are going to be setting up in store booths. They are partnering with a lot of local businesses, a big part of the community as well in their support and sponsorship of Project Hope. So they will be there in person giving out information and also making that linkage to make sure that unmet needs are being met through the social service agencies in the community of Fort Pierce who they also partner with. That is very important as well. They also have a youth art contest. They partner with a lot of schools throughout Fort Pierce as well because children have a difficult time and can't express themselves very well, so they help them through various activities, art activities, puppet shows, and things like that to really target their emotions and their feelings around loss because there is a great amount of loss that a child

goes through with these disasters. They also have the First Responders Appreciation Day and that is going to be at the County fire station over on Rhode Island, giving thanks to the first responders for their incredible, unwavering, steadfast support after the hurricanes as well. That is Friday at 10:00 a.m. All this is culminating on June 5th with a Hurricane Expo as a grand finale, neighbor helping neighbor in bringing the community together. They will have social service agencies there. They will have clowns and balloons there. It is going to bring the community together. June 1st is going to be a big anniversary and it triggers a lot of emotions, so they would still appreciate as much partnership as they can get from all of the community and support. Come out and join them on Sunday, June 5th. They look forward to partnering with the City in the future.

City Clerk said they have a special proclamation. It is not on the Agenda because they were hoping it would be a big surprise.

Mayor Benton issued a Proclamation in honor of "**Rufus J. Alexander III**" being awarded 2005 Mortician of the Year by the Florida Morticians Association, Inc.

Mayor Benton said congratulations. He is sorry it wasn't during the special event last night, but they wanted to surprise him tonight.

Commissioner Alexander said he just wanted to let this community know that all his efforts he puts forth did not only just come from himself, it came from the shoulders he stood upon, which is his grandfather and his great, great grandfather. His family came here to this community, they built their first homestead in 1906 right there on Avenue D. That is why when he hears the negative part about Avenue D on the north side he frowns on it, because he knows better. He just wants to let the community know that all his efforts is for the community as a whole and nothing personal, no personal gains. And when he speaks of his community, he speaks of the City as a whole and this County as a whole. These accolades he receives now, these come from the shoulders of his great ancestors and they are part of this community and he will always be part of this community. He has grown grandchildren. He loves this community and he doesn't want anyone ever to think he takes any personal gains. He gives his heart to them.

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

Letter from Mary Daniels complimenting Fort Pierce Police Officer Kristen Anderson for her professionalism, courtesy, and understanding.

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

Commissioner Nelson said he would like Item 7b (Contract for Police Officers Unit and Sergeants & Lieutenants Unit) and 7e (Travel to 2005 Institute for Elected Municipal Officials) removed for discussion.

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

a. Approve the Minutes of the Special Joint Meeting on April 21, 2005; and the Minutes of the Regular Meeting on May 2, 2005.

c. Approve Police Department SWAT Team expenditure of \$3,815.76 (State Contract) for two **Body Bunkers** and \$1,330.50 (Demand Star) for two **Remington 700 Rifles**; funds from Law Enforcement Trust Fund.

- d. Approve travel and attendance by Commissioner Nelson to the **Florida League of Cities Legislative Wrap-Up Policy Committee Meeting in Orlando, June 8-9,2005.**
- f. Approve travel and attendance by Commissioner Alexander to the 2005 **Institute for Elected Municipal Officials** in Lake Mary, June 4-6, 2005.
- g. Approve travel and attendance by Commissioner Alexander to the **Florida League of Cities Legislative Wrap-Up Policy Committee Meeting in Orlando, June 8-9, 2005.**
- h. Approve purchase of one **Ford Taurus** and one **Ford Freestar Mini Van** for the Police Department from Sunrise Ford Company in the amount of **\$27,456.56.** Bid No. 5472
- i. Authorize piggyback Florida Sheriff's Association bid for purchase of one 2005 **Ford Taurus** for the Police Department from Don Reid Ford in the amount of **\$12,125.00.** Bid No. 5472
- j. Accept proposal from Wilson's Petroleum Equipment, Inc. for the purchase of a Veeder-Root **Fuel Tank Monitoring System** for the City Marina in the amount of **\$21,555.00.** Bid No. 5529 (Single Source)

The next item considered was Item 7b, which had previously been removed from the Consent Agenda: Approve Contract with **Coastal Florida Police Benevolent Association** for Police Officers Unit and Sergeants & Lieutenants Unit for October 1, 2004 - September 30, 2007.

Commissioner Nelson said he wanted to pull the contract with their Police people. They are very much deserving of what is proposed here. He has some concerns as to how they are going to defray these costs as it is not clearly delineated in the correspondence which he received. To wit, it is reported that the Finance Director talks about \$308,000 for this increase as a result of that and also they have also a multiplier of 3%. They have been in negotiations with these unions for some time. And the cost as he calculates this thing, in extrapolating it to other bargaining units, he thinks it is going to cost more than what they have here. If they just take the Police entity, they are talking about \$308,000. If they put in the Teamsters involved and the other people, that is another 250 people. That is going to creep up about another \$700,000 in his calculations. Plus they are going to be talking about a 2% raise for some of their employees to include the people that the Teamsters represent. Where are these monies coming from and are they currently available?

City Manager Beach said the contract in front of them is for both of their Police unions. In this year's budget the Commission authorized or placed in the operating budget a 4% adjustment for the PBA (Police Benevolent Association) agreement. So from what is in front of them, approximately 80% of that will come from existing budgeted resources for the purpose of salary increases. They will have to identify the other 20% which will be from their General Fund. In his discussions with the Finance Director, that is not a difficult problem at this particular point. What Commissioner Nelson is referring to for the balance of his discussion has to do with the rest of the employees and how they deal with the change in the multiplier and what that cost is going to be. Again, those discussions have been ongoing. They are in the last year of their Teamster's contract. They are in the last year of a three year contract and negotiations for that contract will take place between now and October. At that time the discussions about the size of the raise and how to handle the multiplier adjustment will be taken into consideration. All of them may recall and may be aware that each year in April they deal with all of the non-bargaining employees. This year they have not done that. They haven't done it specifically because they were waiting to see the outcome of the agreements with the Police Union. Within the next month he will be bringing specific proposals to the Commissioners about what to offer non-bargaining employees for this year. Commissioner Nelson is accurate in saying that if they increase the multiplier to their entire work force, which he anticipates will occur over time. When that

is going to occur is certainly up to the City Commission, but he expects they will do that over time. When they do, they have added about \$800,000 a year to the base cost of existing personnel with the City of Fort Pierce and that is \$800,000 a year from this point forward. He and the Finance Director have discussed this on a number of occasions. In their last discussion, Mr. Bergalis felt like it was doable. When he says that, he is not telling them it is doable without sacrifice and without having to figure out ways to make this happen. But that is where they are going with this. As they recall, they have had a number of Out of Sunshine meetings in regards to the Police Department contracts. What they see in front of them is what was authorized by the City Commission in those Out of the Sunshine workshops for the Police Department's contracts.

Commissioner Nelson said he wasn't prepared to go to a 3% multiplier at this time. He thought they had talked in terms of 2.75% for the present time. The present time was 6 or 8 months ago, so he guesses they crept into the present time now which gives them 3%. That sort of exacerbates his cost efforts there. But if Staff has looked at that and feel reasonably sure they can come within the ball park of offsetting those costs, so be it. Let him move onto another area. They are talking about 3% going into effect whenever they sign off on an ordinance change or what is necessary, he guesses that would be all right. On Page 18 of the Contract for the Police Officers Unit, they talk in terms of the health insurance coverage - \$357 PPO and \$314 EPO a month for one dependent's coverage, and \$576 PPO and \$507 EPO a month for two people. Are those costs set? What happens if the insurance cost goes up as most costs do in this interim period? Is this a deductible that they are dealing with in this case?

City Manager Beach said it is not a deductible. This is a definition of how much is paid by the employee and how much is paid by the City of Fort Pierce. He believes this contract fixes that amount. It fixes the amount that the employee is required to pay. It fixes the amount that the employer will pay. The real impact of this is that if those figures change, they either have to go back to the negotiating table to negotiate further payments from the employees, or the City picks up the difference. They have done that in the past. Because they have contracts that define what the employer contribution to the insurance is going to be, if they have an increase, the City has on more than one occasion picked up that difference.

Commissioner Nelson said they certainly don't expect the insurance company to stay fixed. On Page 24 he had another question there, and he thinks this is more housekeeping than anything else, in the definition of personal property. He thinks he has gotten some answers to that so he can probably answer himself; but for public consumption, how do they define personal property when it comes down to a Police Officer? They have given his gun, his uniform, and his car.

City Manager Beach said this would apply to watches, rings, and personal items they may have on their person.

Commissioner Nelson said on Page 39 they were talking about the cost, benefit accrual rate of 3%. They have in fact, over a period of 2005 and 2006 and a little bit in 2007, computed that actual cost based on the people they have on board now, plus the people in the Sergeants and Lieutenants, plus the people who are represented by the Teamster's Union.

City Manager Beach said yes, they have run a preliminary cost on that. That is somewhere in the vicinity of \$800,000 a year to change that multiplier from 2.5% to 3.0%.

Commissioner Nelson said he also looked at this as peripheral data relative to the fact that their actuary tells them that they are running a \$31 million deficit in their retirement system and that they won't be able to give a cost of living allowance check for the next 9 or 10 years unless they pre-fund that plan somewhat to facilitate the cost for them allowing this.

Have they looked at this in that regard as well? They will be discussing that at greater length, he is chairing the Retirement Board in the very near future and be sending in a report or recommendation in that regard, but he would hope Mr. Beach is looking at that at this juncture.

City Manager Beach said they are looking at it from the standpoint of what the monetary demands are on the City and what the monetary demands are on the employee who is part of the retirement system. And they rely on their actuaries to provide them those figures. The actuaries tell them what it takes to make that retirement plan sound and to adequately fund it to ensure that everybody who is a part of it has the resources in there to fully meet what commitments are made by the City on their retirement. That figure is subject to change depending on how well the stock market does, how well the investments perform. They have seen it declining over the years because of what is going on in the various investments. If it were to decline to a certain point, then the investments from the City and from the employee would have to change. They may have to up their percentage of contribution and the employees may have to up their percentage of contribution to keep the retirement program sound. But this increase of the multiplier, they have the actuarial figures on what is necessary to do that. And in this case, it is the \$300,000 and something a year. That is the figure that is actuarially required to sustain this increase.

Commissioner Nelson said he brings this up because he wants to make sure for public consumption that the Commission is not considering these changes in a vacuum, that they are looking at the total spectrum of what their financial commitments are and how it is going to affect them in years to come. Since he has done that, he won't have any objections to the plan, but he is going to hold his pocket in the future.

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve Contract with Coastal Florida Police Benevolent Association for Police Officers Unit and Sergeants & Lieutenants Unit for October 1, 2004 to September 30, 2007.

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

The next item considered was Item 7e, which had previously been removed from the Consent Agenda: Approve travel and attendance by Commissioner Nelson to the 2005 Institute for Elected Municipal Officials in Lake Mary, June 2-5, 2005.

Commissioner Nelson said as much as he would like to go to Lake Mary and find out what she is doing, he is going to have to ask that he be pulled off that travel trip. That is a program which the League of Cities Transportation and Administration Committee recommended. They are doing that with a lot of their key organizations around the State, schools for training of elected officials. He is going to defer and let Commissioner Alexander go to that because he also serves on one of those committees that is going to be picking that school. He will go to the next one. They have had a pilot run on it already. So he will defer because he wants to be at the Commission meeting on June 6th; and going up there and coming back two times in one week is just going to add greater pressure on him that he can't solve at this time.

Mayor Benton asked he wants to withdraw his travel request? Do they need a motion?

City Attorney Schwerer said Commissioner Nelson can just withdraw it at this point in time.

The next item considered was Report by Director of Development on South Beach Charrette.

Mayor Benton said they do have a request to bring this Agenda item forward right now, being there are so many people in the audience who have an interest regarding the South

Beach Charrette.

Mr. Ramon Trias, Director of Development, said he is very happy to submit the report from the Charrette. The report includes all the minutes and all the graphics that were prepared during the Charrette as prepared by the citizens. There are no recommendations from City Staff or any interpretations by any outside consultants. It is simply the work of their citizens. Many of them are here tonight. In fact, they were even able to include the memorandum from Jack Cahill from last Wednesday in the report. He believes the report is a very good representation of what went on and he thinks it contains very useful and extremely good ideas that hopefully the Commission will be able to use in future design decisions for projects and also in the review of private development proposals. The report is here before them to accept it and also to have any discussion they may want to hold on it.

Mayor Benton said there was one item he remembered that was brought in front of them by the public. It had to do with either a binding referendum; or like Martin County, he believes down there they have passed a resolution with the four stories, eight units an acre. He thinks that was a request that there be something similar to Martin County. His question to the City Attorney is, could they pass a resolution on the four stories and eight units? That way it would be something that three votes on any given night on any project couldn't change things, it would take more than that. That is what the public was looking for and that would be a start, with a resolution similar to Martin County. He does have a copy of that, he just doesn't have it with him tonight.

City Attorney Schwerer asked is the question then, can the City Commission adopt by resolution or ordinance height restrictions and density restrictions for the South Beach in existing zoning districts?

Mayor Benton said yes, similar to what Martin County has done.

City Attorney Schwerer said he believes there is a process and procedure they could follow to do that and he would be happy to issue an opinion memorandum on what steps are needed to take for them to do that, whether it be by resolution or ordinance. Certainly he would think it would have to be by ordinance, because they are going to be in effect amending to some degree their existing zoning and/or future land use categories on the beach.

Mayor Benton said he will see that Mr. Schwerer has a copy anyway of Martin County's.

City Attorney Schwerer said if he provides that to him, he will be happy to issue that opinion at the next meeting.

Commissioner Coke asked along those same lines, she knows quite often the issue is not the four stories and eight units, because they already technically have that on the books. The issue is the change in zoning to a PUR or PUD on the beach, which allows almost anything. Is there a way for them to restrict the areas that could be rezoned to PUR or PUD on the beach?

City Attorney Schwerer said he is unable really to answer that, because he hasn't studied the zoning atlas at this point in time for the entire beach area. Certainly there are procedures that they can follow should this Commission wish to go in that direction, to only allow PUR zoning in certain areas of the City. Remember that the PUR zoning is intended to provide the Commission with as much flexibility, but yet with as much discretion, as it needs to view each project independently, so there are no technically vested development rights in the PUR zoning. In other words, someone can't come to them and say they are entitled to this or they are entitled to that. It is basically up to the discretion of the Commission. Taking that one step further, recall further his opinion that whenever property

previously had a zoning designation - for instance, low density residential - where they had at least three units or four units an acre, that if the City initiated a process to convert that to a PUR zoning, they were obligated to at least provide that minimum amount that they previously had under the code for that zoning district. Keep in mind that if they do restrict PUR zoning by an ordinance or whatever to only areas on the mainland or other places, that doesn't necessarily bind a future Commission. A future Commission can change by ordinance or otherwise that exact enactment they did. So he will be happy to look at the zoning atlas, but he believes the PUR zoning is a benefit to the Commission because it does give them that discretion and it serves at least as a litmus test for the majority of them to deal with developments on a development by development basis. By taking away that flexibility, they may be stuck with a certain type of project under a certain type of zoning that they may or may not agree with at some point in time in the future.

Mr. Trias said if he could add, the tool they have to do what they are requesting is the Comprehensive Plan.

City Attorney Schwerer said correct.

Mr. Trias said through the objectives and policies. They can set policy that restricts the use of certain districts to certain areas. So they have that tool and that process is already under way.

Commissioner Coke said her concern is, because she knows they already had a vote. They have already kind of passed four stories, 45 feet, and 8 units per acre. But it seems to her that every developer who comes along kind of feels that they are entitled to be rezoned to PUR or PUD on the beach; and then once they feel they are entitled to that, their comments to her are they are entitled to 16 or 18 units per acre under their PUD. They all know they are not. But she thinks they need to let them know up front that they are not.

Mr. Trias said the way to do that is through the Comprehensive Plan and through clearer policies.

Commissioner Coke asked will they be amending that shortly?

Mr. Trias said exactly and completely.

Commissioner Alexander said one thing he seems to have a problem with a lot of times these developers come into this community is the people they see before they get to the Commission. That is where they need to lay down whatever they are going to lay down. It should not go through the Planning Department, it should not go to all these reviews and then get to the Commissioners, and they sit here like they have egg on their face. Again, when the recommendation comes from staff and everyone signs off on these things, it makes the public think the Commission is not knowing what they are doing. He refuses to accept that. If it is coming from staff, then he wants to redirect it back to staff before it even gets to him, because he is not going to be a happy camper if they continue doing it the same way.

Commissioner Becht said he was very impressed with the Charrette. He was glad everybody took the time to attend it. It was quite an eventful day watching democracy actually work, not the same opinions expressed by everybody, but at the end of the day he thinks they had a general consensus. One of the things they got a consensus for was the road improvements to A-1-A. Currently FDOT is in the process. He doesn't know if they are 60%, 80%, or 90% with plans complete. But there were some good ideas, he thought, for trees, landscaping, bike paths, and expanding the sidewalks from four to ten feet. Someone came up with the idea, he thinks a couple of the people came back and said, sidewalks on both sides of the road. Are they forwarding this information to FDOT? Is the City, doing anything to urge FDOT to modify their existing plans?

Mr. Hector Arias, City Engineer, said the ten foot sidewalks are already on the plans. There will be ten foot sidewalks on both sides of the road.

Commissioner Becht asked what about the trees?

Mr. Arias said the trees, the landscaping is being designed also. In fact, everything is in the budget for that.

Mr. Trias said all of the recommendations he heard are either already in the design or very easily incorporated into the design. Most of the critiques of the designs as presented in the past deal with materials such as the issue of the pavers, or with specific trees such as the preference for coconut trees as opposed to some other palm tree. That is very easily incorporated in the design as is proceeding at this point.

Commissioner Becht said maybe he didn't make himself clear. Yes or no, they are transmitting these requests to FDOT or they are not?

Mr. Trias said the answer is yes. Furthermore, Mr. Arias is overseeing the design. So it is not something that is being done by FDOT in a vacuum. If he could make one issue. There was a roundabout proposed for Binney Drive that is not part of the design. If they choose to go that way, they could incorporate it into the design, that third roundabout. That was one of the ideas that was proposed.

Commissioner Becht said he would like to see what FDOT has to say about that because he thinks most of the groups came back with that idea. They all mentioned that if it is properly designed - and he doesn't know what that means, but they all said if it is properly designed - then they think these are a good idea. Mr. Trias' comments about the Comp Plan and that the four stories and eight units is probably more appropriate for implementing through the Comp Plan. When are they going to have their consultant hired on that, do they know?

City Manager Beach said those negotiations with the contractor are under way now. A contract should be ready for action by the City Commission within the next 30 to 45 days. This issue of the density and the height and the PUR zoning and so on, these are all issues that are within the purview of the elected officials of Fort Pierce. What is being asked of them by the public and by the beach community is to set up a mechanism - either an ordinance, resolution, law, zoning or whatever - that protects that policy to the point that it is almost unchangeable. That is just not doable. This elected body can change these policies and change the zoning and change the regulations as they see fit. Probably the only thing available to them is to establish this in ordinance whereby any change of it requires another ordinance which requires two public hearings. If another body in the future, who hasn't had the same input that they have had in regards to the desires of the Island, if they attempt to change it, at least the island is aware of it. He thinks for anybody to think they can set this in stone to where nobody can tinker with it in the future, that is just not much of an option.

Mr. Trias said the issue he was describing is that the closest thing they have to that is the Comprehensive Plan. The reason is because it requires additional review beyond the Commission. That is the closest tool they have to that desire.

Mayor Benton said that is why he suggested a resolution or an ordinance and then the follow-up in the Comprehensive Plan. Then it takes basically quite a bit of work to change things instead. Sitting here one night, suppose somebody is absent and all of a sudden there are three votes to approve something. It could happen today if they had a PUR or PUD zoning. So he thinks they are just looking for a little security.

Commissioner Nelson said that is an interesting commentary from Mr. Beach. He probably needs to go to the same school he went to on that. He hopes and he feels reasonably sure the City Attorney concurs with him. His interest was in the area of making some delineation so he would know that the non-binding referendum they had back in 1982 or thereabouts, why was it not binding and what can they do or can they do anything to make a referendum binding in the backdrop of what...?

City Manager Beach said let him make sure that Commissioner Nelson understands that if he was giving them any legal advice, please disregard it.

City Attorney Schwerer said he was here for the resolution that was adopted and was part of the litigation that ensued thereafter. Understand that it is technically a violation of state statute, it is a violation of the planning requirements that are imposed upon professionals such as the DCA (Department of Community Affairs) in Tallahassee. The DCA oversees the implementation of Comprehensive Plans around the State. They have a staff. There are all sorts of laws that say that certain type of amendments to the Comprehensive Plan have to go through their office, the large scale amendments, for instance. There are all sorts of laws and rules set up, so that planning is done by professionals. No disrespect for the public, but public reacts to emotional issues; and the public when they vote on referendums, if they don't like the color of pink condos, they could vote that they can't have pink condos. But when it comes to planning, the laws of the State of Florida say that citizens cannot zone by referendum. And that was essentially the holding in the case back in the 1980's in the City of Fort Pierce. A group of citizens brought forth a referendum to the public through the City Commission, that they wanted a binding resolution. The City Commission at that time said no, they are not going to do a binding resolution, they can't; but they will do an advisory one. They took it to court because they didn't understand the laws at the time or didn't agree with the laws and attempted to change that law. The Judge sustained the ruling and said they must abide by the laws and they can't have a binding one. The City Commission agreed to have a non-binding one. They sent it to the public for opinion. The overwhelming vote was for height restrictions and density clearly, that was what the outcome of the election was; and the City Commission, their predecessors sitting here as a body, adopted ordinances and zoning and parts of the Comprehensive Plan as well, putting that in place. That is how it is. That can be changed again. It could be changed by the Commission sitting here adopting different policies and plans to either the zoning districts or the future land use categories as well as the Comp Plan. Mr. Trias is correct, the most difficult thing to change is the Comp Plan. So Comp Plan amendments - putting forth those type of policies, those types of regulations which go to the DCA for review and approval - are the more difficult ones to change. Understand, he thinks the City Manage was correct in a sense. A future body sitting here can go through the same process and procedures to change that, not that they would, but he is saying they have that prerogative. They can't really bind their successors.

Commissioner Nelson asked what can they do? He was intrigued by a lady who spoke about having three lots there and had a nice little house and a vacant lot and she was worried about one day she was going to wake up and some big developer is going to be building some condos right next to her one story house. What can they do to protect people in those situations?

Mayor Benton said amend the Comp Plan.

City Manager Beach said yes, the most effective thing they can do is Comp Plan amendments that also amends land use, zoning, density, and all of that.

Mr. Trias said the Martin County regulations the Mayor referred to are in the Comp Plan and that is how they administer that process.

Commissioner Nelson said let him close by echoing the comments of Commissioner Becht

saying some of that. He was very pleased to see the people who were there and the comments they made collectively and individually. The report is quite clear that they want something done. They started off wanting to fight each other, which is normal among the good American citizens in a democratic process. But the net result is, they got themselves effective Charrette results here and he hopes they will be able to implement some of those in their future planning. The A-1-A situation is coming along fine. He sits on the MPO. The monies are there. The design is being processed adequately. And he is sure that many of the things they have in fact addressed are going to be incorporated in that.

Mayor Benton said he just wants to add, there were a lot of questions about the Jetty work. There was a little service the other day so the Army Corps could thank themselves for putting sand back on the beach. Jack Cahill was there. He brought him over to witness the discussion they had from the Army Corps about when it is going to be done. They said first they have to get done with putting sand on the beach and then their priority also will be they have to bring in and move around some rocks, some boulders, put some concrete on it, they are going to cap it with that. But it will be up to the City or the County, probably the County, to put blacktop over that. So that is going to take a little while. Hopefully it may be 30, 60, or 90 days. Government is not real fast. But they are going to try to fast track it to get it opened, then they can put the lights on, but the lights won't go on until people can walk safely out there. So it is in the works. He just wants to back up what was said earlier in this Charrette. He thinks this last paragraph says it all. "The report does not interpret or edit the discussions and suggestions of the citizens. There are no recommendations from City staff or from outside consultants. The citizens, and their work, speak for themselves. This report should be used by the Commission and by City staff for guidance during the design of future City projects, and during the review of private development proposals." He thinks they all got what they wanted and basically, the City should take direction from its folks.

Commissioner Alexander said he doesn't mean to throw a rock into anything, but he still has some concerns. When they are speaking of the Comp Plan, he has not yet heard how they are going to deal with the traffic infrastructure going from the east side of that causeway. Again, he thinks that is very important that they address these things now, up front. He still gets calls from the beach area concerned about, what are they going to do with that traffic backing up? It is kind of terrible now. He goes on the beach at least once or twice a week. He met Mr. Beach over there regular for dinner, not Mr. Beach and him but their families passing. The traffic is kind of horrendous and he didn't see any mention of that concern.

Mayor Benton said let him ask Mr. Trias. He was told the other day during the Charrette that at least the improvements in front of Harbour Isle are now in the permitting stages; and they are not going to have to wait until Phase II and the A-1-A project, but that will be done very soon.

Mr. Trias said as soon as FDOT provides the permit, yes.

Mayor Benton said he guesses everything has been submitted for permits for that now.

Mr. Trias said yes.

Mayor Benton asked are they going to set a limit of how many places can be occupied in Harbour Isle before...? He would think there would have to be a certain amount of road improvements before Harbour Isle could be finished.

Mr. Trias asked before CO's are given? Yes, they certainly have to do that. That is one of the conditions they had, a condition of approval. He needs to review the details once the permit is available and they have a construction schedule.

Mayor Benton said he knows they are moving people in there now. There are people living in Harbour Isle.

Mr. Trias said then they must review that at this point.

Mayor Benton said they need to get after that because they don't want that place to be fully occupied and no road improvements.

Commissioner Coke said maybe they could prioritize looking at the issuance of CO's and time it in conjunction with the completion of that roundabout, because otherwise nobody will be able to get on and off the Island. South Ocean Drive was one lane of traffic today and it was 20 minutes to get a half a block.

Mr. Trias said that was extensively discussed at the time the approvals were granted by the Commission, so he will review that and make sure they are able to administer it properly.

Commissioner Becht said they have not been through a Comprehensive Plan amendment here in the City. He was, he guesses, fortunate enough to go through it when it went through the County. These will be public hearings.

Mr. Trias said yes. Actually, most of the work by law is at the Planning Board level which is the local planning agency.

Commissioner Becht said the South Beach residents, their Charrette recommendations will be folded in that Comprehensive Plan to the extent that they maintain public involvement through the amendment of the Comp Plan at the Planning Board level.

Mr. Trias said one of the requirements of the scope of work of the consultant was specifically to have several public meetings and several Charrettes to get that public input.

Commissioner Becht said he just wanted to make certain they knew that was the next step of getting this with some concrete instead of just recommendations. It should ultimately get folded in, with some modification perhaps, into the Comprehensive Plan. And that is what they are talking about.

Commissioner Nelson said to make sure they don't have something here that is not acted upon or they can't hang their hats on with anything specific, he would like to make a motion.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, that they accept the South Beach Charrette Report (dated May 16, 2005) as presented on behalf of the citizens of the City of Fort Pierce and implement its recommendations as much as they possibly can in their future development for the South Beach area.

Mayor Benton asked are there lots of copies of this so the public can have if they would like?

Mr. Trias said no, but he has lots of copies of the minutes which are fairly inexpensive to produce. The whole report with all the color images is costing them about \$25.00 to produce. So they will have to figure out a way to either give a copy for the citizens to do it themselves or some other way of doing it.

Commissioner Nelson asked how about for the key people over there?

Mr. Trias said he has enough copies to do that for the key people and he has enough copies to distribute just the minutes to anybody who wants them.

Mayor Benton asked can they provide one in City Hall if somebody would like to come in

and take a look at it?

Mr. Trias said absolutely. That is available right now.

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

Mr. Jack Cahill asked can he speak?

Mayor Benton said he will let him say something. It wasn't really a Public Hearing, but he can come on up being the Association put a lot of time and effort into it.

Mr. Cahill said on behalf of the South Beach Association and the Surfside Association and his good friend Irv Stone, he would like very much to thank the Commissioners for allowing them to have the Charrette and also for the report that came out of it. He thinks the people of South Beach not only knew what they didn't want, but they also knew what they wanted.

The reason they were requesting a binding resolution is because when this happens and what has happened, they have had much more density come through the Planning Board and approved by them than they have before, and the Associations must bring all these people out. What usually happens is these very sharp developers - and he is not knocking them at all - with their attorneys and with their Civil Engineers, they are able to lobby the City employees and are able to lobby the Planning Board and they are able to get to the City Commissioners. And most times, the residents are not even aware of it until it finally comes out. Thank God by the way, the City Clerk put today's agenda in the paper. They appreciate it. A person like him had a magnifying glass, but he sure saw it and read it right through. But it gives them the idea of what is happening in their City. This is their City from 33rd Street to the Ocean and from where the Shopping Center is on down to Midway Road.

But these people, he doesn't keep bringing them out every time somebody comes in with a plan like this and it gets approved by the people up to the City Commission. To sit back in the back of that room and stand back there and wait for an hour, sometimes an hour and a half. He will tell them one thing, talk about a parking problem, nobody has one better than they have right here at City Hall because it is a long walk when they have a full room. They are trying to not bring these people out for any reason, to constantly keep saying the same thing. They will work together with the Commissioners. Quite frankly, he wants to thank these people who were at these Charrettes. Because he knew they were bright, he wasn't quite sure how bright they were, but they did a great job. He is very impressed with them because they are a lot brighter than he is, which isn't saying much by the way. But he just wants to thank the Commissioners very much for having the opportunity of letting them know exactly what the people would like in their community and they will work hard to maintain that and they would like to work with them right along the line when it comes to their plans and so forth because he thinks they have enough people there to have some pretty good input.

Mayor Benton said he also wants to thank everyone who attended because there wasn't an empty seat in here. After the first Charrette they had on the beach where there was only a handful of people, it was held over at the Dockside Inn. Thank you again, because it makes their job easier.

The next item on the Agenda was Public Hearing on Conceptual Development Plan for **South Jetty Park** project to be located on the northeast corner of Seaway Drive and State Road A-1-A. (Applicant: Lor, Inc. - John Boinis)

City Clerk Steele said they have a letter from Clayton Yates requesting this item be removed from the May 16th Agenda.

City Attorney Schwerer said an item of business. This item, the

applicant requested that it be postponed. It is a Public Hearing; and if they don't postpone to a date certain, it will have to go back to square one. So if it is the pleasure to postpone it to a date certain... Mr. Yates letter requested it be reset within the next few months, they can certainly pick a date and set it for him; and if there is another request for postponement, they can honor that as well.

Mr. Ramon Trias, Director of Development, said if he could make a comment on that. Staff has not had any conversation on this topic in a long time and there are many issues he thinks really should be reviewed from square one. So unless they feel otherwise, he would prefer not to...

City Attorney Schwerer said they certainly have the pleasure to just remove it and table it and that is what they are doing by removing it. He takes it that the removal is a table of this and that means it is not postponed and therefore the applicant will have to start back through the process. It is whatever their pleasure is.

Mayor Benton said he has calls into the owner now with the property there, who hasn't returned his calls, but he has left several messages. It was his understanding the last time they spoke with him, it appears he was going back to the drawing board.

Mr. Trias said absolutely.

Mayor Benton said if he is, he would hate to see him come in here and the Commission tell him to go back to the Planning Board. But it appears if he is changing his project drastically, it should go back to the Planning Board.

City Attorney Schwerer said perhaps he should have asked to withdraw the application as opposed to postponing it.

Mayor Benton asked it appears that is what he is going to do, right?

Mr. Trias said there are issues of land ownership, there are issues of density, and there are many issues. All of this needs to go back to the beginning.

Commissioner Coke said she wonders in all fairness, not having spoken with this gentleman, if they shouldn't make a motion to postpone to July 18th. At that point in time if he wishes to withdraw or he wishes to move it up, the Commission can make some amendment between now and then.

Commissioner Nelson said he supports that. Why don't they do that?

Commissioner Becht said he would like to support the applicant moving forward; but the real problem is, every design he has seen, this is now beyond the Planning Board. So the next design he brings, he is going to try to bring it straight to the Commission and it will be brought to the Commission without the benefit of the Planning Board. It would also be his hope that by the time he brings it to them, he will also have to go through their Architectural Review Board. He is not disagreeing with Commissioner Coke, but he thinks they might be doing him a service - whether he realizes it or not - in just informing him now that he is going back to those boards. Because as far as he is concerned,

when he does come back here, he is going to want the Planning Board input at that time and hopefully the Architectural Review Board's input by that time.

Commissioner Nelson asked 90 days or 6 months or what?

Commissioner Becht said the point he is trying to make is not wait until July to tell him he is going to go back to the Planning Board, but tell him tonight he is going back to the Planning Board. He thinks it is a harsher message, but it is the message he is going to be giving him in July; and he thinks in fairness, he would just as soon give it to him tonight.

Commissioner Nelson asked is he here tonight?

Mayor Benton said he doesn't think so and he doesn't see his attorney in the audience. He thinks that is what they have done in the past if somebody changes a project drastically, which he feels he will probably do, because he sat through several meetings. He thinks he and his attorney got the word it wasn't going to fly.

Commissioner Coke asked then they will consider it a withdrawal?

Mayor Benton said he thinks that would be the best route. That way he knows he has to go right to the Planning Board, because he thinks that is what this Commission would want him to do anyway. They have done it in the past.

City Attorney Schwerer said he would move to table it and in that way it is technically withdrawn from the Commission's Agenda. Then it will have to start from square one. That is what he wanted to verify. Make a motion to table if that is what their pleasure is and vote on the motion to table; and then it is a dead issue and it has to go back to square one.

Mayor Benton asked does he have to have a Public Hearing on that?

City Attorney Schwerer said no. A motion to table can be made before the Public Hearing.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to Table the Public Hearing on the Conceptual Development Plan for South Jetty Park project.

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

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 second and final reading and read by title only. (Owned by: Troy Drawdy, Ake Enterprises LLC, Strang Warehouse LLC, FM Properties of the Treasure Coast, 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 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 Coke, seconded by Commissioner Becht, that Ordinance No. K-348 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-348 on second and final 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 second and final reading and read by title only. (Owned by: Buccaneer Development)

City Clerk Steele said they have a letter from Buccaneer Development, Inc., who was the original petitioner, and they have requested Ordinance No. K-349 be withdrawn. She believes the City Attorney says they can withdraw before there is a motion or vote.

City Attorney Schwerer said they can withdraw a petition for annexation at any time prior to the vote on the ordinance. They can do that, provided it is not one where it is a mandatory annexation because they have an existing utility agreement.

City Clerk Steele said this was a petition by the property owner.

City Attorney Schwerer said then it can be withdrawn at any time before the vote.

Mayor Benton asked they don't need a motion to table?

City Attorney Schwerer said no, they do not.

Commissioner Becht said this isn't on the Agenda, but for an item to be **withdrawn from the Agenda by the applicant** prior to the vote, is that true for anything? For instance, several of the people in the audience tonight have been here only to find out the petitions were withdrawn at the last minute. Forget the wisdom for a minute, but how difficult would it be to change that such that it can only be withdrawn with Commission approval after it has been agendad and advertised?

City Attorney Schwerer said that is not difficult at all. They could certainly do that. The County has an ordinance or their

rules provide that once a matter has been advertised as a Public Hearing and published, it can only be continued with the approval of the Commission, notwithstanding the applicant making that request. Here they have a different issue. Here they have a petition for annexation, which is a different issue. Going back to a Public Hearing for a site plan or something like that, they can certainly deal with that by an ordinance that says it can't be withdrawn without the Commission's consent. Here this is a different issue because it is a voluntary petition for annexation.

Commissioner Becht said he doesn't know if it is appropriate to bring it up now, but he would like some further action on that. Because now that they are advertising their agenda, the folks like Mr. Cahill and some of the others who would be here if it is on the agenda would find out if it is on the agenda, and they would know that the applicant can't pull it at the last minute unless the Commission agrees to it. So he would like some movement on that, if there is a consensus to doing that.

City Attorney Schwerer said he could have that in front of them at the next meeting if that is what they want.

Commissioner Coke said she thinks that is a fine idea.

Commissioner Alexander said that is fine with him.

Mayor Benton asked does everyone agree? (The Commissioners agreed.)

City Attorney Schwerer said again, it is not going to apply to annexations by petition, that is a different issue. It is going to be really development approvals.

The next item on the Agenda was Mr. Scott Raynor, Florida Firefighter Games, request Alcohol Beverage Permit for Florida Firefighter Games - Off-Shore Fishing at the City Marina on May 16-18, 2005.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve an Alcohol Beverage Permit for Florida Firefighter Games - Off-Shore Fishing at the City Marina on May 16-18, 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 Mr. Jerome Gayman, Frontline for Kids, request Alcohol Beverage Permit for Reggae Fest II to be held at Lawnwood Stadium on May 30, 2005.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve an Alcohol Beverage Permit to Frontline for Kids for Reggae Fest II to be held at Lawnwood Stadium on May 30, 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 Mr. Jerome Gayman, Frontline for Kids, request \$10,000 to cover expenses for Reggae Fest at Lawnwood Stadium on May 30, 2005.

Mr. Jerome Gayman said he is the Executive Director of Frontline for Kids, representing Reggae Fest II which is scheduled for May 30th at Lawnwood Stadium. After discussion and consultation with a few members of the Board and all the members of the Commission with the exception of Commissioner Becht, which he is hoping to meet with him, they are strategically withdrawing their request. He asks the Commission's permission to allow them \$1,500 for advertisement for this Reggae Fest. And at the appropriate time the request would be resubmitted.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve \$1,500 in advertising funds to Frontline for Kids for Reggae Fest II.

Commissioner Coke asked is he expecting people to come in from out of town for this?

Mr. Gayman said yes.

Commissioner Coke asked has he applied for money from the Tourist Development Council?

Mr. Gayman said they are working on that.

Commissioner Coke said there will be a meeting on Thursday.

Mr. Gayman said yes. Based on that, they are withdrawing the request.

Commissioner Nelson asked is he withdrawing his request for \$10,000?

Mr. Gayman said yes, for now.

Commissioner Alexander said again, he is kind of befuddled. Why is Mr. Gayman withdrawing the request? He heard him say he spoke to some of them. He and Mr. Gayman go way back and he has not spoken with him at all.

Mr. Gayman said he stopped by his office a couple of times and just did not have the opportunity to meet with him because he was in family consultations.

Commissioner Alexander said he supports Frontline because these are their kids and they just cannot shortchange their kids, he doesn't care how they look at it. This is the support for Frontline for Kids.

Mayor Benton said there is a long story.

Commissioner Alexander said he won't ask him to go into it tonight.

Mr. Gayman said actually what is happening here, two years ago he was here and asked the City for finances for help for the children's programming. He remembers vividly Commissioner Nelson saying they do not want to continue to fund, that they want them to be self-reliant and innovative in creating funds for the program. It was against this backdrop he decided to go into the different cities to look for other avenues and what other organizations were doing to raise funds. One of the ideas they looked at with this Reggae Fest in Miami is a huge festivity, but theirs is not of that size. When he approached them, they flat out refused to come to Fort Pierce because the market was just not here and these things. Finally, last year they gave them a shot to come to Fort Pierce and try it out. They liked it. The crowd was just unbelievable. Actually what happened was, the money it made, he will give the figures down the line, but the money that was made out of Fort Pierce was just unimaginable. 100% of the money was taken to Fort Lauderdale because 100% of the funding came from the City of Fort Lauderdale. What they are saying here is

they do not want this festivity to be funded by anybody from Fort Lauderdale any more. They would prefer to have it funded in-house. Based on that, they have spoken to a few people within their community and they have given them some great ideas as to how they can approach that. Based on that, they are withdrawing the request for the time being until they can regroup and get full funding. They invested \$37,000 last year and they grossed \$170,000. That is a huge sum of money that is coming out of Fort Pierce. So they have to regroup and take on this project as a Fort Pierce project and not as a City of Fort Lauderdale project in Fort Pierce.

Commissioner Alexander said he didn't want him to go through if he has spoken to others. He just feels if they don't protect their own kids, and if it is not going to take care of the kids, then he is doing the right thing.

Mr. Gayman said he has no doubt that the City will support what they are doing and he wants to listen to everybody and get as much input as they can. It shouldn't be a one man show. It should be a community event. And he thinks he is headed the right way. He has a lot of help now. At this point, he thinks they will kind of regroup and then come back and resubmit.

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

Mr. Gayman said Reggae Fest, May 30th at Lawnwood.

Mayor Benton said last year, they had a great show. He was there most of the night. They had such a good turnout that this year they are going to Lawnwood Stadium with it because there is not enough room at the Amphitheater. So good luck.

The next item on the Agenda was Mr. Dean Kubitschek, Fort Pierce City Marina, request **Alcohol Beverage Permit for Summer Boat Show & Seafood Festival** at Avenue A & Melody Lane on June 3-5, 2005.

Motion was made by Commissioner Nelson, seconded by Commissioner Becht, to approve Alcohol Beverage Permit for Summer Boat Show & Seafood Festival at Avenue A & Melody Lane on June 3-5, 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 Ms. Leslie Lafferandre, Downtown Business Association, request \$1,500 in **advertising funds** for the Summer Boat Show & Seafood Festival at the City Marina on June 3-5, 2005.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve request for \$1,500 in advertising funds for the Summer Boat Show & Seafood Festival at the City Marina on June 3-5, 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 Ms. Elizabeth Bowser, **Ocean Front Land, LLC**, request extension of **Site Plan** approval by the Commission on August 16, 2004.

Ms. Elizabeth Bowser said she received a permit to build 12 units on 511 South Ocean Drive and they had the hurricanes thereafter. So as a result of all the havoc, she has lost 13 units on the west side of her property and lost rental income. She had to make mortgage payments; therefore, she had to use the reserve funds and stop the permitting process. She still have some DEP approvals to seek. She is going to need a little time.

She had a little complication also with her insurance settlement, which is still not settled. That also put a little problem there. Basically she would like to have a 12 month approved extension. It is always "next Friday" from the insurance people, but it looks like in about 4 to 6 weeks she should be able to settle with them also and move forward with her DEP process and to move forward with development, getting construction loans, etc.

Commissioner Nelson asked how much time does she need for the extension?

Ms. Bowser said she would like to have a 12 month extension.

Commissioner Nelson asked can't she do it in 6 months?

Ms. Bowser said no. DEP alone is going to take about 9 months.

Commissioner Nelson said they will give her 9 months and see what she is going to do.

Commissioner Coke said she has some concerns here. She briefly reviewed this, thanks to the City Clerk, prior to the meeting. There has been a lot of changes in the community since August 14, 2004. She knows they are talking about a lot of major changes on South Beach. They were talking about like a line of sight development where the entire acre, not of her development but other developments, there would still be visibility as they drove down South Ocean Drive. She knows they are looking at eight units per acre and this project was giving her...

Ms. Bowser said 12 units because she has 1.3 acres over there.

Commissioner Coke said Ms. Bowser was getting a bonus unit per acre for landscaping. And she has some concerns because they are looking at 8 units per acre, she would be entitled to 10.8 units which would be 10 units and one bonus unit, she would be entitled then according to this to 12.15. So Ms. Bowser is actually gaining two units on that land. And she is not quite sure of the bonus information. She knows they had some conditions before because she wanted to put a fence up and it was going to be a fence that they could see through, not a brick wall, and there was going to be some underground utilities. But she has some concerns here that they are on the brink of setting in place an architectural design board; and she is wondering if they should not use this opportunity to not have her go through another hoop, but they are going to make everybody go through another hoop, so they would be sure they would get what they need and what they want on the beach as far as development. She doesn't know how everybody else feels, but if they are going to start, they might as well start right now.

Commissioner Alexander said he agrees.

Ms. Bowser said she does believe she would like to say something to that effect, because she thinks they are overlooking one single little thing. People coming into this community, investing their lifetime savings and everything else, and based on the facts that were initially information they were furnished with. They have to look at that also, because a great deal of investment goes into these things and they are primarily based on the information these people are supplied. Like herself, there are a lot of other people like her also, when they invested everything they got into the City of Fort Pierce on this community and are given pieces of papers that outlines everything. She had a big thick stack prior to purchasing over there. She does believe that as far as the development itself is concerned, they can look at public records and everything else, they are talking about a great deal of money.

Commissioner Coke said she is not saying Ms. Bowser won't be allowed to develop her land. She is just saying if they are raising the bar and she doesn't have a site plan that is valid...

Ms. Bowser said then they are looking at the value of her land, for instance, based on 12 units. And if they are shaving it down to 8 units...

Commissioner Coke asked does Ms. Bowser know what she has told other developers? She is not here to insure they make a profit, she is here to insure that their City gets developed properly. She understands she has a right to develop her property, but they need to make sure they do it within the parameters of what they are looking to have done.

Ms. Bowser said however, they are doing it under the pretense of whatever was in place at the time people invested here.

Commissioner Coke said she is just one vote.

Ms. Bowser said she does understand.

Commissioner Alexander said he would like Mr. Schwerer to give him some clarity on that. Where do they stand with that?

City Attorney Schwerer said the code is very clear on this particular instance. A site plan which is approved and is not completed expires within one year from the date of approval. Any request for extension is to be granted solely at the discretion of the Commission. And the applicant is to show good cause for the request for the extension. So if they find the applicant has shown good cause, they can grant it. However, if there are certain things that they believe have come up in the meantime that would preclude them or they would not want to grant it, it is certainly within their discretion to deny the request, in which case the site plan is officially terminated and the applicant must go back through the process again. Commissioner Alexander asked that is his recommendation, right?

City Attorney Schwerer said no. His recommendation is they have the ability to grant the extension, it is within their discretion if they feel the applicant has shown good cause, or they have the ability within their discretion to deny the request.

Commissioner Nelson said he believes in property rights and he believes in trying to make their City as good a City as they possibly could have. Since they are in a state now wherein they have their backs against the wall, so to speak, and they are changing and raising the bar, it looks like there should be some type of compromise on her part or relenting on her part when she is faced with the option of granting what she requests or making some compromise. The compromise would be more or less to reduce the density. She has seen them go through this and she has heard them speak tonight about that issue. And of course, the options are quite clear. As he used to say a lot of times when people opposed a certain thing, let them go out in the hall and decide what they want to do between the two of them. Guess what? He won't do that tonight because he knows if she goes out and talks to the people out here, she is going to come back and they are going to end up saying her permit has expired and she has to do it within the confines as set by the rules. And that would be it. Let's be amenable.

Ms. Bowser said he is talking about compromise. She has already compromised a lot. Her site, this particular approval came only on the east side. She did not get a chance to get approval for the west side of the road. And the east side, this particular one as she said, due to the hurricane she could not move forward. She thinks she is compromising a lot. When she purchased the property on the west side, the 1.7 acres, she was supplied with a piece of paper saying that if she chooses to have more than 18 units per acre, once she is rezoned for PUR, then she will need to just bring it in front of the Commission and that could be approved. Well, she is being advised now that is no longer the case. She is being told no, she cannot put 18 plus units per acre there. It is written in a thick piece of paper that she did pick up at this City Commission prior to purchasing her property. And now she

is being faced with, on that very same piece of land, instead of putting 32 plus units over there, she is going to have to cut back over there to 15 units. And she thinks when she buys a piece of land based on being able to put 32 units there and she has to cut it back to 15 over there, she thinks she is being punished already.

Commissioner Nelson said she heard him make a motion just a few minutes ago to accept the South Beach Charrette Report given to them and to implement as many of those recommendations as possible. He didn't say that idly, he meant from that moment on they were going to do that. And if they can't come to some type of compromise, then of course the other alternative is denial.

Ms. Bowser asked giving up 17 units is not a compromise?

Commissioner Nelson said he is not debating this as such and he wants her to express herself, but his mind basically is made up. He is only one vote, like Commissioner Coke says.

Mayor Benton said he did vote against this last year and he had his reasons. And at that time, he didn't know she owned the property across the street. (Mayor Benton displayed an architectural rendering from August 2004.) His thoughts are now is, if she were to build that, he doesn't know what she could do on the other...

Ms. Bowser said she does not believe that is what is going to be built necessarily, because she would like some revisions on that design also.

Mayor Benton said but this is what was approved. If she were to change that, she would have to come through the whole process again. So basically that is what was approved by this Commission and he had concerns with it, anything east of A-1-A to start with. But his concern now is, he does not know what the other side of that building will look like and he does not know what her intentions are with the west side of A-1-A. But only being allowed to build four stories, basically all they are going to see is, not a view of the ocean, but a view of the other side of this building. So she is limiting the value of her land on the other side of the road. To him, perfect planning would be to maybe bring that a little lower and higher scale, and then put this on the other side of the road.

Ms. Bowser said when she purchased initially the property... The Commissioners saw that design, the only reason that design came into existence is because there was a change after she purchased the property in the zoning. Initially when she bought it, she was planning to put... She has five lots she purchased one by one. She was going to put duplex luxury town homes over there, meaning they would have angular views in between the buildings and in between the lots. That was the original design. Then a change came about. And when she was coming forward with her plans, she had to scratch all her architectural plans and everything on the duplex townhomes that she was very ahead of the game. She should have moved forward. At that time she was told, now they have rezoned the whole area and now she no longer can put the plan over there that was originally permitted at 65 foot per lot over there. Now it was widened to 75 feet. So she would have to then combine all of them. If she were to buy just one, she wouldn't have been able to put on there what she bought it for. That is why this building came about, because she was told if she puts it all under one roof then with this extra planning she would be able to do this many units. Because initially she was planning to put over there 10 luxury townhouses, two per lot.

Commissioner Coke said maybe Ms. Bowser could sit down and have a conversation with Mr. Trias. Because to the best of her knowledge, that property has not been rezoned in a long time. Let her just comment about the PUR or PUD zoning. To have a piece of property rezoned that, everybody at staff level should have informed her. Let her go on record while there are a lot of people here, the property being rezoned from whatever it is

now to PUR or PUD is solely at the discretion of this Commission. It has nothing to do with when someone applies, they automatically get it. It does not work that way. Should the property be rezoned to PUR or PUD, they can get up to a certain density level. Again, that is solely at the discretion of the Commission. It is not a guarantee. If she gets it rezoned because she wants to do something architecturally different or something else, it does not guarantee her the added units per acre. The consensus of this Commission has not been, as she is sure Ms. Bowser heard this evening, to rezone anything to PUR or PUD or to raise the density on anything. She doesn't believe the zoning has changed over on South Ocean Drive in a lot of years.

Mr. Trias said not as long as he has been here.

Commissioner Coke said if Ms. Bowser was under the misconception that somebody rezoned her property after she purchased it, she doesn't believe that has happened.

Ms. Bowser said she has all the materials saying that she would have been able to put the duplex townhouses there.

Commissioner Coke said what she is telling Ms. Bowser is, the zoning hasn't changed in years and years.

Mayor Benton asked would Mr. Trias like to address the townhouses? He thinks at least the folks across from Circle K have come back with townhouses.

Mr. Trias said that is correct. The issue here is, of course, there is a balance between the number of units and also the quality of the units, and clearly that is what they deal with all the time. At this point, his advice to the Commission is that there is an approved site plan. Let it expire. It expires in August. If she is able to build it, great. If she can't, she can't. He does not think extending this is consistent with the wishes of the citizens as expressed in the South Beach Charrette. There is a very specific reason why they have a time limit. He was here when they dealt with this some years ago. Conditions change. If they recall, the reason they added that one year limit had to do with the property at the South Jetty that had been under construction for a very long time, etc. So there are some very specific reasons why the Commission took action at limiting the site plans. In his view at this point, there is no reason to extend it.

Mayor Benton said he thinks Ms. Bowser could understand. When he voted "No" last year, he explained why. He has seen that property under water and he has seen what can happen to that property. And he thinks those two hurricanes have shown her and everyone else. He questions why anybody would want to build east of A-1-A to start with. But his concern, and it always has been, is each one of those units is going to be sold to somebody. Maybe those people might come from the mid-west, they might come from up north. And when that ocean comes across and there is a lot of cleanup and she has made her money and left town, they are going to look to the City and they are going to be complaining to the City, asking what is the City going to do? That is why he couldn't approve it then and he couldn't vote to support it now, east of A-1-A. If it was her home, that is one thing. And that is why he would hope they would discuss the townhouses with her. He doesn't know why that was turned down. Because they see several duplexes. If she is going to build something and it was hers...

Ms. Bowser said she was told it is no longer permitted for 65 feet.

Mayor Benton said right, because they don't have anything now that even closely resembles that east of A-1-A. He would hope that wouldn't be the only one. He just doesn't think it would fit in with the neighborhood or anywhere out there. And he doesn't think they will ever see something like this. That is why he didn't support it then and he wouldn't support it now. And he really thinks if she revisits this and replans it, she will make a lot more money, if she does it differently. He just thinks it can be done better.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to deny the request for an extension of the Site Plan approval for Ocean Front Land, LLC, multi-family condominium development at 511 South Ocean Drive.

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

Commissioner Nelson asked when is the actual expiration date?

Mr. Trias said it is August 16th.

Commissioner Nelson asked is there a chance she can do anything toward consummating this project between now and then to give her the ability to go ahead and do what she planned in the first place?

Mr. Trias said the code has procedures that allow that, if she can do it on time, yes. The site plan is approved at this point. And up to August 16th, she can follow the procedures and get a building permit and start construction.

Mayor Benton said but if there are any revisions to the site plan, it would have to go through the process again, if she doesn't build what was brought in front of the Commission and approved, any changes to that.

The next item on the Agenda was Rev. Benjamin Hooks request waiver of interest, penalties, and fees in the amount of \$254.00 against 1408 G Terrace upon payment of Lot Clearing Liens in the amount of \$360.76.

Rev. Benjamin Hooks said as he comes before the Commission this evening, he comes just to ask that they will approve this request as it is written here on the agenda.

Commissioner Coke asked can he tell her, they didn't specify a number of days that he would like to pay the other amount in?

Rev. Hooks said 24 to 48 hours and it will be taken care of.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the request by Benjamin Hooks for waiver of interest, penalties, and fees in the amount of \$254.00 against 1408 G Terrace upon payment of Lot Clearing Liens in the amount of \$360.76 in 30 days.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-27

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING EXECUTION OF A **MAINTENANCE MEMORANDUM OF AGREEMENT** WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE JOINT RIGHT-OF-WAY MAINTENANCE OF CERTAIN LIMITS OF STATE ROAD 68 - **ORANGE AVENUE** FROM 32ND STREET TO 13TH STREET; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.”

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 05-27 be adopted.

Those voting in favor of the adoption of Resolution No. 05-27 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mayor Benton to discuss status of clean-up of the Causeway Mobile Home Park.

Mayor Benton said he put this on the agenda because he knows he has asked staff, probably like the rest of them, what is going on over there. He knows early on Mr. Beach wanted to have the City clean it up and at the time he didn't go along with that. But more and more they keep hearing that it is going to start any time or he is taking bids on it; and now he is hearing the middle of June or July?

City Manager Beach said what he understands today is that the owner (Ashton DePeyster) has all of the legal clearances that are necessary. He knows they have had a number of demolition companies in contact with the City in regards to the process for demolition. The owner tells him that he will get underway with the removal of all of those trailers during the month of June. He couldn't give a specific date or time in June, but he believes that before the end of June he will have crews in there removing that completely.

Mayor Benton said but early, on even when he had titles to half of those trailers... Just so everyone knows, this owner was supposed to acquire the titles to the trailers before he could remove them; and he guesses early on he had maybe titles to half of them. He thinks what they are all looking for is progress. They kind of felt he would be removing those trailers as he got the titles. He just feels they have been getting the run around from him. He knows he should be able to afford it, at least for what he is asking for the property. He is just wondering, is there any way they can push him to really get going on that? Because he is sure it is going to take some time; and he would hope it can be cleaned up before they get close to the time of hurricane season. In September when things really get rolling, he would hope that would be gone. Is there anything the Commission can do to speed him up and tell him to get going on what he does own? He knows several people that have bid on that property, he thought the owner had a number. They talked about it months ago where he was talking \$1,000 a trailer.

Commissioner Coke said one of the contractors who put a bid in on taking this down come to see her today with some questions on it. They came to see her two months ago, so she thought this would have been long resolved. It is his understanding the gentleman had a heart attack and was in the hospital for several weeks and that was the delay. That is what he told the contractor, that is why he didn't award the bid yet, but he said he is going to award it at the end of the week, is what he is telling the contractor that came to see her.

Mayor Benton said they have seen him quite a bit. Has he had a heart attack?

City Manager Beach said he is unaware of that. He thinks what they can do, and what may be helpful, is to advise the owner that the time is here; and that if they don't see some very specific action within a certain time frame, then the City will start pursuing it. Of course, if the City goes through the process, they would have had to do the same thing he had to do in regards to getting legal title to those units. His feeling is, he is doing it.

Mayor Benton asked does Mr. Beach feel he is being straightforward with them?

City Manager Beach said he thinks he is. Now, whether or not he is pushing it real hard, he couldn't tell them that. But he does believe he is motivated by several things in regard to the property, finance being one of them. He believes he is going to move it forward. But it can't hurt for the City to try to give him further encouragement if they can do that.

Mayor Benton said he would like to see them tell him, if he doesn't start by this date...

Because if he has had the title for these trailers... This clean up is going to take some time. They do it on site. His understanding is they come in and compact things and then move them. He could have started months ago with the titles and trailers he had. He just thinks they need to see progress. And he thinks they need to see a plan too, that when he is done that the bulldozer comes in and cleans up the whole place. He would like to do something to push him and get him going.

Commissioner Becht asked have they verified he has filed the multiple lawsuits he is supposed to file in order to clear title? He knows he didn't ask Mr. Schwerer to do that, but he didn't know if he independently knew he had or had not filed the lawsuits.

City Attorney Schwerer said yes, he has seen at least an order from the Judge. There was some difficulty with the initial filing. He recalls seeing the order. They filed one lawsuit against a big number, 50 trailers in one lawsuit. The Judge ruled he needed to file separate lawsuits, so he had to go back. He saw that order, because he received a call from the attorney, because he had been talking to the attorney to get status reports to the City Manager who was asking what was happening. The attorney explained that he had to go back, do a separate lawsuit for each trailer, go get service process, and that he was proceeding. And he did give him some general time frames, depending upon Judge Walsh's scheduling, who is the assigned Judge. He believes it was mid-summer when he thought he was going to now have the process complete. He has titles to some, but he understands there was a large number he was pursuing. Yes, he has seen the order and he is proceeding with the court case.

Commissioner Alexander said he is in total agreement with a little persistence. But he thinks they need to add a few locations to that list, because he does have problems. He knows when they get permits for rehabilitating homes, he thought the permit states they have to remove all the debris that comes from that reconstruction. This past weekend was the Zora Fest, and the main corridor down 17th Street and Avenue K looked like a dump. He passed by there again tonight on his way here and it is sad. He knows they are working hard to just keep this community clean. But he just insists these corridors to their schools where these kids have to come in on these school buses, they should not have to look at that kind of foolishness. They need to do a nice nasty letter to the County on the Avenue D corridor west of 33rd Street or the City limits. That is ridiculous. He does have his beach people here. He wishes they all would ride down there and look at that. They know that is not supposed to be part of this community. If they don't speak about that, it is totally ridiculous. He just thinks they need to add a few other sites on to this list.

Mayor Benton said he would agree, because the last thing they want is that these trailers go out there to the aluminum recycling spot one at a time. That was their concern, they were scared to death. And still, they don't know he might try to do that. They need to know the plan.

Commissioner Alexander said he thinks they need to take pictures of that area out there, because it is just adjacent to the City limits; and if they don't speak to the County about it, they will allow it to go on and on and on.

Mayor Benton said if the City doesn't have some involvement in this cleanup or at least to know how it is going to be done over there. If it is not compacted on site and moved, they are going to remove them one at a time and it would be recycled. If they go with the lowest bidder, he would imagine that is what will happen. So he thinks they need to keep a close grip on it. Does everybody agree that they need to push this guy and see if they can get him going? He agrees with Commissioner Alexander. The other day when he left Lincoln Park, and he was waiting for some clean up, those duplexes right across the street from the bus loading zone have looked worse than he has ever seen them look. Some of them aren't bad, but the ones on the north end of the street... So if Code Enforcement can get going over there. He doesn't know who owns them, but those couldn't be any worse, and

people are living in them.

Commissioner Alexander said he doesn't care who owns them.

Mayor Benton said he doesn't care either.

Commissioner Nelson asked what are they looking for in the mobile home park?

Mayor Benton said he thinks they need to give him a deadline and get going. If not, then the City will take over.

City Manager Beach said they will draft a letter from the City Attorney's office giving that direction, a time frame. If they don't see movement in 30 days then his suggestion is, to advise them if they don't see some physical activity within 30 days, then the City will initiate their own processes for removal.

Mayor Benton said he would like to aim for June 1st.

Commissioner Alexander said that is two weeks.

Mayor Benton said but he has had so much time. It is soon enough. He is sure there are contractors who want to do it, but he is probably just trying to find somebody who will do it cheaper. He doesn't know what time limit, but June 1st is fine.

Commissioner Nelson said Mr. Beach indicates that he got secondhand information in a report. He hates to have him extend himself forever. But it has been his experience that when he makes a personal appearance on the battlefield, he has a tendency to influence the action. Has Mr. Beach gone down there and talked to this guy? Has he talked to him on the telephone?

City Manager Beach said he has had a number of discussions with him over the telephone.

Commissioner Nelson said if Mr. Beach were to in conjunction with the City Attorney draft up a letter and then follow through and talk to him, it might be an effective device for addressing this.

City Manager said they will do that. Again, the Mayor is suggesting June 1. They are at May 16th. It is two weeks.

Commissioner Nelson said he would not go with June 1. He would go to the end of June at least.

Commissioner Coke said he already has had 8 months.

Mayor Benton said they need it cleaned up before September. Or else if they were to have a hurricane, it is going to be flying around.

Commissioner Becht said he would like to give him 30 days from tonight, that is June 16th, to show some legitimate movement and explain why it is not moving any faster. He has met with him. He has gone into the battlefield, he guesses, to use Commissioner Nelson's analogy. He has advised him of the legal entanglements he has with trying to get the title of this. The lawsuit was filed to try and get good title. And apparently Judge Walsh is going to make that more complicated for him and make him file 50 separate lawsuits with all that. What he would like to see is, within the next 30 days, him prove that he has filed the 50 separate lawsuits and he is moving forward. Because he is not sure he can do it faster; but if they do put the pressure on him, then he thinks he will do it and he will get it done faster.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to give the owner of the Causeway Mobile Home Park until June 16th to demonstrate that he is in good faith moving forward expeditiously with removing trailers and cleaning up the Causeway Mobile Home Park.

Commissioner Becht asked does that encompass what they need?

Mayor Benton said that will do. To him, it is just one of those where they are talking 50 trailers. Several months ago when he met with him, he said he had the title to 250 at that time, which is about half or a little more than half. So to him, progress would mean they could be removing them now.

Commissioner Nelson said the ones that can be moved, move them.

Mayor Benton said his concern, just like the Marina when those boats were piled up in the river, that stuff could end up in the river if they have an other hurricane. And he doesn't want to see that happen. He thinks time is of the essence.

Commissioner Coke asked did Commissioner Becht's motion include the fact that by June 16th he will, at a bare minimum, have contracted with someone, if not starting to remove the trailers he already has title to?

Commissioner Becht said he didn't build that in. He left it more general that he is going to show a good faith effort to do it expeditiously.

Commissioner Nelson said can be in the letter.

Commissioner Becht said Mr. Schwerer gets charged extra for those three syllable words. If they want some meat in it, tell him what meat they want in it.

City Manager Beach said what they will attempt to do is to get him started right away on... Again, his reasoning has always been this lack of having clearance for removal. But as the Mayor keeps indicating, he has had clearance on half of them for months and months. So at a minimum they should be able to get him started on that.

Mayor Benton said they want to see progress. That is the most sad sight when they come over that bridge every day. If people saw those trailers leaving, he thinks people would think things are getting better. They see less blue roofs; but those trailers they can't miss, and the whole world sees that.

Commissioner Alexander asked are they going to allow him to dump that in this community?

Mayor Benton said he would think, or at least he was told by the people who were trying to get the job, is that they would be compacting them there. Hopefully, if he plans on doing anything else, they are definitely not going to let him pull those out of there one at a time. Maybe in that letter they should ask that he notify the City how he plans on doing it.

City Manager Beach said maybe where those will be disposed of.

Mayor Benton said or how.

Commissioner Alexander said take them out to the fairgrounds.

Commissioner Nelson said they have experience with trailer parks. They have the one at ABC Mobile Park on 25th Street and one down there by the railroad on U.S. #1.

Mayor Benton said he thinks Staff knows how to word the letter.

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 Sunrise Boulevard.

Mayor Benton said they have talked about the roundabout on Sunrise Boulevard for a long time. They put it back on the Agenda for discussion to build it. It appeared that this Commission was going to find the money and move forward, because it was time they started spending some money south of Georgia Avenue. After having a couple of discussions - just for the record - he, County Commissioner Hutchinson, City Engineer Hector Arias, and Assistant City Engineer Jack Andrews, along with three County engineers had some discussions about Sunrise Boulevard on two occasions in the last couple of weeks. One was because of Magnolia Square, a site plan they approved, but the County altered the entrance and created some problems for their residents, which the City staff straightened out. But in that discussion it led to this roundabout. The County was concerned that there were a couple of people who wanted to be heard. He spoke to one of those people on the phone and explained that there would be public meetings and there would be public discussion; and that he would personally bring the plans for it over to her house. But he guesses the County got on board quicker. From what he read in the Palm Beach Post and what he saw from the County Commission meeting on Channel 21, it appears that the County would rather talk more about it and maybe tell the City how to do it. But to him, when they are willing to spend \$500,000 on road improvements to the County's road and then take over control of that road and take care of that road, and the County says no, then he can spend that money somewhere else. He does not know how the rest of the Commissioners feel, but if they want to talk about it... Out of those five engineers in that room, every one of them agreed that intersection, that this would be the proper improvement needed more than anywhere in the County.

Mr. Hector Arias, City Engineer, said yes. During his presentation to the County Commission, he explained to them the roundabout and how it was going to function and the fact that it was going to serve 10,000 drivers. But apparently the comment from one or two property owners to the County Commission changed the whole tune. He does not know why the County Commission did not approve the transfer. Perhaps they were afraid the City was not going to have any public meetings. But he said to the County Commission if that is the case, they can include in their approval that the City would have to hold the meetings. But still, it didn't go through. His opinion as the City Engineer for the City for so many years, the County is trying to tie this issue to the County roads transfer to the City. Apparently the thinking is, that because County roads are in the City limits, the City has to maintain those. He believes that tying all that to this roundabout and transfer, that is his opinion.

Mayor Benton said wasn't there a figure of \$86,000, and that was from discussions two years ago.

Mr. Arias said yes, for the resurfacing from U.S. #1 to Ohio Avenue.

Mayor Benton said right, and that was a cost two years ago. Now it is probably considerably higher.

Mr. Arias said he also recommended to the County Engineer and the County Director of Public Works that what they should do is... He does not think the road can wait any longer for resurfacing, because the public meetings are going to take two or three months. The County should resurface it on their own; and then they could go back to the agreement and change the agreement just to provide the right-of-way.

Mayor Benton said this brings him back to the day they accepted ownership of the

Boardwalk on South Beach. Within six months, for liability reasons when somebody got hurt, they had to close it. He knows the County had money in their budget for several years to re-do that boardwalk; but when the City got it, it had to come down. Luckily a hurricane helped out. The City was willing to take the County road, make improvements to the road, and now the County has said no. It just does not set right with him. He would prefer to tell the County they can keep the road and they can fix their road. The holes in that road, it is in really bad shape. So as far as he is concerned, he would like to send the County a letter - with the support of this Commission - saying "take your road and fix it".

Commissioner Nelson said he is not sure that is the best approach to solving this problem. He was unfortunate enough to have a mission over at the County Commission shortly after they talked about this as an agenda item a week or so ago. He reviewed it in its entirety on the television subsequently. He does not think the County, particularly the new Commissioners over there, knew what the City has done with respect to that roundabout there at Sunrise Boulevard and Oleander Avenue intersection. He sent a copy of the City Commission Minutes regarding that to one of the County Commissioners over there for his perusal. He will be talking with him again tomorrow. Mr. Arias and Mr. Andrews were quite poised and quite diplomatic and quite professional in their presentation; but he does not think they got through to at least one of the new County Commissioners, who he will be talking to tomorrow. They have had considerable public input and public involvement. He personally has gone down there and talked to the residents about that roundabout, showed them the plans, and deduced what their concerns were, which boiled down primarily to one or two individuals in the immediate area. The problems they put forth are definitely correctable in every respect and they can in fact utilize their properties which they allege are going to be handicapped. In that regard, he wishes that they would tone down their comments so as to try to continue fostering a good and workable relationship to get those roads and to do those things necessary to get certain awareness of what each of them is trying to do in their respective areas. For example, the County is doing quite a bit of work that the City might benefit from; and a lot of what the County is doing, they don't know about it. So he would propose that they not send a letter right now. Let's talk. Let's wait for a joint meeting with the County some time in the very near future. Point out to the County that they have in fact had some public discussion with the property owners and that the problems can be solved. As indicated, he is meeting with one of the deciding voters tomorrow and he will show him the documentation - which he had sent to him - from one of their Commission meetings back in 2000 when this had been discussed; and he is hoping the County Commissioner has had a chance to digest it. They have got to do something about the road and the traffic. It is a 10,000 per day traffic count going through. It is insurmountable, the deterioration of the road is quite a problem. If they are going to move forward they need to go out and ask the County, "What are you doing and what have you done and what do you plan to do in the boundaries of the City of Fort Pierce from the County's perspective?" Let's get the County committed to that type of scenario and follow through on it. If they noticed at that same meeting the County did considerable statements regarding their improvements in areas like Harmony Heights and Paradise Park and Sunland Gardens. He is talking about roughly \$750,000 to \$1 million the City Commissioners don't know about. The County is doing some things right now in the City's service area. If the City can get the County to confess what they are doing and they can get a common accord, he thinks they can move forward in a much more harmonious manner. He begs that they give him the chance to talk with the County Commissioners tomorrow and see if he can get them to recognize that the City has had the public input and will have continued public input in reference to this particular project and they will keep the public involved.

Mayor Benton said they have talked several hours in the last couple of weeks on this with the three County Engineers. Usually they look to their staff and the experts. Also, he knows which County Commissioner that Commissioner Nelson is talking about. Several weeks ago there was public discussion about Sunland Gardens, about the City annexing that in, and that County Commissioner was telling them that the City would pave their

roads. The City is not in the business of paving roads, the City is in the business of maintaining roads. So he thinks that is something else they need to clear up there, because the City does not have the money to pave the roads from day one, they assess people the same as the County does.

Commissioner Nelson said they all go through a learning curve.

Mayor Benton said he knows; but unfortunately, he thinks the County staff needs to be listened to. He has been talking until he is blue in the face, and it just really bothers him that the County Commissioners are not listening to their staff and City staff. They are not out to do anybody in or do things without public hearings, but it was implied that way. That offends him. Because they have done nothing ever without there being public input.

Commissioner Alexander said he thinks again they fall in this little well of the lack of communications. A lot of these things can be accomplished by City staff attending County Planning Board meetings and so forth. But the thing, he looked at that television program also, and they were kind of beating on Mr. Arias a little bit, but Mr. Arias stood his ground. His concern is that they made one statement, that they transferred those funds they had available for that project and they have not budgeted for it. Where is the money going to come from?

Mr. Arias said the reason this Commission decided not to build the roundabout was because the same people that called every County Commissioner about this roundabout were the same people that called every County Commissioner and City Commissioner four years ago. The other thing he would like for them to be aware of is, they sent plans for this roundabout to Dennis Murphy four years ago. He repeated that twice at the County Commission meeting and he was ignored.

Commissioner Alexander said the County Commissioners said they had not reviewed anything.

Mr. Arias said the County Commissioners said they have not seen it, which is not true.

Commissioner Alexander said he has to take them at their word. The reason he is saying that is because they agreed just recently that staff will start that. His question again is, where is the money going to come from?

City Manager Beach said one of the instructions they received from the Commission on this subject was to kick start it again, get it started, and to investigate what alternative resources they had available to actually fund the construction of it. They have not reached that stage where they have looked at their different funding alternatives. He believes however they would be able to find it once they get beyond these hurdles.

Commissioner Alexander said that is his only concern, let's identify the money, put it in a forward motion, put the public opinion on the table, and let's go forth. They sit here and write a letter, that is nice and good. But if they don't address the County's concern that they have not located the money and have not said the money is there. They need to know that amongst themselves. Again, it is a lack of communication. They agree to disagree. But if Dennis Murphy says he doesn't have it or the City didn't give it to him... They should find it on their desk. It should be hand-delivered to their desk. And tell them where the money is coming from. That is the bottom line.

Mayor Benton said when the County staff put it on their agenda - just like when City staff puts this stuff on the City Commission agenda - they should have had information. And if they didn't... He would not be asking this if the County Commission had just postponed it. But when they said "No" without the information, that is...

Commissioner Alexander said his concern is, they identify the money, get the public opinion in, and go from there.

Mr. Arias said they hand-delivered the plans of the roundabout to the Chairman of the County Commission Frannie Hutchinson. Hand-to-hand, it was personally delivered to her with a copy for all the County Commissioners. He wants to make a point here. The County Commission does not have to tell him or the City Commission to have public meetings for projects because they already have public meetings for projects, they always do. They have Charrette all over town. They had public meetings for Delaware Avenue and Okeechobee Road. He was planning to have a public meeting for this project. He does not think that City Commission would ever build anything like that without a public meeting. So he resents the fact that they were told to do a public meeting by the County Commission.

Mr. Ramon Trias, Director of Development, said he received a phone call from the individual who has some concerns. In his view, the concerns are design issues that can be incorporated fairly straightforward into the project. It is just a matter of having the opportunity to do it. He does not see any major problem.

Mr. Arias said he thinks that Mr. Trias comments are not truly true. There is not much that they can do to change the roundabout to satisfy one or two people. He wants to make sure that is clear. What the two complainants want, they want to design the roundabout for them to have an easy life, getting in and out of their driveways.

Commissioner Becht said he disagrees with Commissioner Nelson. He thinks they do need to send a letter to the County. Maybe not as hot as they are tonight. He has talked with two or three of the County Commissioners about this issue. He is baffled by the response he got. They were very quick to tell him that they represent the community at large, that they represent both Fort Pierce and the unincorporated area. And yet he had two County Commissioners tell him, "We are not going to pave roads that the City is going to annex." That is what they told him. He told them that doesn't make any sense to him because they are all paying the same taxes that go to the County and the County should be paving all of the roads. What is the rationale for telling him the County is not going to pave a road just because they think the City might annex the areas on the side of it? The tax base does not get changed. The County services are reduced. Yet they are telling him, they are not going to pave the road. That is the County's position. It appears to him that is the position of at least three County Commissioners from the vote they got on the Sunrise Boulevard issue. So he does think they need to send a letter. And he thinks the City needs to point out the hypocrisy of the position the County is taking, that they are not going to pave roads just because those happen to be in Fort Pierce. The County Commission either does represent all of the people or they don't. If the County Commission wants to take the position that they represent only the unincorporated areas when it comes to road dollars, then let's point that out and point out the fallacy of it. This is where he does agree with Commissioner Nelson, that they do need to maintain communications with the County. One of the things they talked about earlier tonight was sending a letter and talking about the portion of Avenue D that is in the County that looks like heck, which coming from the west is the entrance to the Avenue D corridor. What do they first see when they turn onto the Avenue D corridor, where it happens to be in the County but everybody assumes is in the City? They see that mess out there. So he would like to send the County a letter that says they would like to address these issues. One of them would be the road issue and one would be to ask if the County can do something about the Avenue D corridor. If they want to throw in the little multi-modular project that is on County property on the way to the jetty, Channel 8's business operation over there, maybe they can do that too. But he would like the letter to be in the form of, what is the County doing about it and how can the City help the County improve the Avenue D entrance and the Chuck's Seafood situation? Also, does the County not understand the road situation, that everybody pays the same tax dollars?

Commissioner Coke said everybody has some very valid points. She can certainly understand the Mayor's frustration. She has been trying to convince the City Manager that they ought to put up signs, "This street maintained by the City of Fort Pierce" and "This street maintained by St. Lucie County" along with their phone number. Because she gets calls all the time for County roads inside the City limits that people assume the City is responsible for. She does not mind being responsible for something in the City limits, if it is given to them in good condition. But it is the same thing as the South Beach Boardwalk. The County had the boardwalk for 20-something years. The City had it for 20 weeks. Somebody fell through it and got hurt because of lack of maintenance. Sunrise Boulevard is the same thing. She drives down that road every day. It is a disgrace. How they don't have more people calling and complaining...

Mayor Benton said the City has been patching it.

Commissioner Coke said she thinks they do need to move forward in strongly suggesting to the County that they start maintaining their roads that are within the City limits. Perhaps tell the County that if they would like for the City to take over their roads that are in the City limits where they have annexed property, then bring those roads up to the proper standard and the City will be happy to maintain them from that point forward. But Commissioner Becht is right. The County collects tax dollars from everybody, not just County residents. If the County is going to collect the tax dollars from City residents, then the County needs to provide services within the City limits.

Commissioner Nelson said his strategy would be that of trying to get the County to openly commit to the fact that these are the things they are doing that are in the City that are under the auspices of the County. That would be an entree for the City to get that turned over to them. If the County brings it up to better standards, the City will take it over. For example, Avenue D is a County road. The City does not get any of the road taxes from that. Indian River Drive, for example.

Mayor Benton said look at the shape Indian River Drive is in. That needs to be fixed too.

Commissioner Nelson said anything that is within the City limits of Fort Pierce, if brought up to standards, should be controlled by the City of Fort Pierce, in his opinion. He thinks Public Works and the City Engineer, if these roads are brought up to proper service levels, they would be amenable to taking them over.

Mayor Benton asked is he suggesting that what they do is send a letter and put the list of roads that need to be maintained in that letter and ask the County to please maintain their roads in the City limits? He would be more than happy to.

Commissioner Coke said also, ask the County to please forward a schedule of when they intend to...

Commissioner Nelson said right now the problem is, they are trying to get that roundabout project at Sunrise Boulevard and Oleander Avenue squared away.

Mayor Benton said it was in their hands and the County Commission said "No".

Commissioner Nelson said they did not say "No".

Mayor Benton said it was a three to two vote. That is a "No" to him.

Commissioner Nelson said that three to two was to have a public hearing on it and get public input. The County was not aware of the fact that the City has had public input. His suggestion now is to convince the County they have had public input. If the County wants to have a joint meeting to discuss it, fine. But they have that data. They have one swing

vote that can do it.

Mayor Benton said it should have been unanimous when somebody wants to take over their road.

Commissioner Coke said the headline says, "Official - Let new owner fix road". Let's have a nice little headline, "County - Please fix your roads". They ought to send the County a list of the roads that are in the City limits and the problems and what needs to be done to fix them, and ask the County very nicely for the timetable in which they intend to follow.

Commissioner Alexander said he wants to emphasize and still put it up front, they need to identify where the money is coming from. Let the County know the City has the monies available. Then they can add all this to a letter. Can they come up with something tonight?

Mayor Benton asked that CDBG money?

City Manager Beach asked are they suggesting coming up with the resources tonight?

Commissioner Alexander said he is asking, where would it come from?

City Manager Beach said he does not know that without researching it and he has not researched it.

Commissioner Alexander said his concern is, if they are going to send a strong letter to the County... He knows that was one question that was asked. The City had reallocated that money to another project, so they would have to start from scratch. Instead of starting from scratch, why don't they emphasize in this letter that "x" amount of dollars is available to do that project.

Commissioner Nelson said when they shifted the monies from the Oleander Avenue roundabout back in 2000, he made the motion and it was supported. It was for the purpose of trying to get Georgia Avenue and 2nd Street squared away. That is done. The value of their Capital Improvements Program is in the millions. If need be, there are other projects in the pipeline that they can shift as well. They can prioritize based on their resources.

Commissioner Alexander said all he is saying is, come up with the money.

City Manager Beach said he can have that information on the funding alternatives at their next Commission meeting. He can do that. He thinks tonight the request that is coming from the Mayor is something different from that; and that is, suggest to the County that they keep their road.

Mayor Benton said have the County fix their roads, right. If they have to tone the letter down... What he is saying is, they are talking about waiting until the end of August. Sunrise Boulevard between U.S. #1 and Virginia Avenue, especially at Ohio Avenue, cannot wait until then. There are holes in it. His suggestion is to let the County fix the road. The City made an attempt and asked if they could. It appears the County said no. He does not think they have a lot of time, so can they bring this to an end somehow?

Commissioner Coke said she would agree with the Mayor.

Commissioner Becht said he is trying to recap. The article from the Palm Beach Post that the Mayor provided in their agenda package says that County Commissioner Coward made a motion to require public discussion with residents before the County gives up the road, and it was unanimously approved. So what don't they just send the County a letter and tell them that they have changed their minds. As the Mayor said, the County can keep their road; and they need to maintain not only that road, but others. Mr. Beach will compile a list

of all the roads that the County does need to maintain; and ask the County for some kind of timetable on when these roads will be maintained.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to send the County a letter and tell them that the City has changed its mind regarding Sunrise Boulevard and that the County can keep their road; and that the County needs to maintain not only that road, but others; and include a list of all the roads that the County does need to maintain; and ask the County for some kind of timetable on when these roads will be maintained.

Commissioner Alexander asked can they request maybe to do a co-op in conjunction with the County on this road so they can get that road somewhere in the direction of being finished? Can they partnership with the County on this road?

Mayor Benton said they will see what kind of response they get from the County.

Commissioner Becht said his response to that is, if the County is going to conduct all the public discussion they want to conduct on it, then let them make the decision on where they are going to find the money to fix their roads. If they want the City to deal with it, the City will be happy to deal with it; but they are not going to deal with it after the County has discussion on it, the discussion will take place in the City.

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 City Manager report on projected revenue analysis and funding for **Indian Hills Golf Course**.

City Manager Beach said attached to a memorandum he submitted are a couple of charts that describe their cash flow conditions at the Golf Course. Also for information is attached the budget that was prepared prior to the hurricanes, and also the amended and suggested budget for the balance of this fiscal year. In a nutshell, what it indicates is that they need to transfer or allocate about \$220,000 from their General fund balance to finish out the operating year through the end of September 2005. They also anticipate, based on these figures, a need for an additional \$60,000 in the next budget year to balance the revenues and expenditures. However, they are projecting from that point forward, the Golf Course will have a positive cash flow. He wants to emphasize that the figures in front of them are estimates. They could do much better than what is shown there. The figures are very conservative. He doesn't anticipate it getting worse than what they see in front of them. It could get better simply because of the play and what is going on at the Golf Course. It is also important to keep in their thinking that they have quite a bit of work left to do at the Golf Course relating to the support facilities. The Clubhouse, the Pro Shop, and the Maintenance Building were essentially destroyed. The maintenance structure was completely destroyed by the hurricane. The Clubhouse was made unoccupiable and virtually unuseable, a good portion of it. They have had insurance claims somewhere in the vicinity of \$600,000 paid toward those which will be available to go to those replacement facilities. They will be coming to the Commission, he believes early in June, with some discussion and some options on what facilities they are going to suggest and have them talk about in regards to reconstruction. The decisions they make in that regard are going to impact these cash flow papers they have in front of them right now. Depending on what they do, it could change how those numbers show. With that, the request in front of them tonight is to authorize the Finance Director to commit \$220,000 toward that operation for the balance of this fiscal year.

Commissioner Coke said first of all she is going to start by saying the Golf Course is lovely. She thinks everybody there has done a fine job. That being said, she is going to express her sincere disappointment, not in the Golf Course staff. She guesses some place else her

disappointment lies in that suddenly a few months back they were hit with \$350,000 that she guesses she should have picked up on when they approved the budget that was a projected shortfall. Somehow she foolishly assumed if they had a balanced budget, that they weren't projecting a \$350,000 shortfall somewhere. Now they have an additional \$220,000 shortfall that they are going to need to finance. And there is nothing that can be done about that in her estimation. She has concerns that it was not presented to them as a balanced budget initially. They have problems with the hurricanes and revenues being down, so they have to fund this. Her concern is, how far under does that leave this General Fund balance from what they had agreed to keep there?

Mr. George Bergalis, Director of Finance, said the General Fund balance is in very good shape. They probably have somewhere around \$8 million in the fund balance right now.

Commissioner Coke asked so they are not below their 10%?

Mr. Bergalis said by no means.

Mayor Benton said he thinks when that 10% was set up, and he had a part in that, it was for that rainy day. He thinks the hurricanes in setting the Golf Course back several months and missing the season, to him that is that rainy day. And that is what that fund is for.

Commissioner Coke said she is going to support it. But she would like everybody to be aware that she would appreciate next year when they have the budget, that they do not have a line item in their projected shortfall in any department that would then have to be later on allocated from the General Fund. She would much prefer to see that they have an honest, true, and forthright balanced budget.

City Manager Beach said the budget that was presented to her was presented prior to either of the hurricanes. And even after the hurricanes, they were projecting an opening date... After the first hurricane they had one opening date projected for January; and then after that next one, they actually didn't open the Golf Course until May. What that did was, it destroyed their revenue projections. They had no revenue generated by that Golf Course between January and April and that is the time they would generate revenues in a golf course. None of that materialized. And that is why this is in front of them this evening. The revenue picture simply did not materialize.

Commissioner Becht said first off, he is getting great comments from the general public on the course, the way it plays. A buddy of his broke 100 for the first time, so he is wondering if they can guarantee him that, that would be under 100, not over 100. They took out a bond to fund the capital improvements. Is there any of the bond left?

City Manager Beach said he thinks all of it is obligated. He thinks it has a \$70,000 or \$80,000 balance as far as the cash proceeds, but that \$70,000 or \$80,000 is committed to expenses.

Commissioner Becht asked so they can't allocate that to cover some of the shortfalls, is what he is telling him?

City Manager Beach said that is correct.

Commissioner Becht said all right. The debt service shows up as being an expense in 2007. It will not be an expense in this year or 2006?

City Manager Beach said when they set that program up, they funded interest and principal for a period of two years, he believes. Now the Finance Director and himself are still having discussions about that; but his understanding is, that what they see here is what they are anticipating for expenses as it relates to that bond issue. In other words, the \$210,000 a year payment is starting in the fiscal year it is indicated.

Commissioner Becht said he guesses, regardless of Mr. Beach's discussions with Mr. Bergalis, there is not any money in that bond that he can slide over.

City Manager Beach said no.

Commissioner Becht said he compliments staff on trimming the expenses. He did notice they have done what they can do with less people and more effort. It is unfortunate that they had two hurricanes come through and everything else, but he doesn't know that they have an option here other than to fund it.

Commissioner Alexander said he just wanted to ring Commissioner Becht's bell, because he has been getting good reports on the Golf Course. But he has only one question, why are they not advertising in the newspaper? He looks at courses all over - St. Lucie County, Martin County, and Indian River County.

City Manager Beach said the Golf Course staff has been doing a series of marketing campaigns.

Ms. Mary Beth Birsky, Director of Indian Hills Golf Course, said the reason they are not advertising in the newspaper right now is they have all the business they can handle right at the moment. They are still growing it in. They got it open earlier than they really were going to open it. What they do is build a couple hour block of time for maintenance and everybody on staff rolls up their sleeves and gets in there and does the work. So they don't want to disappoint and frustrate the public when they can't get tee time. To spend the money on advertising right now really isn't a wise dollar. They wouldn't get the dollar value out of the cost of the advertising. However she will say, they have 60 slots on the local clear channel radio station. They had a Love Doctors Golf Tournament a couple of weeks ago which was a huge success and they have gotten a lot of press from that.

Mayor Benton said he just wanted to let her know that he has heard she has done an excellent job. From looking at the plans that were presented to them for that Golf Course and seeing reality, he is really impressed. He thinks it is just going to be another year or so until the world finds out, just like Fairwinds, and he really thinks it is going to be a money-maker, the way the Marina was. It is just going to take a little while. Fairwinds has done well and they are talking about another 9 or 18 holes. Seeing the course that day they played, he was really impressed. It is a lot nicer than it used to be. It is not that desert.

Ms. Birsky said thank you and she appreciates their continued support. It is going to be successful. And it is already successful to the community. Financially no, not yet. But they have gotten some great reviews. People are coming to them with a lot of compliments. And she thinks it has brought another amenity to the City that was needed. They have kept the prices affordable and they have kept their promise. They will do the best they can. Mayor Benton said he doesn't know whether it is going to help him or Tony Barnes break 100. He is not much of a golfer.

Ms. Birsky said it is a very user-friendly golf course.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to allocate \$220,000 from the General Fund balance to the Indian Hills Golf Course to sustain the operation through the end of September 2005.

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

The next item on the Agenda was City Engineer to present updated Tree Damage Report - Replacement of trees due to damage by Hurricanes Frances and Jeanne.

Mr. Hector Arias, City Engineer, said at a previous meeting (March 21, 2005) they gave the Commission a list of trees that had to be replaced and said they were going to come back with an update. This is an update. It is for their information only. Notice on the update he has priorities #1 through #11 (for replacing 248 trees lost on City property). They left the Riverwalk to be the last, because they are still working with FEMA, to be able to start the project. The other portion of the report, they lost a total of 218 trees from the hurricanes (on State roadways where the City has maintenance agreements with FDOT). But Paul Williams has been talking to FDOT. He believes FDOT is going to give them a Joint Project Agreement and are going to pay for those trees to the extent of \$97,000.

Mr. Paul Williams, Urban Forester, said the report was broken down into two sections. Trees lost on City property, 248 trees; and the \$200,000 allocated by the Commission is set aside for that. Tonight they are discussing 218 trees that were lost on state roadways where the City has a Maintenance Agreement with FDOT. He has been communicating with the landscape architect for District 4 and a JPA (Joint Partnership Agreement) can be entered into with the City and FDOT. The City does not have the \$100,000 and he is going to request that the State fund the \$100,000 without the City having to put it forward and then ask for reimbursement. He believes he got a favorable response to that. But this is a real world they live in. And in case the State comes back and says no, they have to have the City pay for it and then they will reimburse it, that is what he wanted to discuss tonight. He is confident that the State understands the situation they are in; and rather than have the City put the money up front and then reimburse the City, the State will just go ahead and follow their list and do it and pay for it and let the City do all the coordination in the field.

Commissioner Coke asked aren't some of these in the CRA District?

Mr. Williams asked the trees on the State right-of-way?

Commissioner Coke said yes.

Mr. Williams said they could be.

Commissioner Coke said she would think that CRA beautification is certainly a valid CRA expenditure, if they get stuck looking for funding for it.

Mr. Williams said the State paid for the trees to begin with; and the deal is, the State put it all in, the irrigation and landscaping, and that the City would maintain it forever, which is a great deal of expense taken off the State. He would like to have the State pay for it 100%. They can look at the option of the CRA if needed. But he wanted to make sure the Commission know that there are two major sections; and that this Commission has dealt with the City proper, but the State trees are really the State's responsibility and they really need a commitment from them. They already committed \$24,000 to the straightening of the trees on I-95 and State Road 70. That was just the trees that were leaned over that were still alive. What they are talking about tonight are trees that were actually lost and hauled away. This will bring the State Roads that are listed back into as close to what they were before the hurricanes.

Commissioner Nelson said he thinks in a prior Commission meeting they authorized some \$200,000 for these tree replacements, did they not?

Mr. Williams said yes. The \$200,000 or \$197,000 covered the trees on City property. The extra \$97,000 was on the State roads. So they broke that down and put in the additional trees Citywide and the numbers were broken down to reflect that.

Commissioner Nelson said he can't have any objection to what he proposes here if they are going to get the trees in the ground, growing, and beautifying the City.

Mr. Williams said this is for information only. They needed to come back with the updated list.

Mayor Benton said if FDOT says no to the funding or at least not at this time, Mr. Williams will bring that back to the Commission, and they have the opportunity to pay for it and then FDOT will reimburse the City.

Mr. Williams said correct, because the JPA would have to come before the City Commission for approval; and at that point he is hoping to come back with a 100% funding from FDOT and not even have to mention that. If for some reason they need to have the City pay for it and then reimburse it, then they will describe it. But his mission is to not have to have that discussion with the Commission.

Commissioner Becht said he doesn't want to revisit all of this tonight. But somebody ranked Riverwalk last?

Mr. Arias said the reason for that is, they are still dealing with FEMA for the reimbursement to reconstruct the Riverwalk. It is going to take some time to start the Riverwalk and be ready for the landscaping they need to replace. In other words, if they start landscaping now...

Commissioner Becht said no, that is not what he is questioning. The Riverwalk is last on their priority to reconstruct, or is it last on their priority for landscaping?

Mr. Arias said the landscaping only.

Commissioner Becht asked when does he project that the Riverwalk hardscape will be done?

Mr. Arias said they are still dealing with FEMA. He doesn't know if he can answer that question or not. But it should be pretty soon. It should be within the next 30 to 60 days.

The next item on the Agenda was Director of Development discussion on proposed ordinances: (a) Creating an **Architectural Review Board**; and (b) Setting out criteria for **Building Appearance Standards**.

Mr. Ramon Trias, Director of Development, said as requested by the Commission, legal staff worked diligently at preparing these two ordinances, and these are before them for discussion. These have not been advertised and have not had any input from anyone except some very rough input. The idea here is to have two ordinances. One sets up the Board. The other one sets up the process and hopefully some of the criteria of review. Commissioner Becht also passed him the criteria that Port St. Lucie has adopted. If they want to discuss it further, this would be the right time. Staff has prepared two memos that discuss some of the issues that they believe are policy direction that the Commission should give them. The intent is to bring the ordinances back properly advertised and properly amended as soon as possible according to their advertising and meeting schedule.

Commissioner Becht said first off, he thanks staff for getting it moved this far along. After they talked about this the last time, he had an occasion to meet with Mr. Trias, and he reversed his position. He doesn't know that a separate Board is actually the best way to go. This month the Planning Board didn't meet because they didn't have a quorum. Several years ago that is how he got started on this path, because as an attorney attending a Planning Board meeting, there wasn't a quorum; and he figured if he was going to complain about it, he needed to do something about it and started serving. The Planning Board didn't have a quorum this month, which helps explain why maybe tonight's Agenda is a little lighter. He is concerned that if they create yet another Board, they are really going to create a bunch of hurdles for development. Right now this is great, they have people

who are coming and they want to come. This is not the way it has always been and it is not the way it is always going to be. So he is very concerned about creating another Board. His thinking is, they might want to fold this into the Planning Board that they have, instead of creating another separate Board that creates another hurdle and potentially another situation where they fail to meet with a quorum. At the last minute, and he apologizes for it, but he got them at the last minute, he picked up the City of Port St. Lucie Citywide Design Standards; and he didn't get them to Mr. Trias until maybe after the meeting started tonight.

Mr. Trias said he is familiar with them. He could discuss them if he wants to.

Commissioner Becht said more generally speaking, rather than getting in the meat and potatoes, the concept that he is drifting towards is that they would fold this under the existing parameters of their Planning Board without the necessity of creating another Board and another hurdle for people. Some of the problems Mr. Trias and Mr. Schwerer are talking about with the interaction of the Planning Board, the Architectural Review Board, and the Historical Board, might be eliminated if they folded all of this under the umbrella of the Planning Board. He would also like to have some input from the Planning Board and the Historical Board on the meat and potatoes that is in Port St. Lucie's Citywide Design Standards, and also if they could copy it out to the Treasure Coast Builders Association, because they are going to have to deal with this, and maybe some existing architectural firms and engineering firms to get some feedback on whether they can live or not live with them, because they are going to have to live with their standards. But they got positive feedback with the sign ordinance by involving the Chamber of Commerce. He thinks they can do the same thing without inventing the wheel by involving these associations - the architects in the community, the engineers in the community, and the Treasure Coast Builders Association. There is one other thing. The limitation of this design standard on commercial buildings, that doesn't do what he wants it to do. He doesn't know how they spread it out to everything. But just having it for commercial buildings isn't going to get them to the end of the road.

Mr. Trias said that is the way Port St. Lucie has it also.

Commissioner Becht said he begs to differ with him. Port St. Lucie's is on for anything that is requiring site plans. If he read these design standards correctly, they apply to anything that requires a site plan. Site Plans could be something other than that.

Mr. Trias said he is right.

Commissioner Becht said nonetheless, he doesn't want to do just as good as Port St. Lucie did. He wants to do better than Port St. Lucie did.

Mr. Trias said if he could use an example. The McDonald's at Delaware Avenue that was rebuilt recently, that is what Port St. Lucie's guidelines would achieve. It is nice. It is different material for the roof and additional landscaping, etc. But clearly, they could do a little bit better given the fact that they have a historic City and they need to deal with infill issues and so on. His original recommendation was to amend Chapter 22 and add all of this architectural criteria to the review - as Commissioner Becht just suggested - of the Planning Board through the Site Plan process. That to him is a very practical thing to do. It is probably also the most effective way of doing it because they are able to combine the site layout issues, which are also here in these guidelines. For example, the location of parking lots, the location of drainage ponds, etc. And consider the aesthetic impact of all that. That was his original recommendation; and Staff could bring back an ordinance that does that, if there is a consensus from the Commission.

Commissioner Becht said if that is the consensus. But regardless, he still thinks they should have the input from the local architects, engineers, etc.

Mr. Trias said yes. The additional process they must do is, they need to develop guidelines that are fairly specific. That is when he thinks they can get all that input.

Commissioner Coke said she has a concern in not setting up this Architectural Review Board. She thinks that every time they get another set of eyes looking at something, the odds of their getting a better project are improved. Whether they just set this Board up for the purpose of setting up the outlines of what they want to have as far as standards to be reviewed is one thing, or whether it is a Board that looks at every single set of standards could be another thing. But she thinks they really need to bring in a group of architects to serve here to tell them what their options are, what they should be looking for. Sometimes she looks at a set of plans and she thinks everything is fine; and Commissioner Nelson or Commissioner Alexander or Commissioner Becht says what about this, and she wonders how was it she didn't see that. Every time somebody else looks at something, they get another set of eyes and another suggestion. She thinks if they are going to go through the hoop of setting up citywide design standards, they need to have it done with as much input as possible from a group of people. Maybe the thing to do is to set up this board for the purpose of setting up these design standards and getting the feedback from them, as well as the Planning Board, and as well as the Builders Association. Then when they get done with that, maybe they could come back with a recommendation to the Commission - Do they think, with the standards they are suggesting, that they should be reviewing all the plans, or do they think it is a simplified enough process? The people at the Planning Board are looking at 100 other factors. Do they want to make it 150?

Mayor Benton said he would agree with Commissioner Coke. After sitting on that Planning Board, like Commissioner Becht, for six years, and seeing some of the projects that have come to the Commission through the Planning Board, he is not really impressed that some of them weren't sent back because of what they got. The Commission sent them back, and they got better. He has talked to several architects over the years. He was kind of thinking maybe they could do something like the County does - which is, each Commissioner appoints someone. And that way, if that appointee is not doing the job... When it says if they miss three consecutive meetings... To him, it should be if they miss three meetings in that year, then... In the six years he sat on the Planning Board, never once did they not have a meeting because of a lack of a quorum. That is a sad state of affairs and that has happened quite a few times now. That was his thinking. But he would like to see professionals like architects. Architects are like artists, every one has their different opinions. It would be kind of interesting to see what they can get out of them on a board.

Commissioner Nelson said this input from Port St. Lucie should be quite helpful. They don't have to go and reinvent a wheel. If Port St. Lucie has adopted and is using these standards down there, he doesn't see why they can't use them up here. It is not a propriety item. And of course, if they were to provide these to their planning people and ask them to utilize them, they could do so. If they have architectural and engineering talent advising them or working in conjunction with them, they probably don't need an additional Board. They have the standards, they have professionals on board, and it is an assembly line process. One looks at it from this angle, another looks at it from that angle, and they end up with a recommendation to this Commission as to what should or should not be. The basics are very definitely here. He thinks they can just use them. If they are having problems getting people to serve on various boards now, then don't create another one which would deplete or somewhat exhaust the potential pool they draw from. Use what they have and make it into what they want is his concept.

Commissioner Becht said if the Treasure Coast Builders Association or the architects or any other interested group came back and recommended a separate Board, then they could do that at that time. He likes Commissioner Coke's idea, let's see what they say idea. He already has his assumptions that they are going to come back and say they don't want a separate Board. But if they came back and said they wanted a separate Board,

they are the ones who are going to have to work through it. Bo maybe that would be the way to go, if that is what they say they want.

Commissioner Alexander said his only input, because he is in agreement with both. If they come back with it, say that they need it or request it, then so be it. But he has a serious concern when they tell him the Planning Board can't meet quorum.

Commissioner Becht said this month.

Mayor Benton said that is not the only time.

Commissioner Alexander said he thinks that is where they should put some teeth in it. If they don't want to serve, then they should have someone readily available to be in that space immediately. He is not trying to ask a person why he is not there. But this City is growing leaps and bounds. He thinks for the Commission not to have any forwarded information from them, it is just taking away from the community. He thinks they need to do something about that first and then maybe they can go forward.

Commissioner Nelson said they have to consider these have been some strenuous times for their citizens during this time and perhaps he would like to blame everything on the hurricanes.

Mayor Benton said what he is hearing or at least it sounds like he is hearing from the majority is, they should take these ordinances and maybe get it to the Treasure Coast Builders Association and some architects and engineers and get their opinions.

Commissioner Becht said Mr. Trias said he knows who he works with the most.

Mr. Trias said they could set up some workshop and invite everybody.

Mayor Benton said get opinions.

Mr. Trias said one comment. The other thing that is really needed is the second ordinance, which makes it a requirement to provide the architectural drawings and all that. They don't have any of that right now. So he wants to make it clear that at least they should move forward on that also.

Mayor Benton said he would agree on that one.

Commissioner Becht said yes, but put more teeth in it.

Mr. Trias said they will organize a workshop, get public input, and then report back to the Commission as soon as they can do it, hopefully within the next 30 days at most.

Mayor Benton asked do they want to act on the second one and advertise that?

Mr. Trias said they probably need to refine it a little bit. If they could wait until they set up the workshop, that would probably be the best thing.

Mayor Benton asked does everyone agree? (The Commissioners agreed.)

The next item on the Agenda was Report by Administrative Services/HR Director on allowable **Per Diem Expenses**.

Ms. Mazella Smith, Administrative Services/HR Director, said they have her report. If they have any questions, she would be glad to answer them.

Commissioner Nelson said he would like to thank Ms. Smith for going out and researching the data on this and making a recommendation. He would think, considering what has been presented to the Commission, they ought to in fact adopt her recommendations indicating they want to change their per diem and travel allowance situation, and make the necessary ordinance changes to do so.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to adopt the recommendation of the Administrative Services/HR Director to increase the City Travel Expenses (per Memorandum to City Manager dated May 6, 2005).

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

Commissioner Nelson asked is the City Attorney going to get him an ordinance next week?

City Attorney Schwerer said no, it requires advertising.

The next item on the Agenda is City Engineer discussion on request to reject all Bids received for the following projects: 7th Street, Phase 3 & 4 (Delaware Avenue to Moore's Creek); 7th Street, Phase 2 (Avenue D to Moore's Creek); 10th Street (Citrus Avenue to Orange Avenue); and 14th Street (Avenue I to Avenue M).

Mr. Hector Arias, City Engineer, said they received bids for those projects that were totally unacceptable. If they look at the second page (of his Memorandum dated May 9, 2005), the lowest bid proposal for Phase 2, which is 7th Street from Avenue D to Moore's Creek, it was \$706,727. They didn't have enough time to make an estimate, but it would be much less. If they look at Phase 3 (7th Street from Moore's Creek to Avenue A), it came almost 100% over the estimate (\$1 million vs. \$575,000). Phase 4 (7th Street from Orange Avenue to Delaware Avenue) is almost 300% over the estimate (\$1.2 million vs. \$425,000). He is recommending that they should reject these bids. They have never seen anything like this before. There is no way they can estimate anything to be even close to this. They received copies of bids from Palm Beach County Engineering Department and they have some bids 100% less than these bids. They are going to see in the next Agenda item, Staff made the ranking on the RFQ's for construction. They are recommending Burkhardt Construction to be selected. Whoever they select, it doesn't matter to him. But Staff would negotiate with the contractor for these prices on these projects. He will be reporting to the Commission on June 20th about the resolution to this.

City Manager Beach said those prices would come back to the City Commission in the form of contracts if they are successful in negotiating.

Commissioner Nelson said that is good. A smaller thing keeps bugging him. Where is the thing regarding the paving of the parking lot by the Police Substation? Is that included in this package?

Mr. Arias said no, it is not.

Commissioner Nelson asked can they get that small thing in there?

Mr. Arias said once they select a contractor and bring the contract here for approval, they can include that. That is not a problem. In fact, they are designing that right now for the Police Department. It is a very small thing. They can include that.

Commissioner Nelson said take care of the small things. The big things take care of themselves. How soon can they get that parking lot paved down there by that Police Substation?

Mr. Arias said they need to get the contract for these projects first; and then under this contract, they are going to do the parking lot. He would say 60 to 90 days.

Commissioner Nelson said write that down, in 60 to 90 days the parking lot by the Police Substation, the east side will be paved.

Mr. Arias said it will be about the same time they are going to have a public meeting for the Sunrise Roundabout.

Commissioner Alexander said his concern is, he thinks he asked the question once before, why do they have a couple of companies doing business for the City of Fort Pierce. He is not wholeheartedly satisfied with either one of them. It is not that they are not doing the work. Are they going to be held hostage, as he is looking here, for that project that Commissioner Nelson spoke about that they budgeted at \$150,000 and it goes up almost \$500,000? Are they being held hostage with these companies coming in here?

Mr. Arias said he has been in this City working as City Engineer for 25 years. They have been going through this almost every five or ten years. They use the City as a ping pong ball. He is sorry to say that, but that is the way it is. It used to be Gorham and Dickerson, and Dickerson and somebody else. Tony Barnes sends an invitation to he doesn't know how many contractors to bid and they only get two or maybe three bidders. There used to be a time that he had to get in his truck before 3:00 in the afternoon and look for contractors to bid on the project.

Commissioner Alexander said he was told that only these two companies here is what is doing business with the City of Fort Pierce. Is this the same company that got Indian River Drive tied up? Is he going beyond his scope of comprehension?

Mr. Arias said the Indian River Drive...

Commissioner Alexander said it is either yes or no.

Mr. Arias said let him explain something. When they had the continuing contract with Dickerson and Dickerson was doing 7th Street, they weren't too happy with them. That is why they recommended to this Commission to give Indian River Drive to Burkhardt Construction. It has been like that once in a while.

City Manager Beach said he is not sure that was the question.

Commissioner Alexander said his question was, Indian River Drive that is tied up, is that the same company?

City Manager Beach asked he is talking about the Indian River Drive that is being worked on right now, that whole length? Is one of these contractors doing the Indian River Drive project for the County?

Mr. Arias said that is Dickerson. He is sorry, he thought Commissioner Alexander was talking about Indian River Drive in the City.

Commissioner Alexander asked this company makes a lot of money on St. Lucie County citizens, right? Do they have to deal with this?

Mr. Arias said either that; or they are just too busy and they don't have an interest in doing the job.

Commissioner Alexander said no, they are not busy. He knows they set in his office when they dropped the contract before and did not want to honor the contract; but they came

back and said let them do the work, please. Now they have to go through this? He is not too happy.

Mr. Arias said he is not either.

Commissioner Nelson said that money down on Indian River Drive was \$30 million in federal money.

City Manager Beach said he thinks these prices reflect the level of demand that is being placed on contractors and the fact that they can ask for this price. And if the City is willing to give it to them, they are more than willing to take it. But if they don't get it, that doesn't concern them at all. The recommendation in front of them this evening is to reject all of these bids. The City Engineer will then start to negotiate - after the next Agenda item - with the top ranked company.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, and unanimously carried, to reject all bids proposals for the following projects: 7th Street, Phase 3 & 4; 7th Street, Phase 2; 10th Street; and 14th Street.

The next item on the Agenda was City Engineer discussion on ranking of firms for Streetscape Construction; and request for authorization to begin negotiations with Burkhardt Construction, Inc. RFQ No. 5516

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve ranking of firms for Streetscape Construction; and authorize Staff to begin negotiations with Burkhardt Construction, Inc.

Commissioner Alexander asked are they going to just take one company again and whatever they come back with?

Mr. Hector Arias, City Engineer, said they are taking Burkhardt Construction because they have proven to be good performance, good quality, under schedule, sometimes under budget. He can't ask for more than that. Burkhardt started working on Avenue A a couple of weeks ago and some of the utilities are already completed.

Commissioner Alexander asked they aren't going to over extend them now, where they can't get anything done?

Mr. Arias said this is something that they can depend on staff to take care of all those things. Because if they see any angle that Burkhardt would not be able to do all these projects, they would not be doing all these projects. It is that simple.

Commissioner Alexander asked is Mr. Arias taking that responsibility?

Mr. Arias said yes, he is.

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

Mr. Christopher Dzadosky, President of Hibiscus Park Crime Watch & Homeowners Association, said he was asked by several neighbors about the **Sunrise Boulevard** Project, to come and speak to the Commission on some of their concerns. He doesn't think the public comment they were thinking was what he is going to give them, but he is going to give it to them anyway because they asked him to. Their concern is the current available parking, will that be removed down the road when that road is repaired or replaced? When the area was developed, most of the families only had one car. Now they have two, three, four, or five, and so on and so forth. Their issue is, they believe it will be a safety issue

down the road without that parking. Also, they brought it up earlier about the County and that particular road and its maintenance. Personally he was asked to take pictures and request information about what was happening on that road. He took probably 50 or 60 pictures in about a 45 minute period of time of huge trucks. Obviously they are replacing sand on the beach and that type of thing. There are several thousand trips made on that road. He is not an engineer, but that road is not designed for that type of weight and that many trips. The trucks are using that as a shortcut. He believes the County, if they are permitting it to happen, or if the City is letting it happen, somebody...

Mayor Benton said he has addressed those trucks. It has been over two weeks since he asked the City Manager to contact the County Administrator and ask him to get those trucks with the muck off Sunrise Boulevard. He was told that would happen. A few days later, he followed the trucks and they were back on Sunrise Boulevard and several other streets, because he has witnessed them where they dumped a load out on Glades Cutoff Road. He was told on Friday again that they would quit. Because he had asked them several weeks ago to use Airport Road, to Kings Highway, to the County landfill. For whatever reason, he was told Friday at 4:00 p.m. by the Assistant County Administrator that they were going to quit doing it through the City, because there was that accident where someone was almost killed. But today they were back again. Today they decided to use Delaware Avenue to 25th Street. Well, they dumped a load just south of Virginia Avenue and it went about a half a mile and it was about six inches thick, the width of the dump truck. So he called Mr. Anderson and asked him to look out his window, maybe he could see it. He thinks the City Manager has asked the Police Department to do something about that, because they are supposed to contain that stuff somehow. They said it would probably be another three weeks. Well, they don't want it going through their City and they don't need it on residential streets. So the City is doing what they can to stop it, and by no means is the City going to allow it.

Mr. Dzadovsky said he appreciates that. Additionally, the damage to the road, it is degrading their road rapidly. And if sanctions were available through the City Attorney, maybe letters or any type of legal action, maybe the contractor can be held accountable for those repairs or money to come back to the City or to the County, however that all works out. They are in violation of the weight limits. So those are the things he was asked to bring up by the folks over on Sunrise Boulevard.

Mr. Christopher Dzadovsky said as the official representative of Hibiscus Park Crime Watch and the President, he would like to thank the Mayor for coming and assisting in the unveiling of their new **Hibiscus Park Crime Watch** sign. It was a fantastic opportunity. Scores of their residents showed up, and they are very proud that the Mayor was able to come and do that. They would also like to thank the Sheriff's office representatives, City Directors, and the Administrators who found time to show up at this event. It may have been a small thing, but it was very huge for their small community. He would also like to thank Gary Ferch and Bob Hood who were instrumental in getting the signs placed properly and within City code along, with Pete Wells and Universal Sign for getting it done with quickness and with great care. One individual who deserves much of the credit is a young man from the Planning Department, Joseph Murray - his talents are grand, his willingness to make the City proud is priceless. He hopes they will extend their gratitude for his work on the project. He sees the Fort Pierce Police Department is here. He wants to thank Chief Savage for all the work his Department is doing on their behalf in community policing. He wants to thank each and every level of their department for their diligence. In today's society, Police Officers and Departments are asked for many things, from homeland security issues to simple school yard squabbles. It takes quality people in leadership to be flexible. Hibiscus Park Crime Watch & Homeowners Association is taking an active part in community policing and they are making a difference. They want to thank Officer James Cozine who has headed up that area. He has been very instrumental in helping them achieve many of the things they have been able to do. That said, he wants to additionally ask and say that they are very proud of the individual officers who are assigned to Hibiscus

Park. They want to publically state to the Commissioners and the City, that they want the City to continue to attract and keep fine officers of this high caliber. He didn't know on the Agenda tonight there was a union contract, but being able to keep these fine individuals is very important. Sometimes thinking about the dollars and cents in this respect loses itself in the loss of officers in training. He wants to think down the road they keep that in mind. Lastly, he wants to thank Bob Frank, the traffic engineer. He is a fantastic human being. He is a valuable asset to the City. He has offered much of his personal time to help them be successful in learning about the law and how it affects their little community. When they come to the City and the City Manager with requests about issues within their community, they want to be very well informed. They appreciate all the individuals within Mr. Beach's charge for their professionalism and their willingness to help them every step of the way. That said, he just wants to thank them all.

Mayor Benton said they look forward to working with the Hibiscus Homeowners Association.

Mr. Mike Simone, 407 North 6th Street, said the reason he is up here tonight is, on Saturday he received a certified letter from the Urban Group. He guesses that is the property acquisition firm hired by the City to buy up properties. This is regarding **Moore's Creek Linear Park** project. They want to buy a parcel he owns that has three historic buildings - 421, 423, and 425 Douglas Court. The only reason he was a little confused when he got that letter was because, first of all, the master plan of the Avenue D Charrette and the adjoining neighborhood - which is posted right outside the City Engineering office - that was the only Charrette done in that area. There was a reason why he bought those houses, because he tries to follow the money and the improvements that the City is doing. So he bought those houses, got building permits, got a certificate of appropriateness from the Historic Preservation to be able to renovate them. He knows it is a voluntary thing, that they are just asking if he is willing to sell. But it was a certified letter. Now he is wondering, if he doesn't want to sell, what are the ramifications? Does he need to hire an attorney?

Mayor Benton said don't hire an attorney. Maybe staff can help.

City Manager Beach said what he would encourage Mr. Simone to do is to sit down with staff. He can start with his office and they will look at what the Urban Group is proposing. He knows they gave them a tremendous list of properties to start researching and determining whether or not they could be acquired. Probably a good place to work is either with him directly or with Anne Satterlee. They have several people who are tracking this acquisition activity. And if Mr. Simone can show them very specifically how this impacts what his plans are and let them compare how that impacts what those development plans are for that Linear Park, then he is sure they can find a resolution to it.

Mr. Simone said okay. That sounds good. Like he said, he understands that maybe that master plan might have changed a little bit and they want to maybe abandon Canal Creek to get more of a park. He agrees with that. But these houses actually don't face Canal Creek, they have a separate little road. Incidentally, they are surrounded by trees, some of them are probably potentially historic old Ficus trees probably 150 years old. They wouldn't even be able to see these houses from three directions. Plus they are architecturally significant. They are already on the designated list by the City for their architectural significance. From his research, any community greenway - including the State DEP Greenways and Trailways initiatives, they always identify historic, cultural, conservation aspects to be incorporated into these parks, as opposed to just being demolished or whatever the plans might be. He just wants to work with the City. He knows there is a lot happening on the table. He likes the City and he supports what the Commission does 100%. So he just wants to be included in the plans, that's all.

City Manager Beach said they would like to talk with him about it whenever it is convenient for him.

Mayor Benton said he thanks Mr. Simone for investing in Fort Pierce.

Ms. Arlene Goodman, 4410 Areca Palm Drive, said first off, she comes with her hat in her hands and asks Commissioner Alexander to forgive her for the very unladylike manner when she was here, that she accomplished the last time she was here, and ask him to forgive her for that. It was not ladylike and it definitely was not very Christian. She too was frustrated that night and she does hope he will forgive her for that.

Commissioner Alexander said sure. He apologizes to Ms. Goodman.

Ms. Goodman said she thinks if she yelled at him in public, she should apologize to him in public. She will try not to yell at him ever again. The definitive word here is, "try not to". She loves some of the things they have all been saying; and one of them is, getting certain areas of the City cleaned up. She doesn't know if they own **Oleander Avenue south of Edwards Road** to approximately Bell Avenue. If somebody could help her find that out, she would be appreciative.

Mayor Benton said that is the County.

Ms. Goodman said then she won't talk to them any more.

Mayor Benton said if she wants them to work with her to get the County to fix it up, let them know. They will add that to the list.

Ms. Goodman said she will be at the County tomorrow.

Commissioner Nelson said put a sign down there that says it is a County Road.

Mr. Hector Arias, City Engineer, said Oleander Boulevard is a County road from Sunrise Boulevard all the way down to the south.

Ms. Goodman said they haven't annexed her in yet.

Mayor Benton said not yet.

Commissioner Coke said just basically, she knows they have briefly touched on it the last eight months, but there are still some major buildings around that are visible not only to the school children but are on their main streets, that she knows she saw one list of buildings they were looking to have **Code Enforcement** do. As she rides through the streets, she calls the City Manager's office and give him addresses. Maybe if they all could do that, they could expand this list. She has some concerns. Hurricane season is rapidly approaching. And especially over on the beach there are just some houses there that no one has done anything with. There are no windows. There are no roofs. And she is just truly afraid of what is going to happen if they did have another storm come through. These are just like piles of debris being held together with she doesn't know what, that would be all over the beach and all over the rest of the City. She thinks they need to address it quickly to get them all taken care of and down before the next hurricane season.

Mayor Benton said he would agree. That is why, during the last ride he took with the City Manager, he drove so Mr. Beach could write. He started at North U.S. #1 coming in. He sees it all over town. They went out Orange Avenue. There are three in a row there. There are several across from Lincoln Park school. It is unbelievable.

Commissioner Coke said the Circle-K "Opening Soon" sign that has been up for eight months is starting to turn yellow.

Mayor Benton said it has been up since the day after the hurricane. He agrees. He think the bulldozers need to be moving in.

Commissioner Nelson asked are they going to be getting the new Deputy City Manager in here pretty soon and they have a lot of things that are going on that needs to be done. He is wondering can they have a **Workshop**? They need one. It is six months after the beginning of the year. They need a workshop to find out what they are doing and where they are going and what they have done. They need a workshop and they need to get that ASAP. Can they get a consensus on that? Do they all think they need a workshop?

Commissioner Coke asked what kind of workshop?

Commissioner Nelson said he just told her. To find out what they have planned to do, what have they done, and what do they propose to do.

Mayor Benton said maybe they can invite the County to find out what they might be wanting to do close to their City limits.

Commissioner Nelson said exactly, within their service area and all throughout. Can they get a consensus on that?

Mayor Benton said he would agree.

Commissioner Alexander said yes.

Commissioner Nelson said they have three people who want a workshop, if Mr. Beach can set it up.

Commissioner Nelson said on **Avenue M and 16th Street**, there are at least four big truck loads of garbage been brought in there and dumped on that property at Avenue M and 16th Street. It didn't come off that property. They just brought it in there and dumped it there. If Staff can take care of that.

Commissioner Nelson said he was in Jacksonville not too long ago after the Super Bowl. Somehow or other, FDOT and Jacksonville and Duvall County folks have put lights going across their bridge. It makes a real attractive thing. They talked about that for **South Bridge** over here. He wonders could they possibly talk to FDOT and put lights on their bridge here? He thinks that would be a real asset to their community.

City Manager Beach said he thinks that was identified as an Art in Public Places project some time ago. Is that correct?

Mr. Ramon Trias, Director of Development, said that is correct. They could speed up on the design, if that is their wish.

Mayor Benton said they talked about that briefly at the Charrette he believes, at least at his table, because they referred to Jacksonville.

Mr. Trias said if that is a priority, they can move forward.

Mayor Benton said those lights are not working on the bridge now.

Mr. Trias said that is true.

Mayor Benton said instead of replacing those that are not working, why don't they put something there that looks nice.

Commissioner Nelson said why don't they sort of ask FDOT what they are doing and how can the City do it, and then formally come back and go via the MPO and ask them to do it.

Commissioner Coke said they need one more thing to fight about at the MPO.

Commissioner Nelson said they did this down there at Taylor Creek and it didn't cost the City a dime. It is an entrance into this City. Following up on their thing there, the Bell Property down there, that car lot, and the old JC Penny building down there is in bad shape. The fence is down and they need to do something about it.

City Manager Beach said let him get a report back to them all at the next meeting on this Art In Public Places program as it relates to those lights.

Commissioner Nelson said this final thing, they were talking about **reapportionment** and they are supposed to be checking with the County, i.e. the Supervisor of Election. What are they doing about redistricting and all that kind of stuff? Can they get some feedback on that?

City Manager Beach said Anne Satterlee is handling that in his office. They have received another response from the County on that subject indicating they do have everything in place in order to do that. If it wasn't so late, he would ask Ms. Satterlee to tell them where they are with that subject, but he knows that is on her list.

Commissioner Coke said maybe Ms. Satterlee will send them a memo.

City Manager Beach said they will give them a report on that.

Commissioner Alexander said he just has one concern. Again, he is always an advocate for the underdog. This community, the only culture they have here is agriculture. There are no jobs here. He thinks they opened up a can of worms when they start going out and telling these individuals that they cannot sell barbecue sandwiches or they cannot sell watermelons. Anyone in this community can tell him they know where they can get a watermelon. They have handicapped individuals that cannot go to work and then being denied of selling watermelons they have been doing for 40 years. He knows they need to clean this up; but his concern is, are they supposed to just shut it down completely? He doesn't think so. He is not happy with that. He just asks that they revisit that. He understands as far as some of those cookers out there. But they could do something. This community has no means, no jobs, no fruit to pick, so they have to be able to do something. He is not advocating giving money to anyone, but give them an opportunity to go and make their own earnings.

City Manager Beach said he is assuming what Commissioner Alexander is referring to is, over the last few weekends they have had a tremendous amount of work and put forth a lot of effort in trying to deal with the **street side food vendors**. Of course, that response was based on community input to the Commission.

Commissioner Alexander said one individual.

City Manager Beach said actually there were several. There was just one that came to the Commission. But there were several people who were expressing frustration with that and over any number of issues. Staff's responsibility is to understand what the law requires, what the codes call for, and then take steps to enforce that code. And that is what they have been doing over the last couple of weeks. He wasn't aware that they had hit the people who were selling watermelons and things of that nature, but they may have.

Commissioner Alexander asked they can't come and purchase a peddler's license? He

understands the ones who have them, they have to keep them and maintain.

City Manager Beach said no.

Commissioner Alexander said that was what he was told.

City Manager Beach said they can almost purchase an occupational license for almost any purpose. But what goes with that occupational license is a requirement to comply with all of the other requirements for doing business in the City. And people get confused about that.

Commissioner Alexander said he begs to differ now. He has individuals who tell him they have gone to the City Clerk's office to obtain a license and they tell them they no longer can do these things.

City Manager Beach said that may be true.

Commissioner Alexander said how else do individuals? This is something that has been going on since he was a kid.

City Manager Beach said he understands that.

Commissioner Alexander asked is he saying that is against the law? But they allow these things to happen for 50 years and all of a sudden they are going to snap it off at the neck.

City Manager Beach said they come and go. He thinks what has happened recently is, there were so many of them that had started setting up business on 25th Street and Avenue D, that the merchants themselves who make a living selling...

Commissioner Alexander said he is one of those individuals too. But again, they cannot shut everything down and say no more, period. Again, that includes... Is he wrong? Can they get a peddler's license to sell watermelon?

City Clerk Steele said no. There has never been a license for watermelon sales on the side of the road.

Commissioner Alexander asked what is it they were issuing to individuals.

City Manager Beach said there is an Itinerant Vendor license that used to exist; and he thinks, to some degree, it still does. Is that correct?

City Clerk Steele said the Itinerant Produce merchant would be in a commercial location with off street parking.

Mayor Benton said like the Farmer's Market.

Commissioner Alexander said they had an off street building with parking, then they wouldn't have to go out there and labor in the fields to get to sell watermelons.

City Manager Beach said he understands his frustration with the subject, but it is really not a staff issue. It is a legal issue. It is a law issue. Some of them are governed by the Commission, but others are governed by the State Health Department and other licensing professionals who deal with food service and on and on.

Commissioner Alexander said he disagrees. If it is against the law, then there has to be some level that they can allow individuals to... Again, the Commissioners and the community assume that these two hurricanes no longer are affecting them and that everything is all well. It is not. There are people out there who have no means. There are

individuals out there have no means. Next thing they are going to have a crime rate, because someone is going to feed their children. Well, are they going to steal a loaf of bread and go to jail for a loaf of bread? Then they are not doing any thing but put more work on their Police Officers. Again, he just is not making an issue about it. He thinks they should address when they open a can of worms. It is not going to stop there. There are going to be some people who are sad.

Mayor Benton asked are there plans to get the Avenue D Farmers Market back on track again?

Commissioner Alexander said he would assume so. They are willing. Again, that is just one area and it is only so large. There can only be so many people there. Then when they start getting congestion, then they told their Police Department, that three or more, they have to move on. Again, it is just a frustration that they see that people right now can't put food on their tables because they can't go sell a simple watermelon that they travel hundreds of miles to go get to make a dollar. He is going to leave it there because that is just his concern.

Commissioner Becht said he thinks it was the last meeting they had a lady from the **Transit Authority** who said she would report back to the Commission this week on the concept of a Trolley. He didn't see her here tonight.

Mr. Ramon Trias, Director of Development, said Jody Bonet.

Commissioner Becht asked if somebody could follow up on that.

Commissioner Becht said **Surfside Park** on the beach, there are water fountains out there, the last time he checked them they didn't have water in them. Does Mr. Ferch know if the water has been turned back on or not?

Mr. Gary Ferch, Director of Public Works, said to his knowledge, he was informed by his staff that the fountains that are out there are working.

Commissioner Becht said great. He will check. If those are not working, he will call Mr. Ferch and let him know.

Commissioner Becht asked is Mr. Schwerer going to work on the ordinance on the timing of **withdrawals of petitions**?

City Attorney Schwerer said yes. He thinks he has a suggested draft that has been sitting on his desk. This issue came up before with the Commission. But essentially they have it. It is the same as the County's. They can put that in front of the Commission for consideration.

Commissioner Becht asked the **City Parking Garage**. Do they have a new target date for delivery?

Mr. Ramon Trias, Director of Development, said as of this morning the architect told him two weeks for the final drawings. He would encourage them to pay the bill also. That would probably make it easier for all of them working on this project.

Commissioner Alexander asked did they not agree to that?

Commissioner Becht said he thought they agreed to slide the money across.

Mr. Trias said it doesn't pay for the whole work of the architect at this point.

Commissioner Becht said if they need to address that at the next meeting, just bring it up.

Mr. Trias said if they want, they can bring it up again at the next CRA meeting.

There being no further business, Mayor Benton declared the meeting adjourned at 10:37 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER