

**CITY OF PORT ST. LUCIE  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 24, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on September 24, 2012, at 7:10 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. MEETING CALLED TO ORDER**

**2. ROLL CALL**

Council Members

Present:

Mayor JoAnn M. Faiella  
Vice Mayor Linda Bartz  
Councilwoman Michelle Lee Berger  
Councilman Jack Kelly  
Councilwoman Shannon M. Martin

Others Present:

Gregory J. Oravec, City Manager/  
CRA Director  
Roger G. Orr, City Attorney  
James Angstadt, Acting Assistant City  
Engineer  
Stefanie Beskovoyne, Assistant City Attorney  
Pam E. Booker, Senior Assistant City  
Attorney  
Sherman A. Conrad, Parks & Recreation  
Director  
Edward Cunningham, Communications Director  
Edwin M. Fry, Jr., Finance Director/  
Treasurer  
Joel Dramis, Building Code Administrator  
Carol M. Heintz, Assistant City Clerk  
Daniel Holbrook, Planning & Zoning Director  
Renee Major, Risk Management Director  
Jesus A. Merejo, Utilities Director  
Karen A. Phillips, City Clerk  
David K. Pollard, OMB Director  
Jack Reisinger, Technical Services Manager  
Building Department  
Patricia Selmer, Community Services Director  
Susan Williams, Human Resources Director

**3. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Faiella said, "The Invocation and Pledge of Allegiance were recited at the previous meeting."

**4. PUBLIC TO BE HEARD****LAWRENCE COHEN - ST. LUCIE WEST BOULEVARD/DIGITAL DOMAIN**

Mr. Cohen said, "I live at 550 SW Newcastle Cove, and I have a concern over the condition of St. Lucie West Boulevard. It's falling apart, and it's not just from the rain we had last week or the week before. That has been falling apart for two years. When the road was done, it was overlaid. We just did a project in our homeowner's association; we had companies that wouldn't bid the project for an overlay unless the road was milled first, because they said it wouldn't stand up. That's what's happening there. The road was not milled. It was merely overlaid. If you come in on Becker Road, Gatlin, Prima Vista, or Airoso, there is beautiful landscaping. You go out there and it's awful. In the paper the other day, they said that Mr. Textor from Digital Domain donated \$70,000 to political campaigns. I was just wondering if any of that was donated to members of the Council. Did any of that money from either him, his affiliates, Wyndcrest, or Digital Domain come here?"

**STEVE CARROLL - DIGITAL DOMAIN/SECRECY AND VETTING OF PROJECTS**

Mr. Carroll stated, "I want to talk about a few things, and at the top of the list is Digital Domain. I used to get thrown out of here on a regular basis for objecting to John 'the con man' Textor. I'm not going to blame all of you for this, but the Council is the bridge between the citizens and the City government. I would like to see the City Council people get more involved in vetting these projects. That project wasn't vetted very well at all, and it cost us. The City Center project cost us. It wasn't vetted at all. The other thing is the secrets. A while back, the City Attorney found a loophole that allowed the City Manager to become a redevelopment agency, and conduct negotiations in secret. Digital Domain was a secret. There shouldn't be secrets. We shouldn't have this. We also had a company called the Green Monster, something that you were negotiating with for over a year. That's another secret deal that went nowhere. America was built on companies coming forward and building communities and becoming a part of the community. They didn't have secrecy pacts, and we don't need them now. We have to start vetting these people and their projects a lot

better than we've been doing. It's up to them to prove to us that they can do the job for us. It's not up to us to say that we're going to give them everything they need to succeed. They've got to be able to tell us that they can succeed, and show us that they can succeed. If these people went to a bank, the bank would require so much documentation. They come here, and we don't really vet them very publicly or very thoroughly. The taxpayers expect you to be our eyes and ears. Most of these people work and don't have time to check all of these things out. All of you are paid over \$30,000 a year part time. I think you could be a little more inquisitive on some of these projects, and ask some pretty blunt questions. Do you have the money? Do you have the expertise? Show us some success."

Mr. Carroll continued, "We're always blaming Council people for something. Why don't we have a debate of all of the Council people who are running for election? There are four of them. It couldn't be a big deal to have a debate. We could do it here or at City Center, and open to the public. Let them ask the questions. That way we will know where everyone stands. The information has to start flowing back and forth. If a project like Digital Domain is so beloved that you won't listen to anyone else, you won't listen to anything that's not pro-Textor, then you're doing yourself and us a disfavor. I will say that the Mayor and Councilwoman Martin were not involved. There are three people up here who were involved in it. There were two others that got replaced. We can't keep doing this. We can't afford these failures. If you're going to mix public money and private people, which I don't go for at all, then you've got to vet these people down to the last ounce of proof. You've got to be thorough. I don't know who vets these people, but fire them, because they're missing the boat. They missed it on Textor, and they missed it on Novick. We're going to be coming into an era where Torrey Pines is going to get 17 acres and the building in a year or so. They don't really have any money. I was wondering where they were going to get the money, and then I read the CRA. In there, you have guaranteed bonds, grants, and business seed money. Apparently, they're going to come back to us for the money. I don't want to spend any more money on those people. I want to see their money. I want to see their people who believe in them spend their money. I have confidence that you will pull this off. I hope the Council gets together with someone who might show an interest in the Digital Domain property, and work with them. That's a big hole to fill every year."

**JOHN METHVIN - EWIP/ELECTIONS**

Mr. Methvin stated, "I was at my doctor's this week and an adjoining doctor's office had a mental patient that went bananas on a police officer, cut his face up, and was really brutal with him. I thought he not only handled the situation well with extreme reserve and bravery in the face of someone making him bleed and cutting his face. I thought the officer who showed up at the Second Chance place did a good job, and I thought I would mention that. I would also like to thank Mr. Oravec, Mr. Angstadt, and Mr. Jungjohan for the level of attention given to the EWIP project. I know that I've seen Mr. Oravec in the field, trying to be on top of this as much as he can be. I still think there are a few things to be worked out. There's still some reverse flooding that's going down into the canal and crossing over into Lily. I still think that could be a problem. There are driveways that are starting to erode from this water that's coming in that area. I've seen a fence up that's going to keep people from US 1 and transient types from going back there. I appreciate it, and I think it was the right thing to do for our neighborhood. After the last tropical storm, even I would have to say that the EWIP seems to have done its job."

Mr. Methvin continued, "I can't help but notice the political turmoil the past few weeks, especially at the last City Council meeting. Council members were calling for visions and things of this nature. Frankly, I consider it nothing but backbiting and political self promotion on Councilwoman Berger's part. It's election time. Coming up with a new City logo or a new catch phrase is not enough to qualify you for a job at this position. I can't say it's okay for taxpayer money to be overseen by someone who files for personal bankruptcy. This doesn't work. The proof is our level of indebtedness in the City, the votes for Digital Domain, City Center, the Botanical Garden, and on and on. These things do nothing except soak the taxpayers. It is time for this and these votes to stop. If the only way to do it is to get some people out of office, I'm ready, and the van is ready. Instead of admitting and taking responsibility for your mistakes and these costly votes, everyone on the City Council except for Mayor Faiella and Councilwoman Martin have said that they were taken by surprise. It's too late for apologies. The money is gone and we can't afford any of this any longer. It has to stop. Perhaps if Mayor Faiella and Councilwoman Martin were here at those time, given the Mayor's level of inquisition, maybe we wouldn't be facing these matters. The employees of Digital Domain would not be subject to this heartbreak, and the taxpayers wouldn't be on the hook for this money that's gone."

Mr. Methvin continued, "I hope the upcoming election brings a

purge of incumbents who vote themselves pay raises during financial disasters and continue to raise our level of indebtedness. I hope we can get rid of some of these backbiters and elect representatives who will be more conservative with our money, like Mr. Cohen. Taxpayers are tired of local politicians voting themselves raises, using taxpayers to climb to the next higher office. I have a vision of when our City Council members are not self serving and care more about the community than getting themselves re-elected and holding onto that extra \$30,000 a year. In closing, I heard a Council member at the last City meeting refer to citizens who come to the podium to speak and leave, instead of staying to the end to enter into meaningful conversation. I have stayed here many times before and after City Council meetings trying to talk to various Council members, and none of them ever changed anything as far as the voting went. It was all steam ahead with these lousy projects that cost the taxpayers. Talk is cheap. It's time for us to make some results and changes in the upcoming election."

#### **ALAN LANDERS - CODE ENFORCEMENT**

Mr. Landers said, "I reside at 2502 SW Bayshore Boulevard and 2508 SW Bayshore Boulevard, right across the street from the Council on Aging. That's important, and I'm going to tell you why shortly. About a year ago, I was cited for a commercial trailer that I was using as advertising admittedly, which helped me generate approximately \$10,000 worth of business. I got cited for that and came to the hearing. I fought the hearing and compromised with a \$50 fine, and also moved my trailer reluctantly, and I said I would put a white magnet on it. Ms. Taylor said I couldn't do that because they knew who it was. They knew what it was. I thought it was ridiculous, because you couldn't see it. I still complied, and moved the trailer back. Most recently, I just got cited again. I moved the trailer out of sight. I have a natural fence as a guard, so no one can see it from the road. The Code Enforcement officer, Michael, is a great guy and I really respect his position. He does have certain issues that are important, but to basically slam this issue, someone turned me in. I believe it was Joe Edge. He turned me in the first time. This is a gentleman who works for the people, but it sounds like he's working against the people. We're being counterproductive here. It helped me generate work. It helped me stay in Port St. Lucie. It paid tax dollars."

Mr. Landers continued, "I'm asking for an amendment to this Code and a few others. Someone tells me I can't have a Dually truck. What if I like Dually trucks? So what if it's a commercial

vehicle? What if it's a personal vehicle as well? I have a 9,600 pound RV that's parked in my driveway. There's nothing wrong with that, but I can't have a flatbed trailer. Then I was forced to show that this was a recreational vehicle. I opened my garage to show them that I had motorcycles. We are acting so unproductively. We're counteracting the progress. These Codes need to be looked at. They need to be changed, or at least changed temporarily. I can't count on you guys to give me work. I'm getting work my own way. I just find this hurtful. You're costing me more money and time that I don't have. Our unemployment rate here is higher than the national average. It's sad when you are working against us. You really need to straighten this out, and I'm really asking for some support. From the people that I've talked to, I know I can get a lot of support from the people in this City. You have to talk to us and let us know what you're doing. I feel like I'm living in a Communist society to a certain degree. It's really ridiculous telling me what I can have on my own property that I pay taxes on. There are homeowner associations for that. I moved from a homeowner's association, because I thought I was going to have more flexibility."

Mr. Landers stated, "It doesn't seem that I do. I'm just speaking for myself. I know there are a number of others out here who feel the same way, and I'm hoping they get up and speak shortly." Councilwoman Martin asked, "Why don't we set up a meeting and take a look at what you're looking for, and go from there?"

**COMMENTS FROM THE CITY COUNCIL**

Councilwoman Berger said, "To answer the question directly that my opponent put up here, which was, 'Have we received donations from Digital Domain or any of the principals, or anyone associated with Digital Domain?' I have not received any in my previous campaigns or in this one."

Councilwoman Martin stated, "Neither have I in my campaign. Mr. Landers, why don't you set up a meeting with me or I will set up a meeting with you, take a look at what you're looking for, and go from there."

**RESPONSE FROM CITY MANAGER REGARDING ST. LUCIE WEST BOULEVARD**

Councilman Kelly said, "I think I saw an e-mail today. We do have plans to do some repairs, and I think it's scheduled to be redone in about two years." The City Manager stated, "We're

actually going to try and expedite that. Right now, it was going to be in three phases, with the first phase at Peacock and Country Club being done this year, and actually before the holidays. The subsequent phases would be over the next two years. However, given its current condition, we're going to see if there's not an opportunity to move it up to get it all done in one year. As you know, we have about 1,000 lane miles of roadway in the City and a limited repaving budget, so we try to find the balance in the repaving projects. I will say that several years ago that road was not milled. A micro repaving process was utilized, and there was not good adhesion. In fact, you may recall that we had to go back in there after the first application and re-do it, because of that poor adhesion. While it is not directly related to Tropical Storm Isaac, I do believe that the standing water on the road was a reason for that adhesion to further fail, and you saw some clumps come up again. For those reasons, we spoke about it with staff this morning about expediting the project. I hope to come back to you in the near future, hopefully within the next 45 days, with a plan to get it all done in this next fiscal year that you just approved the budget for." Councilman Kelly asked, "How long ago did we take that road over?" The City Attorney replied, "It was about then." Councilman Kelly stated, "So the original foliage that was put in was put in by St. Lucie West. It wasn't our road until then, and we did try to cure it, but it didn't come out properly. So we will get that done as fast as we can."

Councilman Kelly continued, "The other thing I wanted to address was Digital Domain complaints. I'm going to give Mr. Carroll credit, because he was the only one who ever had objections, and asked us to think about it. All I can say is that I hear a lot of hindsight from a number of people about Digital Domain. We did ask a number of questions. We have had huge debates at the dais on many projects, and many of them are 3/2 votes or 4/1 votes. Digital Domain was one with the state. I'm not going to put the blame on the guy in Tampa or the state. There's enough blame on Digital Domain to go around for everyone. It was unfortunate, but it happened. Success knows 1,000 partners. Failure doesn't know any. It's an unfortunate thing. A number of people dropped the ball, and I will take part of it. The City Council voted for it, and I think it was unanimous. It just didn't work out."

## 5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

### a) PROCLAMATION - NATIONAL ESTUARIES DAY

The City Clerk read the Proclamation for National Estuaries Day, and Mayor Faiella presented the Proclamation to Cara Perry, Media Relations Representative for Harbor Branch Oceanographic Institute at FAU. Ms. Perry stated, "We would like to extend our sincere appreciation to Mayor Faiella and the City of Port St. Lucie City Council for recognizing National Estuaries Day, and the importance of the Indian River Lagoon research conducted by local organizations such as Harbor Branch at FAU and the Smithsonian Institution, both in St. Lucie County. We encourage the citizens of Port St. Lucie and beyond to learn more about our lagoon and how citizens can protect this natural treasure."

**b) PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH**

The City Clerk read the Proclamation for Domestic Violence Awareness Month, and Mayor Faiella presented the Proclamation to Jill Borowicz. Ms. Borowicz stated, "I'm Chief Executive Officer of Safe Space. On behalf of our board, our staff, and most importantly all of the victims that we serve and save every day, I want to extend my sincere thanks to the City of Port St. Lucie for recognizing October as Domestic Violence Awareness Month. Domestic violence is important, because one in three women is a victim of domestic violence. Every day in the United States, four women are murdered by their intimate partners in domestic disputes. Here, closer to home, in St. Lucie County in 2011, there were 1,427 incidents of domestic violence, 38 forcible domestic violence rapes and seven domestic violence murders in one year. That's an average of four incidents of intimate partner violence a day. That's why this is so important. Safe Space, the ultimate emergency safety net for victims of domestic violence on the Treasure Coast saves lives every day. Safe Space provides shelter when needed, counseling, and empowering skills for women to make a better life for themselves and their families. It helps victims to become survivors. Safe Space is an educational resource and an advocate for those who can't speak for themselves. A non-profit charitable organization governed by a volunteer board of directors partners with other organizations, businesses, and individuals. Fully 82% of all of the funds we raise go directly to services in Indian River, St. Lucie, and Martin Counties. It can happen to anyone. It could be happening right now to a family members, one of your friends, or a neighbor. Safe Space can help, but it needs the communities assistance to meet its mission. Please come out and walk or cheer for the good men of St. Lucie County while they stand up against domestic violence in these red, 4 inch high, stiletto heels, and walk a mile saying, 'Violence will never ever be an option in any relationship in St. Lucie County.' This event will

be held on October 13 at 10:30 in Tradition Square. Why help Safe Space? Because abusers are deadly serious."

Vice Mayor Bartz noted, "I also sit on the Board, and Jill came on board some years ago and has been a great addition to Safe Space. We have a very dedicated board that works hard to get the message out, and they do so much in our community. Last year we had the Chief and John Fazio. They came out, put on those red heels, and walked a mile. They had a good time and supported everything that we work for. It truly takes a group to work and get that message out, and we've come a long way." Councilman Kelly commented, "I had a lady in my neighborhood who had a horrible experience. There have been at least three or four women over the last 12 years who have told me that if it wasn't for Safe Space, they had nowhere else to go. Two of them called me and said that it changed their lives. You're the only show in town for something like that, so you have our complete support. Thank you for everything you do."

#### 6. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Mayor Faiella said, "I want to add Item 12 c), Digital Domain Update, under Unfinished Business. Also, we received a memo from our City Attorney in reference to wanting to table Item 10 b). Do we want to do that now?" Councilwoman Berger asked, "Are you looking for a motion now?" Mayor Faiella replied, "Either we table it and proceed with that, or if we feel we have all of the information and want to proceed, we can do that." Councilwoman Berger stated, "From a structure standpoint, I believe you're supposed to add or delete at this point. If you want to move it up on the Agenda to allow people to go home, that's fine." Councilman Kelly noted, "It's not policy, but we've never done that before. Even though it's First Reading, someone may want to speak. I would prefer that we wait until we get to that item or move it up." Mayor Faiella pointed out, "So the only addition is going to be Item 12 c) under Unfinished Business." Councilwoman Berger **moved** to approve the Agenda. Councilwoman Martin **seconded** the motion. The Clerk restated the motion as follows: for approval of the Agenda, with Item 7 d) and 13 h) pulled, and the addition of Item 12 c), Digital Domain Update. The **motion passed unanimously** by roll call vote.

#### 7. APPROVAL OF CONSENT AGENDA

a) **APPROVAL OF MINUTES** - SEPTEMBER 10, 2012, SPECIAL MEETING

**b) UNITY OF TITLE, MELODY J. JAPINOSKI, TO COMBINE LOTS 22 AND 23, BLOCK 441, PORT ST. LUCIE SECTION 3, SO THAT THE OWNER CAN PLACE A SHED ON HER ADJACENT VACANT LOT, LEGAL DEPARTMENT**

**c) FLORIDA POWER AND LIGHT, COMMERCIAL DEMAND RESPONSE RIDER AGREEMENTS, PLANNING AND ZONING**

**d) MARTIN MEMORIAL MEDICAL CENTER, AMENDMENT #2, OPERATION OF A WELLNESS/FITNESS CENTER, ALLOW A SEASONAL CHANGE OF HOURS OF OPERATION, #20090120, PARKS AND RECREATION**

**e) RELEASE OF UNITY OF TITLE, SHOPPES AT PRIMAVISTA, LLC, TO RELEASE THE UNITY OF TITLE FOR LOTS 1,2,3,4,5, 34,35,36,37,38,39,40 AND 41, BLOCK 115, PORT ST. LUCIE SECTION 27, THE PROPERTY IS BEING RE-PLATTED FOR DEVELOPMENT, LEGAL DEPARTMENT**

**f) MAJOR SITE PLAN, MANN RESEARCH CENTER - MOB #1, LOCATED ON THE EAST SIDE OF VILLAGE PARKWAY, SOUTH OF INNOVATION WAY, NORTH OF WATER MANAGEMENT TRACT 1, AND GENERALLY WEST OF I-95, SOUTHERN GROVE PLAT NO. 4, PARCEL 7, A 40,000 SQ FT TWO-STORY MEDICAL OFFICE BUILDING, P12-091, MANN RC, LLC**

**g) CO-PRODUCED AGREEMENT BY AND BETWEEN THE CITY OF PORT ST. LUCIE AND THE GERMAN AMERICAN CLUB FOR OKTOBERFEST 2012, CITY MANAGER**

**h) APPROVAL TO REJECT ALL BIDS AND REBID, BAYSHORE BOULEVARD AND PRIMA VISTA BOULEVARD INTERSECTION IMPROVEMENTS, ALL BIDS RECEIVED WERE OVER BUDGET, #20120071, OMB**

**i) MEHAFFEY CONSTRUCTION GROUP, INC., NUISANCE ABATEMENT, PROPERTY REPAIRS TO ABATE NUISANCE, HOUSE LOCATED AT 849 SE DAMASK AVENUE, \$2,200, LEGAL DEPARTMENT**

Councilwoman Berger **moved** to approve the Consent Agenda. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Consent Agenda, and added, "Just for the record, Item 7 d) was removed at Additions or Deletions." The motion **passed unanimously** by roll call vote.

## **8. SECOND READING OF ORDINANCES**

**a) ORDINANCE 12-50, AMENDING CHAPTER 99: PARADES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA REGARDING STREET CLOSURE FOR PARADES AND SPECIAL EVENTS;**

PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-50 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Ordinance 12-50. Councilman Kelly **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-50. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 12-51**, AMENDING CHAPTER 158, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA REGARDING OUTDOOR SALES AND SPECIAL EVENTS; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-51 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Ordinance 12-51. Vice Mayor Bartz **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-51. The **motion passed unanimously** by roll call vote.

**c) ORDINANCE 12-52**, AUTHORIZING THE CONVEYANCE OF A 5 FOOT WIDE UTILITY EASEMENT BEING A PORTION OF TRACT "C", PORT ST. LUCIE SECTION FORTY FOUR A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 23, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, PARCEL 3420-720-0004-000-8 LYING IN SECTION 18, TOWNSHIP 36 SOUTH, RANGE 40 EAST, LYING 2.50' LEFT AND RIGHT OF A CENTERLINE, FROM THE CITY OF PORT ST. LUCIE TO FLORIDA POWER & LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-52 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Ordinance 12-52. Councilman Kelly **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-52. The **motion passed unanimously** by roll call vote.

**d) ORDINANCE 12-53**, AMENDING THE 2011-12 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 4 PAGES, ATTACHED HERETO AND DESIGNATED AS 2011-12 BUDGET AMENDMENT NO. 3. THE SAID SCHEDULE PROVIDES FOR AN INCREASE AND/OR DECREASE IN APPROPRIATIONS IN THE VARIOUS LINE ITEMS; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-53 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Ordinance 12-53. Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-53. The **motion passed unanimously** by roll call vote.

**e) ORDINANCE 12-48**, AMENDING THE TITLE OF CHAPTER 61 OF THE PORT ST. LUCIE CITY CODE; AMENDING SECTION 61.03, DEFINITIONS; AMENDING SECTION 61.04, GENERAL TERMS AND CONDITIONS REGARDING WATER, WASTEWATER, AND RECLAIMED WATER; AMENDING SECTION 61.05, WATER METER INSTALLATION CHARGE; AMENDING SECTION 61.06, METER TESTING; AMENDING SECTION 61.07, CUSTOMER DEPOSITS; AMENDING SECTION 61.09, CHARGES FOR CANCELLATION OF A WATER AND/OR WASTEWATER SERVICE APPLICATION OR UTILITY SERVICE AGREEMENT/PERMIT TO CONNECT; AMENDING SECTION 61.10, WASTEWATER INSTALLATION CHARGE; AMENDING SECTION 61.11, PROVIDING FOR WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; AMENDING SECTION 61.16, RECLAIMED WATER CONNECTIONS; AMENDING SECTION 61.24, PROVIDING FOR WATER LINE AND WASTEWATER LINE CAPITAL CHARGES; AMENDING SECTION 61.25, TEMPORARY METER PERMITS; AMENDING THE APPENDIX TO CHAPTER 62 SETTING FORTH WATER, WASTEWATER RATE SCHEDULE; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-48 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Ordinance 12-48. Councilwoman Martin **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-48. The **motion passed unanimously** by roll call vote.

## 9. OTHER PUBLIC HEARINGS

**a) APPEAL OF CONTRACTORS' EXAMINING BOARD DECISION**, FROM THE MEETING OF AUGUST 9, 2012, DECISION FOR LEVEL 3, SUSPENSION OF PERMITTING PRIVILEGES FOR 360 DAYS, PAY AN ADMINISTRATIVE FEE OF \$205, AND RECOMMENDATION TO THE CILB THAT A LETTER OF REPRIMAND BE PLACED IN THE CONTRACTOR'S FILE, CLIFFORD RUSS, SKYHIGH SIDING AND ROOFING

Mr. Russ said, "With Council's permission, I would like my attorney to explain the series of events that had led up to the necessity of me being here tonight." Attorney Robert Lewis, on behalf of Mr. Clifford. . . . The City Attorney stated, "This is just a reminder to the Council of the procedure. This was heard

by the Contractors' Examining Board in August. The Code allows for appeals, and this is the proper procedure for them to follow. Appeals from these procedures by our Code are intended to be appeals based upon the record of the proceeding before the Contractors' Examining Board. The City Council may consider additional evidence, but is not obligated to do so. As Counsel intends to introduce additional evidence or new evidence that was not heard by the Contractors' Examining Board, the Council may accept it or it may determine not to accept it. This same instruction would also apply as to the next item." Mr. Lewis remarked, "My client apparently received notice, and this is going back to why he was not in attendance on August 9, 2012. We had a plethora of mailbox break ins at our facility. We are disputing that Mr. Russ didn't get timely and sufficient notice of the hearing. He has been a licensed contractor since I've been three years old, and I'm 48 years old. That's four and a half decades with an unblemished record on his general contracting license."

Mr. Lewis continued, "As far as the notice that was sent, it was sent; however, due to the mailbox break ins, which I do have police reports to substantiate that. . . . In addition, the person who received the mail and was in charge of allocating and distributing mail is under criminal investigation for embezzlement with our company. She's no longer with the company. The day that the hearing took place, he and the general manager of Skyhigh were sitting at a continuing education class to make sure their licenses were maintained and brought up to speed. This incident involved a structure at 1752 Monterrey Lane. A drunk driver or someone who really had difficulty driving their vehicle drove their vehicle through her living room. On that particular night where she usually falls asleep in her living room, she was asleep in her bedroom. Had she been the creature of habit that she was, she would not be here today. Apparently, she tried to get many contractors to help her out. She contacted Skyhigh, which typically does not do a whole lot of business this far north to help her out. They went up on good faith. No money was received as of that date. They put a tarp over to insulate and to protect the interior of the house and to preserve somewhat of a safety issue. The vehicle struck the interior wall of the kitchen, knocking cabinets off the wall. Mr. Russ did the right thing. He put things into place. I had subpoenaed a gentleman, Lyle Nichols, from the Plans Examining Unit. He had asked for a list of things, applications, photos, and PE reports. He gave a laundry list of five things."

Mr. Lewis stated, "It wasn't like Mr. Russ didn't attempt to get

a permit. Under the circumstances, in his 40 plus years of experience, something like this is no big deal. Typically, a permit is issued within three to five business days. He was under the impression after meeting Mr. Nichols two or three times, giving him everything he needed, that the permits were forthcoming. However, it never came to fruition, and by the time people were put on notice due to the expeditious work of Skyhigh Siding and Roofing, the project was completed. We have an instance here where I truly don't believe that the punishment fits the crime. Yes, permits are required to do work in the City of Port St. Lucie. We're not saying anything negative about that. However, by the time the permit actually expired, the project had been done. It was one thing if there was no intent to get permits on the table then; we wouldn't be here today. Here, an application was filled out, the laundry list was sent to Mr. Nichols, and for whatever reason he just kept moving the goal posts further and further back. By the time that all came to fruition, the project was done. His license was suspended for a period of 365 days to do work in the City of Port St. Lucie, and there was a \$205 administrative fine. I would argue that everything was complied with. There was an intent to get a permit. An application was filed, payment was submitted, two sets of plans were submitted by a professional engineer certifying everything, but administratively things just kind of got behind, and the project was completed. I would ask that his license be reinstated to do work in the City of Port St. Lucie. To the best of my knowledge, we have no pending projects here. We were just trying to help someone. When my client went back the third or fourth time, Mr. Nichols said that he had lost the file and that they had to start again."

Mr. Lewis noted, "I presented copies of the police reports that were filed regarding the accident. I submitted police reports regarding the mailbox break ins. I gave the certified PE structural reports, which certified that the project was done." Councilman Kelly commented, "In the backup, he has given us evidence of things being stolen from mailboxes. There was a certified letter, and it was delivered to one of his employees. He signed for it. That's not our responsibility. It's his employee. It didn't get stolen from a mailbox, because it got signed for. I will remind you also that this is from December 2010. He has had more than enough time to comply." Councilwoman Martin pointed out, "My concern was that the notice requirements were met as per the rules and regulations, and it appears that they were. I agree with Councilman Kelly. It was signed for by one of your employees, and you did get proper notice. Unfortunately, I can't support your appeal." Mr. Russ said,

"That's the employee that was embezzling funds. That letter just disappeared. I never saw it." Mayor Faiella asked, "Was it a her?" Mr. Lewis replied in the affirmative. Mayor Faiella asked, "Was she an employee at the time?" Mr. Russ replied in the affirmative. Councilwoman Berger said, "The due diligence is on you as the presenter to tell us something different. I'm not sure that anything you said is different than the presentation that was given in your absence." Mr. Lewis stated, "There was no presentation, because he was not in attendance, and it was a 7-0 vote." Councilwoman Berger noted, "The information that was provided at that time. . . ." Mr. Lewis asked, "From whose side? There was no information presented from this side, because he wasn't in attendance." Councilwoman Berger asked, "Is your position the information you're presenting?" Mr. Lewis replied, "Would have presented. As it was stated to me, Mr. Nichols basically lost the file, and told us to just start again. By the time that occurred, the project had already been done." Councilman Kelly commented, "The affidavit we have was signed by a male." Mr. Lewis pointed out, "We're not here to say that he didn't get the letter. We have the affidavit from Mike Hoskins that says he doesn't really recall. Today, Ms. Noto faxed me the signature card, and it was not Mr. Hoskins. It was someone else."

Mr. Reisinger commented, "First of all, the notice was sent certified mail, and we did receive the notice back. The other one was the application. It was submitted almost two years ago, and after six months an application, if it just sits on a shelf per Building Code, it expires. That was the reason why staff couldn't find it a year and a half later. It had expired, so it's like it doesn't exist anymore. Again, this job was started seven days before we actually knew about it. Then they came in and applied for the permit. The FBC and not City Ordinance says that you can't start a job without a building permit in hand. You're allowed to do an emergency repair, but the following day you come in and submit for a building permit. And that means submit. It doesn't allow you to continue with the construction. They did continue with the construction and actually finished the construction. As of today, they still don't have a permit. The other thing I'd like to say is that the part that they're claiming is holding them up is the part that requires an engineer's letter. It's from an engineer explaining how the repair is supposed to go. We're not going to be sure on how it's supposed to be repaired, and his repairmen are not aware of how it's supposed to be repaired. The engineer has to give a prescribed method on how to put that back together. We're going to do the inspections based on what the engineer says how it's

supposed to be done. Without that, we can't do our job, and the engineer wasn't able to do his. On the application it clearly says that you must have an engineer's prescribed method on how to repair this job before you actually do the job. That was the entire holdup in Plan Review. They had no engineer to go along with that application."

Vice Mayor Bartz stated, "The house was damaged, and the contractor came in and did emergency repairs. At some point, he applied for a permit and it sat on a shelf, because he didn't actually get what he needed for that permit. Is that correct?" Mr. Reisinger noted, "The inspector saw the job started with a tarp covering up some plywood, which is a normal thing. The next step would then be to apply for the permit and wait until you actually obtain the permit, so that you don't put it back together incorrectly or put the wrong materials in. You have to use a certain type of window and certain types of materials. You have to submit all of that first before we allow you to go ahead with the permit." Vice Mayor Bartz noted, "I understand that's Florida law." Mr. Reisinger commented, "That's state statute. It's not City ordinance." Vice Mayor Bartz pointed out, "If you're a contractor and you've been licensed, I would think that you would know what the state statutes say. You have that issue as well. Two years later, and we still don't have a permit. I can't support going forward and making any changes to this." The City Attorney remarked, "Nor do we have an inspection. The job was completed, but was never inspected because there was never a permit." Vice Mayor Bartz said, "As a licensed contractor you know that you need inspections and permits. This is not special to Port St. Lucie. If he's working somewhere else, whether it's down south or wherever, there are certain things that are required that a licensed contractor should be aware of and should know before they go forward. It's commendable that you helped this woman secure her home, and I certainly appreciate that. I think that whether mail was received, given, or not given is not really the issue. The issue is that you did the work, and you did it without permits."

A gentleman said, "I work with Mr. Russ, and we did a Structural Engineering Report before we submitted a permit application. This is what the Building Department is not telling you. We had the engineer go after the accident, then the application was filled out. We had a sub permit that was pulled by an electrical engineer. He had his inspections done. Then saying that we didn't submit an application is not true. We submitted it. We did our engineering report that we paid for before the application was submitted. This is dated September 8, 2010. The

application is dated December 8, 2010. After all that happened, we got the letter. We drove to Port St. Lucie and spoke with Mr. Nichols, and he said that there were five items missing. He wanted a completed building permit application we had submitted. He wanted plans with the scope of work, which we gave him. He wanted the sealed letters from the architect, which we personally gave him, and he wanted us to pay the fee. When we came back with all of the documents, he beat around the bush, and said that he didn't need these things, and to start all over. The part that they forgot to tell us was that they had lost the actual permit. It wasn't our fault. We understand 60 days, but the entire story is not being told the way it really happened. We had the engineer go there before the application was submitted. The conclusion here says, 'Based on our findings and observations. . . .' It tells us what we needed to do, then he gave us the actual engineering drawings that we submitted to Mr. Nichols. Someone somewhere lost the permit or part of it, and that's why they started asking for more documents, which delayed our job. The contractor for the electrical work that was done, he submitted his permit, and he did his inspections. It's not true that we didn't submit a permit, and we did have the engineer come there first. We paid the guy \$5,000 for the prints, site inspection, and everything."

Councilwoman Berger noted, "Actually, this is what I was speaking to before. The backup information does show a lot of that information, whether you made the presentation or not. The department did speak to the fact that some information was submitted. We sit here after you have been judged by a panel of your peers. That's why we have a Contractors' Licensing Board. They understand the process as well, if not better than people who come before them, and much better than any of us at this point. The information we have does show that you were in continuous communication being explained what was necessary for next, and it does mention a structural permit for outside along the way, but we sit here today still without a permit. As you know, this is not something that we do just because we would like you to have to come and talk to us from the lectern. This is for public safety, and this is really in place from the state to make sure that the public is protected." The gentleman noted, "We did submit the permit. The engineer was there first and did his report, not like they're saying that it didn't happen. It's dated." Councilman Kelly commented, "Whether it's after six months or not, you do not have a permit. When you said you were going to clear all this up, I thought you were going to show me a permit. That's the only thing that's going to clear it up for me. If you have something done to your home and something

happens to that home and you didn't pull a permit, in most cases the insurance company is not going to pay for that house. It's a serious matter. You've been in the business 43 years. You know better. I **move** to deny." Councilwoman Martin **seconded** the motion. The Clerk restated the motion as follows: to deny the appeal request for Item 9 a). The **motion passed unanimously** by roll call vote.

**b) APPEAL OF CONTRACTORS' EXAMINING BOARD DECISION, FROM THE MEETING OF AUGUST 9, 2012, DECISION FOR LEVEL 3, SUSPENSION OF PERMITTING PRIVILEGES FOR 365 DAYS, PAY AN ADMINISTRATIVE FEE OF \$205, AND RECOMMENDATION TO THE CILB THAT A LETTER OF REPRIMAND BE PLACED IN THE CONTRACTOR'S FILE, RICHARD LEVINSON, SERVICE AMERICA ENTERPRISE, INC.**

**ALAN ROSENBERG**, representing Mr. Levinson, said, "Service America is a contractor that installs air conditioning systems into residential houses in the City of Port St. Lucie. In the last year, Service America has pulled and properly closed with inspections over 124 permits. Mr. Levinson has been a contractor in the state and City for the last 30 years, and has never had a single tarnish on his record. This is an appeal of an order from the Board of August 9, which suspended Mr. Levinson's license for a year in the City of Port St. Lucie, based upon six expired permits. The permits are pulled for a home to install a new air conditioner pursuant to a contract. The air conditioner is installed. At that point, the homeowner through Service America, calls the City for a final inspection. When the final inspection happens, that final inspection then closes the permit. On these six particular residences out of 124, there was a delay in having the homeowner be home, so that the inspector could come to the home and final the inspection prior to the expiration of the permit. At the hearing, Mr. Levinson wasn't there. For some reason he didn't receive the notice. It was sent, it was signed for, and there are no excuses other than an apology for not being at the hearing. There was no defense provided at the hearing. Therefore, the Board sees no opposition, sees six expired permits, and suspends the license for a year. We're here asking for equity, apologizing for not appearing at the last hearing where we would have provided the defense, and providing the justification."

Mr. Rosenberg continued, "Measures have been put in place since. In fact, four out of the six permits have now been inspected and closed. With the other two, the inspector will come, and they will be closed as well. Service America hopes to continue pulling approximately 124 residential permits a year, generating

about \$55,000 in revenue over the last ten years in permits. Our appeal is not to the fine. We know that costs were involved. The appeal is the suspension of Mr. Levinson and Service America being able to pull a permit in this City for a year to install residential air conditioning systems. It's not like the other hearing where a permit wasn't pulled. All permits were pulled. We're asking that the suspension be removed, so that he can continue to do business in this City, pulling permits properly, installing properly, inspecting properly, and closing properly."

**RICHARD LEVINSON** stated, "For the record, I would personally like to apologize. I'm the qualifier. Over the course of my career I've pulled over 10,000 permits in the State of Florida, and approximately 10,000 permits have been finalized and completed, and are history. I'm one of the good guys. We do the right thing. I have placed into our process a chain of custody going forward on all certified letters. I've been with the company for three years, and the company has been around for close to 30 years. My prior career was with another firm. I put into place a chain of custody, so that the recipient of the certified letter has to sign for it. Not getting that certified letter can't happen again. I've never been called before a committee over the 33 years I've been a contractor. I've received one Letter of Reprimand in the early 1990's. This is not what we do and this can't and will not happen again. All of the permits that the City brought to our attention plus others that the City did not advise us of that we found have been renewed, most of them have been finalized, and appointments have been made. The greatest challenge we have as a contractor in every City that we work in is getting that appointment between the resident whose work has been completed, and getting the inspector out there. One of the other things I've done is to implement a procedure whereby the owner commits to an inspection date at the time they commit to purchasing the unit. We are putting into place everything we can think of, so that we can resolve this problem that we have in finalizing permits. It's not uncommon for us to have about 10% of our permits not finalized until the very last week before the permit expires. We respect the law. We respect the process, and we simply request that the City accept our apology for not attending the hearing and explaining it, and to show some leniency on our continuing to do business in this fine City."

Mr. Rosenberg noted, "The \$410 worth of fines have been paid. Specifically what we're asking for is the suspension to be lifted for the year that it's in place." Councilwoman Berger commented, "I like that you put in a checks and balance in the

chain of custody for your receipt of letters, but, in essence, that's not what the issue is. The issue is the closure of the permit. The letter was just to inform you of the hearing date. You said that you typically run about 10% that don't get closed until the last minute or maybe don't get closed, so that's six out of 124. You're running 4.8%. Your percentage is better, but you still didn't close it out." Mr. Rosenberg pointed out, "Under the statutes when the deadline is approaching, either the inspection occurs or the contractor can ask for a 90-day extension, which is automatically given." Councilwoman Berger remarked, "I think we would have given you an extension as well." Mr. Rosenberg said, "You would have. It wasn't asked for. These six slipped through the cracks from a scheduling standpoint." Councilwoman Berger stated, "Service America is a large corporation. I'm sure you do a lot of your own due diligence before you select contractors, so I have no doubt that you're a good contractor." Mr. Rosenberg noted, "Service America doesn't do outside. It's a Service America contract or a yellow truck coming to your house installing." Councilwoman Berger asked, "Then you have contracts with people who live in Port St. Lucie, but you're coming from Ft. Lauderdale?" Mr. Levinson replied, "With 250 vehicles we service a good part of the state, all of the major markets including Port St. Lucie as well as Tampa, Ft. Meyers, Dade, Broward, and Palm Beach County. All of the work is performed in house. We do not subcontract any of the work. We do a good job."

Councilwoman Berger commented, "I don't doubt that. For me, I rely on the Contractors' Licensing Board to really vet a lot of this process. We're just making sure that we don't have these fly-by-night places come into the City from outside and create problems. We saw that with our neighboring areas during the hurricanes. The process is definitely in place for a reason, and then we are really just asking for you to comply with what the state requires for public safety." Mr. Rosenberg pointed out, "In the language of the Code it says, 'For the purpose of the Code,' and that's exactly the purpose of the Code. The authority given to the Licensing Board to suspend someone's license says in the statute, 'To accomplish the purpose of the Board.' Again, it's for safety, and that's why we're saying that this is a little different as far as the safety issue is concerned. The permit is pulled first. The work was done second. We're calling for a final inspection, and these six happen to slip through the cracks. Therefore, suspending the license for a year doesn't necessarily support the purpose of the statute." Councilman Kelly remarked, "What you're telling us is that the six that you didn't have final inspection on was the customer's fault. Is

that what you're telling me?" Mr. Levinson replied, "I'm not blaming anyone but myself. The ultimate responsibility for getting permits finalized falls on me. With that being said, here we have these six, which we understand fell through the cracks. Even though we put our greatest efforts forth, I wanted to get these six closed by tonight. In spite of that, only three of those six are closed to this date, because it's difficult. People go away. They aren't home. They do not make themselves available. One of the things we're looking at is an administrative closing. It's not something that we like to do, but it's something that we're forced to do. The administrative closing puts the responsibility on the City. If we provide proof to the City that we can't get it closed through diligent effort, we give it back to the City, and then the City takes on the responsibility." Councilman Kelly said, "Either I heard him incorrectly or I didn't hear what he said. The reason that you didn't have the inspection is because the customer couldn't be there, or the customer didn't call in for the inspection. What's the reason? There are six." Mr. Rosenberg replied, "It's the failure on the part of Mr. Levinson and Service America. When the time was approaching, he didn't automatically ask for the 90-day extension, because he and the customer couldn't coordinate a date with the City to come and inspect it before that time expired." Councilman Kelly stated, "I just had an air conditioner put in, and if my contractor ever came to me and said that I needed to call for an inspection, I would ask him what he's being paid for. Are you responsible for calling in for the final inspection?" Mr. Levinson replied in the affirmative.

Councilman Kelly noted, "I can understand one, but you have six. That's my problem." Mr. Levinson commented, "We have 119 that were successfully closed. We have six that we have been unable to close, and in spite our best efforts over the past month and a half since we became aware of this problem, we still haven't been able to get them closed. It's not as though the inspector gives us a window." Mr. Rosenberg pointed out, "Because electricity is involved and because the air conditioning system is a new one, the inspector has to come into the home. He can't just look at the outside unit. They have to look at the inside unit." Vice Mayor Bartz asked, "When you talk about the 124 contracts, are those all contracts in the City of Port St. Lucie?" Mr. Levinson replied, "I'm talking about 124 permits that I have signed for in the City of Port St. Lucie." Vice Mayor Bartz remarked, "What I heard is that your area was much larger, so it's not just 124 contracts or 124 homes that you're responsible for. It's a much larger number, so when you're looking at six not being done, he's looking at six in the City

of Port St. Lucie. We're not factoring in all of the other homes that he's working on." Mr. Rosenberg said, "As an officer of the court I can tell you that I've asked that question of Mr. Levinson, and the answer has been zero. For some reason, these six all landed at the same time in Port St. Lucie."

Vice Mayor Bartz stated, "When someone jumps in to answer a question that I haven't completed asking and we're discussing it with the Board, I was not looking for the fact that these six just happened to be in Port St. Lucie. I was looking at his entire operation. Councilman Kelly, I have no idea whether it's 124 or 324. Councilwoman Berger was working out the percentage of 4.8 out of 124. I'm sure that if you look at his entire portfolio of contracts that percentage is going to drop even greater. I don't know whether you have a problem with someone who is dealing with the contracts in Port St. Lucie. I do understand that the homeowners get the air conditioning put in, they go back to work, and don't worry about it. What I would like to hear from staff is how much time they give you. Is it just a phone call to extend the permit time?" Mr. Dramis replied, "If a contractor wants to extend the permit, they need to submit a written request to me, give the reasons why they want the extension, and for how long. It's never more than 30 days. We are very reluctant to grant extensions on these types of projects, because if you can't complete the permit in six months, seven months, eight months, or nine months, it just becomes harder and harder. As properties sell they go into foreclosure. Different tenants change. It becomes a lot harder to close out that permit. One of the issues that comes up is the suspension of the 365. Some years ago, Governor Bush had required all boards to consider the procedure of progressive discipline when it comes to complaints. The first time a contractor has a complaint or a problem, they will give that contractor a Letter of Reprimand or a five-day suspension. This contractor was brought up on these same charges for two expired permits on July 12, 2012. At that time, the Contractors' Examining Board decided since it was only two to give the contractor a Letter of Reprimand."

Mr. Dramis continued, "The second time when these cases came up was in the next hearing on August 9. There were six permits, and at that time the Board decided that the contractor was guilty. The second step in that process is to determine the level of fine or penalty. At that point is when the Contractors' Board reviews the contractor's file, and sees the previous history that's in the file. Not only did they see that there were two previous expired permits, but those expired permits were not

satisfied at the time of the second hearing. That's the gravity of the suspension of the 365 days." Councilwoman Martin said, "Even though your situation is similar, for me it goes back to the fact that notice was properly given, it was signed for by someone on your staff, and there was no attendance at the hearing. For me, that's the issue. Now hearing from Mr. Dramis that there were prior issues, I'm not going to be able to support the appeal." Mr. Levinson stated, "The incident that he's discussing happened two weeks prior. By the time we received that notice and we contacted the City, they advised us that there were really eight permits, not two and not six, and that there were two separate actions. To us it represented the same event. The City or the Building Department dealt with it as two. The fact is that when we looked through all of the permits in Port St. Lucie, we found others that the Building Department had not advised us of. They were ones that were older. He didn't bring those up, because they may not even be aware of them, but there were several other permits that had expired that we were not even told about that we obviously renewed as well. It was the same event. When we became aware of it, we tore the house apart."

Mr. Levinson continued, "We instituted dramatic changes in the way the process is done. Unfortunately, several people lost their jobs. Chain of custody and other remedies were put into place. We didn't just stop with the City of Port St. Lucie, and we didn't just stop with the permits that you advised us were not renewed. We found others." Mr. Rosenberg stated, "I want to apologize to Vice Mayor Bartz for cutting you off, and I want to make a plea to the Board that a one year suspension, a restraint of trade in not allowing Service America to install new air conditioners in the City of Port St. Lucie based upon what you've heard is excessive, and we ask for that suspension portion to be reduced or eliminated." Councilwoman Berger asked, "Can you help me understand the way your corporation works?" Mr. Levinson replied, "We are the largest provider in the State of Florida of residential air conditioner appliance service contracts. We serve thousands of residents in this fine City." Councilwoman Berger asked, "Are there citizens out there right now that have a contract for the next year to get services done by you?" Mr. Levinson replied in the affirmative. Councilwoman Berger noted, "It's not going to have an outcome on the way I'm going to vote. I'm just wondering what the future looks like for them." Mr. Levinson commented, "In all frankness, whatever action this panel takes isn't going to affect our ability to provide the service contract part of what we do. It would not allow us to replace an air conditioner unit if one of our

clients needed one." Councilwoman Berger asked, "Is it just specifically around the air conditioner, or is this going to parlay into other services for them?" Mr. Dramis replied, "This is strictly a suspension of his permit pulling privileges. He can work on units, repair appliances, but can't pull any permits."

Councilman Kelly asked, "Was there a hearing on those two that just came to light?" Mr. Dramis replied, "Those were heard on July 12, 2012." Councilman Kelly pointed out, "You have been honest. You've had six and two, and when your attorney asked you about all of the other places you work in Florida that you've never had this happen before you said none. That's hard to believe." Councilwoman Martin **moved** to deny Item 9 b). Councilman Kelly **seconded** the motion. The Clerk restated the motion as follows: to deny the request for appeal for Item 9 b). The **motion passed** by roll call vote, with Councilman Kelly, Vice Mayor Bartz, Councilwoman Berger, and Councilwoman Martin voting in favor, and Mayor Faiella voting against.

#### 10. FIRST READING OF ORDINANCES

**a) ORDINANCE 12-49**, ANNEXING A PORTION OF ST. LUCIE COUNTY, FLORIDA LEGALLY DESCRIBED AS BEING ALL THAT PART OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 21, TOWNSHIP 36 SOUTH, RANGE 39 EAST ST. LUCIE COUNTY, FLORIDA, LYING WEST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY, LESS RIGHT-OF-WAY DEEDED TO ST. LUCIE COUNTY, AS PER DEED BOOK 243, PAGE 677, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING FOR CONDITIONS OF ANNEXATION AND PROVIDING FOR AN EFFECTIVE DATE P12-102.

The City Clerk read Ordinance 12-49 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-49. Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-49. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 12-56**, REZONE 0.5 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF DUXBURY AVENUE BETWEEN BAYSHORE BOULEVARD AND ADDIE STREET FROM RS-2 (SINGLE FAMILY) TO I (INSTITUTIONAL) FOR A PROJECT KNOWN AS AMBROSIA TREATMENT CENTER, P12-095; PROVIDING FOR AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-56 aloud by title only. Mayor Faiella said, "Please note that there is a memo from the City Attorney. They are recommending it be tabled to obtain more

information."

**AMY THOMPSON**

Ms. Thompson stated, "I live at 541 SW Ray Avenue. I'm interested in what happens with the Ambrosia property, because I live adjacent to Twig. What happens here may set a precedent for what's going to happen on Twig Avenue. I went to Ambrosia's website, and they described the property that's operating in Port St. Lucie. It's called the PHP (Partial Hospital Program) Clinical Treatment to Patients. How can they be operating this on a property that is called Residential Single Family? I'm wondering why they're operating right now? I see the people on the property, the residents, the patients. They call them patients. My son walks home from school from his bus stop, and the only sidewalk goes right past that property. That does not make me happy as a parent. The one and only bus stop from our neighborhood is Swan Park. I do not want this approved. I do not want it approved on Twig Avenue. I understand the Fair Housing Act, and that they have certain right, but if they're going to keep this Ambrosia Treatment Center, there's a house on Heather. I don't know how many others are operating that I don't know about. If you keep these six houses on Ambrosia plus one house on Heather, they have access to treatment, and I'm not discriminating against them. They have enough. I'm not in favor of Ambrosia, and I'm not in favor of Road to Recovery on Twig Avenue."

Ms. Thompson continued, "I have a few statistics. Relapse rate for alcoholic treatment is 80%, heroin addicts 90%, and crack cocaine 84%. So if I have ten people, up to nine of them will relapse in my neighborhood, and that's not acceptable. I have lived there 16 years, raised three children, and the youngest one is eleven. I want him to be able to ride his bike around the block and not have to worry about who is on the other side of the street. My house abuts to the back side of Twig. There are other people who have lived there 20 years. We know our neighbors. I would think the City wants families to live there for 16 years and raise their children, and not have halfway houses. Halfway houses are about money. Three months of treatment on an average is \$20,000 per person. Multiply and do the math. That's \$224,000 a year if they put the three houses that are supposed to have five bedrooms. That's a minimal estimate. If you're putting the five-bedroom homes there, that's not consistent with the use. There are no five-bedroom homes on Twig or in that neighborhood. Ambrosia has no place on Bayshore and in a residential neighborhood. It wants to be an

institution. An institution is a hospital or prison. That doesn't belong in my neighborhood, and I'm not for it. I'm very much opposed to it." Councilman Kelly asked, "Can you get us a copy of the information you researched, especially the website that you said you went to?"

**BRUCE MOUSEL** stated, "I live on Duxbury, and the houses are right down the road. Unfortunately, I bought my house at the high time, so I lost my shirt on that. With them being there and being institutionalized, no one is going to care to live there. Would you want to live next to them? I know you wouldn't. No one would. No one is going to want to buy my house. A number of my neighbors feel the same way. They're doing a good job, but they don't belong in a residential area, and the houses stick out like a sore thumb. Granted they look beautiful, but they stick out. Everyone knows they're there. Some of my neighbors have had problems with them. I'm definitely against any more of those coming in there. We don't need it. It's an institution. There are families living in the area who have kids running around."

**TODD BAINO** noted, "I'm a resident on Duxbury. I'm sure the people on the Planning and Zoning Board are going to tell you all these great things. They may be doing all these great things, but it's not this great thing that they're trying to portray. They have problems there. Any of those types of places do. They take care of a lot of their problems in house, so they don't have to get law enforcement involved. There are families and children, and there are a number of problems that come with these kinds of places. How this place got in I will never know. It should have never been. It's a place where families live, and it's not for that type of environment. It just should not be. They want to expand. What happens if they expand now? It's going to go through and then they will want to expand more and more. Where does it end? There are more places out west. And then they put that type of place across the street from a bar. That's like putting the fox in the henhouse. I hope you will do the right thing. You wouldn't want it in your neighborhood, and we don't want it in ours. It's nothing against those people who have problems. They deserve to have the help, but not in that type of environment where there are residents living."

**ED BESS** said, "I live at 518 Ray Avenue. We're here to support the people on Duxbury, because we have the problem going on at Twig. I got this document from the property appraiser site showing the two blank houses that Ambrosia wants now to be changed to Institutional. That's going to make six houses back to back, side by side. What you really have is a compound,

because those two properties want to treat these people in here. According to the record it say treatment facility. That means they don't have to drive them anywhere. They will just plant them in the other four houses that are next door. Where does it end? Where do we draw a line in the sand? I understand that the City has constraints with federal law and fair housing, but there has to be a point where this stops. It's a proliferation in the City that I've never seen. I'm not a child. I'm 58 years old, and I've lived in communities like this all of my life and I've never experienced this. Every day we talk to people and find out more. I don't know if this is fact, but we're aware that there may be ten more of these houses in the Becker/Gatlin area that they're using to house their patients. Somewhere along the line, the City, state, and federal government have to get together on this, and come to some kind of conclusion. I'm not here blasting the Council. I know you're trying to do the best you can, but, quite frankly, our property values are down and at risk. On these facilities, do we know if any of these patients are pedophiles or have been convicted of any kind of violent crimes? We don't know who are in these houses, and they're coming in and out every day. Living in fear is one thing, but we need to get this resolved. It's not going to go away, and this is the end result. I'm afraid that the precedence this sets is just going to set it for the entire City. Forget about our part of town. What about the rest of it?"

**ROBERT TORO** stated, "I live at 565 SW Ray Avenue. I'm opposing the rezoning of Block 232, Lot 1 and Lot 24. To my knowledge, these homes were purchased for the sole purpose of turning them into institutional group homes. These homes are for profit. For profit is a business. Bayshore Boulevard is a Conversion Area. Where does the Conversion Area end? As far as I can see, this is an attempt to leach into a residential neighborhood, which will set a precedent for other zoned areas to be changed. This is why I'm opposed to the zoning change. I speak for myself and most of the people in my neighborhood who couldn't be here tonight. We moved here to live in a residential neighborhood and to raise our families."

**MARTA OLSON** noted, "I'm here to support my neighbors, and I want you to know that I've been living in this neighborhood ten years. I raised a child with disabilities. My son is autistic, managed to overcome those disabilities, and walk around the neighborhood and say hi to our neighbors. Now I'm afraid to let my child go to the store on Bayshore, because I don't know who's going to stop him. I told him many times not to talk to strangers, but now he wants to be friendly. My child is walking to the store and I'm behind him a half block when I see one of

these guys trying to approach my child. I immediately dialed his number and he turned around. This is not a safe place anymore. I'm afraid to let my child go to the store, and that's the only sidewalk we have in the neighborhood. Please consider that. You don't need that around your children. We want to be safe at night, we want to be secure, and have the peace of mind that when our children are going to the store they're safe. Please consider that."

**PAUL BROCHU** said, "I live at 564 SW Ray Avenue. I'm here to oppose what's transpiring on Duxbury and what they're trying to put in on Twig. Has anyone driven down Bayshore and seen the complex that's there? There are six houses in a row painted the same color. It looks like something from Waco, Texas. It really makes me nervous. I have nothing against a person needing recovery and working toward that, but it doesn't need to be in my backyard. When they go on a binge, what are they going to do? When they need to get something, they don't have money or access to it. They're going to come to my backyard, looking in my garage, and trying to get into my house or the neighbor's house. Other than what has already been said, and adding to that, I don't know if there's anything else that can be said. It really doesn't belong in our neighborhood." Ms. Olson stated, "They mentioned on their website that there are only two individuals per house. However, there are vans full of people coming into their driveway, and two vans coming there per day. So it's not two individuals per house. It's more than that."

**JAMES CHEETHAM** noted, "I live on Duxbury right next door to the four houses that exist. I'm not sure how they ended up getting there, but they have problems with noise, language, and everything else that goes on in their backyards. We went to the Planning and Zoning Board meeting, and before we went there the Board came, talked to us, and looked at these houses. They were in disbelief. They couldn't believe that they had these kinds of houses. When we had the meeting with them, they discovered that they can't rezone for that type of use east of Bayshore. They could only rezone west of Bayshore. They said that's why they turned it down. They said there was no place in a residential neighborhood for these types of houses. They also said that if they didn't stop it now, it would go throughout Port St. Lucie. The people who represented Ambrosia had stated that they planned on putting these types of houses between Bayshore and US 1 throughout Port St. Lucie, which means that everyone in Port St. Lucie who isn't between two roads are going to have to put up with these houses unless someone stops them from doing it. We expect you as our elected officials to protect the citizens.

Ambrosia has lawyers to protect them. We would like you to protect us."

**PETER HART** said, "I live at 550 SW Grove Avenue. I don't live near Duxbury either, but I'm close to the Twig addresses. I think every homeowner in the City has a reasonable expectation that the City will segregate commercial and institutional property from residential property. That's what we're asking you to do here. The last speaker just spoke of Bayshore as the dividing line. We're now going three lots to the east of Bayshore. You're going to have six concurrent lots, and that's a relatively large footprint. You also need to think ahead as to what happens after Ambrosia. You don't know what's going to go in there. My understanding is that this is not a Conversion Area, and that the Planning and Zoning Board denied it. The facilities at Ambrosia are a little different than the ones on Twig. These are licensed facilities. They have what they call a residential treatment program, and it's under the oversight of the Department of Children and Families. It's that licensing component that requires the Institutional zoning that they're getting. If you deny this, they could still use these two facilities on an outpatient basis, which puts it right back into Twig Avenue. You could have the same problem there while they're skirting the zoning. Maybe that's a bridge for another day, but I don't know what the resolution is going to be. It very well may wind up in the courts. With the drug problem we have in the country today, Florida is probably at the leading edge of that. You may just have to bite the bullet, go to court, and let the cards fall as they may."

**BARAT BAREFOOT** said, "I met all of you once before, and talked about my son and how he split my head open, because he's a druggie. I also got shot by a guy on cocaine when I was 27 years old, and I've carried a gun when I've left my house ever since. Now I get up in the morning, put on my pants, put on my holster, put on my gun, and I don't take it off until I go to bed. We're scared to death. We're older and we can't physically fight people off. That shouldn't have been a transition zone. Now they have six orange houses. They did put in some shrubbery, but you can put lipstick on a pig and it's still a pig. When my grandchildren come I don't let them out in the yard, because I don't want them hearing all of that. I've been up there three times, because their vans come flying down the road. They have three 15-passenger vans and they're packed. There's no way you should give them this. You're going against the citizens who live there, and we're scared. It's like riding a motorcycle. It's not if it's going to happen. It's when it's going to

happen. My kid split my head open, because he wanted drugs and I wouldn't give him the money. Then he tried to rob me. He's not my son anymore. It's really a terrible thing to let this happen in our backyard. Now they're going to put six more people in one of the houses, and make one of the houses an office where they're going to have all of that traffic on our street. I like Joe, but he said it was just business. It's not business to us. It's our lives."

**STEVE CARROLL** said, "This is a giant leap from Single-Family Residential to Institutional. That's like the inland port. You're going from Agricultural to Industrial. I actually lived in North River Shores where one of these places opened across the street from us about ten years ago. The crime went through the roof. Every car and shed was broken into. When these guys fall off the wagon, the first thing they do is steal something so they can get some money. We don't know who's in there. Most people don't show up for just a drug addict or an alcoholic. When I was in law enforcement, we never really arrested anyone just because they were an alcoholic. They usually committed other crimes. That would terrify me. How much liability insurance are these places carrying in case one of their residents goes astray and hurts someone? Is the City going to have any liability if one of these people go astray? You approved it. Will you be liable too? You're creating a crime spot. You're creating a problem that's not there and doesn't need to be there. If it's inappropriate for the area, then don't put it in that area. Tell them it's just not appropriate for that spot. They can sue you, but they're not going to win on that one. If the City says that it's not an appropriate use, where are these treatment centers to come in and say that it is an appropriate use? What about an ordinance?"

Mr. Carroll continued, "I remember West Palm had an ordinance that said not more than four people unrelated could live in the same residence. What about parking? If you have eight people in a house and you have a three-car garage, how many parking spots do you have? Do you have adequate parking for the business you're running? We don't know where these places are, and until one of them goes wrong, we don't know the extent that it could go wrong. In North River Shores, they were confined to burglaries. This is a single-family residential area with a number of small children. These people are not looking to defend their homes, because someone with a substance abuse problem decides to go back and have the same problem again. We should be protected from those people as reasonably as possible. Putting them in the middle of a single-family residential area is asking

for it. It's not going to come to any good. I would tell those residents that if they do get in there and step out of line to call the Police Department. I would have them on speed dial. We experienced everything in North Rive Shores and the Sheriff got tired of coming there. What you do is to stop it before it starts. You put it in an adequately zoned place, in a place where they're not going to hurt people. If you keep doing what you're doing now, you're going to destroy a neighborhood. We have to treat addicts, but we don't have to treat them in the middle of your living room or backyard. There could be places set up for that. These people have other problems than just addiction. We need to treat the entire problem, and not just look at the surface."

**BILL BLAZAK**, Chairman of the Planning and Zoning Board, said, "There was a statement made earlier that the Planning and Zoning Board met as a whole with these people on site. I don't believe that to be a true statement. We had a very lengthy discussion here at Board meeting, but I was not there, and no one came forward and said that they actually met on site during our Planning and Zoning Board meeting." (**Clerk's Note:** Someone from the audience stated that it was one woman who came out).

Councilwoman Berger said, "We've talked about this before, and I've been told by Planning and Zoning and the Legal Department to be careful what we say on the microphone, because we're going to get sued if we sound like we're harassing. We're in multiple lawsuits that are, in my mind, frivolous compared to this. This is like the good fight that's worth fighting. I think we need to make sure that we get a congressional partnership. During Public To Be Heard, people were asking where the debates were going to be. There are going to be plenty of debates. There are going to be plenty of forums where there are going to be congressional candidates there. These are great questions to ask, not only of people who are running for City Council, but for the people who are running for Congress as well. This is a federal issue. Let's get their partnership on it. The reason they're here is because we have low housing, low taxes, and we've been pretty quiet apparently. These things have come in and we have not been able to see it happening. Of course, we can't sit up here and say, 'Make sure that the police are there on every occasion that you can,' because that would be harassment. We can't say, 'Let's make sure that the public comes out in droves.' Most of these people who were here tonight are not even residents of Duxbury and the Ambrosia area. They're specifically here because they are concerned. I would love to see this entire City Hall filled with people from the public. I don't care where you live. With

this federal law, know that this could happen right next to you. It may not be your house or your neighborhood today, but it can be tomorrow. It will go that quickly."

Councilwoman Berger continued, "Each person who lives in Port St. Lucie should be highly offended that we're being targeted as a community. That's my opinion. I believe that's what's happening, because we offer a great opportunity for them to come in and buy cheap houses and create these compounds. People want to have life, liberty, and the pursuit of happiness. Who's happy when you've bought a house to raise your family in for 15 years, and then watch the value not only go away because of the economy, but because you have no other choice. You're not going to be able to sell it to any other family that's going to want to live there. This is definitely worth going to court for, worth having a federal fight for. I know that many cities have lost this issue, but it is time for us to band together as cities and say that home rule does exist. We need to be able to say that we have offered our share. We have been told that we need to have a certain amount in the City, so create a threshold if nothing else. If we can't regulate it by zoning, it would have no other way to regulate it, because the federal government has told us this is what it's going to be, then we need to at least have a threshold. There should be no reason why this City could turn into a 30% to 40% coverage. I know this is getting tabled, and I know there are a number of attorneys that are going to be dealing with this issue, but I'm not going to be supporting it whether it comes back in October, December, next year, or any time when it comes in."

Mayor Faiella asked, "If the City Council turns down the rezoning, is it correct that they've purchased the property, the two homes?" The City Attorney replied, "That's my understanding." Mayor Faiella noted, "If we turn them down, that's not going to stop them from doing what they want to do. Is that correct?" The City Attorney replied, "When they purchased it, they purchased it on the basis of the zoning that existed at the time. They were not guaranteed a rezoning or any other change of use at the time. I don't know if they're going to be able to make a reasonable expectation argument." Mayor Faiella commented, "My understanding is that one of them was going to be office space." The City Attorney pointed out, "In looking at the backup, they're saying that the small house would be converted to office use. To support the Institutional use, the other home was going to be a residence." Councilwoman Berger remarked, "We already have ordinances in place to try and regulate it. We have the limitation of related people. We have

limitations on parking. However, we can't enforce any of this when we have the federal government letting us know. As we know, our staff has already met with these attorneys to let us know that it's going to happen." Mayor Faiella said, "We will fight the fight." Councilman Kelly stated, "One gentleman spoke about the Conversion Area. This is not in the Conversion Area. Is that right?" The City Attorney replied, "That's my understanding. I was advised that it's not in the Conversion Area. We have laws on the books, and we're going to use those ordinances to do what we have to do to protect our citizens."

Councilwoman Berger noted, "As we're moving forward, we have been put on notice that we will be sued over this issue should we move forward against it. I would like to ask the attorneys who live in our area, who currently work with the City of Port St. Lucie, work with the people of Port St. Lucie, the representatives for these projects. . . . I understand that everyone has to make a living, but there's a great opportunity here to say, 'We want to be a partner with the City. We want to be a partner with the community.' We may all go down in flames the first time around, but I would like to ask our business professionals that are supporting these individual groups not to support them, to be here with your community in the same way that we have been there along the way to support the business community, specifically the attorneys and the representatives. I can't tell you to do it. There will be no retribution if you decide to move forward with them, but it's a good request. I think it's a good opportunity to say, 'If it's going to happen, let them get their outside counsel.' Let's make sure that we understand that there will be lines drawn for this, and we will have to go to a federal conversation. We need to know that we have partners in this." Councilman Kelly commented, "We're going to treat them like everyone else, which means they have to go by our ordinances. This isn't something that we passed just recently to keep them out." Councilwoman Martin pointed out, "I read the Planning and Zoning minutes, and I know that several people got up to speak. One of the quotes from one of the residents was that there are issues/problems out there, and we don't call the cops. Why not? We're not going to send the police out there all of the time, but if you have a legitimate issue where there's a legitimate problem that is what our Police Department is for. Utilize that service. Call the police and the police will respond, and deal with it accordingly as they're supposed to. That's what they are there for. They're professionals. Don't say that you don't call the cops. Call them and let them resolve any issues. It's never good for you to get involved in those issues, but that's what their job is. In

addition, a report gets filed. If there is a nuisance problem or other issues, the Chief can report it to the City Manager and the City Manager can make the City Council aware of the issues. We can work with the Legal Department to address those issues as best we can. I agree with some of the things Councilwoman Berger said. There are big issues here. We have to treat everyone the same. Our staff has requested this be tabled to deal with these large legal issues, and to give them the proper time to do their due diligence. I **move** to table this item." Mayor Faiella remarked, "I'm ready to make a decision tonight. I don't want to table it." Councilwoman Martin said, "I'm not one for tabling items, but the reality is that there are very important legal issues here that we can't brush off with the stroke of a pen."

Councilwoman Martin continued, "Tabling it and letting the Legal Department do their due diligence is very important. Depending on whatever we're going to do, we have to be able to defend the City. I'm not saying that I'm in favor or not. I'm not going to make that distinction right now, because I don't think it's the appropriate time for that. I have my feelings, but staff has asked us to do this for a reason, and I think that's what's appropriate. Nothing is going to happen between now and a month from now." Mayor Faiella stated, "My mind is not going to change a month from now. Do you want to table it?" Vice Mayor Bartz replied, "Yes, until we get the responses. This is an issue that was asked to be tabled by our staff, our Legal Department. That's a little different to me than if the applicant was asking to table it. I think that I respect staff's opinion on this. I've said many times that I'm not an attorney, and I trust you to know your jobs. If I'm asked to table it to give them the chance to gather more information to give them a stronger standing, then I think that's the right way to go." Councilman Kelly said, "I **second** the motion, and noted, "I've called other attorneys as I do many times. What would happen if we did this tonight, and we didn't do it the proper way? I know it's hard on you folks, but they could come back months from now, sue us, and you would have them there anyway. This is not a Conversion Area. We have rules on the books for RS-2. They're going to be treated the same way as everyone else." Mayor Faiella asked, "How long do you want to table it for?" Councilwoman Martin said, "I spoke with Ms. Booker and she said to the Council meeting of October 22 would be sufficient. I think it's fair that we do our due diligence and we do it the right way. Let's not rush. This Council will do it the right way."

Councilwoman Berger noted, "When the School Board gets to build a school, they don't come before us to get approvals. These

things are done and we don't get to approve or deny the School Board issues. As long as this issue comes before this Council, we have the ability no matter what our attorneys say, in my opinion, to vote for or against it. If not, then why would it be coming before Council? It would be like a School Board issue where it would not be necessary. My position is that if it comes before me that means I can vote for or against it, and I'm going to maintain that. I don't mind waiting and doing the right thing, but I hope this City Hall is full on October 22 with people from all over the City to make sure that we have a good presence of what this community wants." Mayor Faiella commented, "I totally agree." The City Clerk restated the motion as follows: to table Ordinance 12-56 to the Council Meeting of October 22, 2012. The **motion passed unanimously** by roll call vote.

**c) ORDINANCE 12-57, REZONING PROPERTY LOCATED ON THE NORTH SIDE OF LAKE WHITNEY PLACE, EAST OF N.W. PEACOCK BOULEVARD, SOUTH OF N.W. UNIVERSITY BOULEVARD, AND WEST OF WATER MANAGEMENT TRACT NO. 1, FROM CS (SERVICE COMMERCIAL) TO A PUD (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT; PROVIDING FOR THE APPROVAL AND ADOPTION OF A CONCEPTUAL DEVELOPMENT PLAN; PROVIDING AN EFFECTIVE DATE; P12-077.**

The City Clerk read Ordinance 12-57 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-57. Councilwoman Martin **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-57. The **motion passed unanimously** by roll call vote.

**d) ORDINANCE 12-58, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR FLORIDA POWER AND LIGHT TREASURE SUBSTATION (P12-103) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM ST. LUCIE COUNTY AGRICULTURAL 2.5 TO CITY OF PORT ST. LUCIE UTILITY FUTURE LAND USE FOR A PARCEL LEGALLY DESCRIBED IN EXHIBIT "A" AND LOCATED ALONG THE WEST SIDE OF GLADES CUT-OFF ROAD AND APPROXIMATELY 1200 FEET NORTH/NORTHEAST OF RESERVE BOULEVARD; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Clerk read Ordinance 12-58 by title only. Councilman Kelly **moved** to approve Ordinance 12-58. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-58. The **motion passed unanimously** by roll call vote.

e) **ORDINANCE 12-59**, REZONE 9.997 ACRES OF PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" AND LOCATED ALONG THE WEST SIDE OF GLADES CUT-OFF ROAD APPROXIMATELY 1200 FEET NORTH/NORTHEAST OF RESERVE BOULEVARD FROM ST. LUCIE COUNTY AGRICULTURAL 2.5 ZONING DISTRICT TO CITY OF PORT ST. LUCIE UTILITY ZONING DISTRICT FOR A PROJECT KNOWN AS FLORIDA POWER AND LIGHT COMPANY TREASURE SUBSTATION (P12-104); PROVIDING FOR AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-59 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-59. Vice Mayor Bartz **seconded** the motion. The Clerk restated the motion as follows: for approval of Ordinance 12-59. The **motion passed unanimously** by roll call vote.

#### 11. RESOLUTIONS

a) **RESOLUTION 12-R84, PUBLIC HEARING**, RELATING TO THE LEVY OF THE ADJUSTED SPECIAL ASSESSMENTS AGAINST THE LANDS AND REAL ESTATE WITHIN THE AREA OF THE CITY SPECIFICALLY BENEFITTED BY CERTAIN UTILITY, ROADWAY AND DRAINAGE IMPROVEMENTS AND KNOWN AS THE GLASSMAN SPECIAL ASSESSMENT DISTRICT; PROVIDING FOR A PUBLIC HEARING, PROVIDING NOTICE THEREOF AT WHICH TIME THE CITY COUNCIL SHALL DETERMINE WHETHER TO ADOPT THE ADJUSTED ASSESSMENT ROLL FOR SUCH SPECIAL ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R84 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Resolution 12-R84. Vice Mayor Bartz **seconded** the motion. The Clerk restated the motion as follows: for approval of Resolution 12-R84. The **motion passed unanimously** by roll call vote.

b) **RESOLUTION 12-R98, PUBLIC HEARING**, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.126 (D) (3) TO ALLOW AN ENCLOSED ASSEMBLY AREA IN THE CS (SERVICE COMMERCIAL) ZONING DISTRICT FOR PROPERTY LEGALLY DESCRIBED AS LOTS 9-11, BLOCK 628, PORT ST. LUCIE SECTION 13 (P12-088); PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R98 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Resolution 12-R98. Councilwoman Martin **seconded** the motion. The Clerk restated the motion as follows: for approval of Resolution 12-R98. The **motion passed unanimously** by

roll call vote.

**c) RESOLUTION 12-R99**, IDENTIFYING CERTAIN PROPERTY WITHIN THE CITY OF PORT ST. LUCIE A THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY PURSUANT TO CHAPTER 40 OF THE PORT ST. LUCIE CITY CODE; PROVIDING FOR A HEARING DATE TO DETERMINE WHETHER THE AFFECTED PROPERTIES SHOULD BE FOUND A PUBLIC NUISANCE; PROVIDING NOTICE TO THE OWNERS AND MORTGAGEE(S) OF THE PROPERTIES OF SAID HEARING DATE; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R99 aloud by title only. Mayor Faiella opened the Public Hearing.

Ms. Beskovoyne said, "These properties are going for first resolution, and will have a public hearing in October. At 2081 Allamanda Road there's high grass and extreme overgrowth. There is an unsecured pool with torn screens on the enclosure, and an unmaintained pool. At 909 SE Bayfront Avenue, it has high grass and weeds, and an unmaintained pool. That pool has since been covered. It also has torn screens on the enclosure. At 3544 SW Pisano there's high grass and weeds, and an unmaintained, unsecured pool. The fence is damaged. At 2861 SE Rawlings there are high grass and weeds and an unmaintained pool. We also have a broken window in front, and missing soffit. At 686 SE Thornhill there's high grass and weeds, a fence in need of repair, and an unmaintained/unsecured pool." Vice Mayor Bartz **moved** to approve Resolution 12-R99. Councilwoman Martin **seconded** the motion. The Clerk restated the motion as follows: for approval of Resolution 12-R99. The **motion passed unanimously** by roll call vote.

**d) RESOLUTION 12-R100**, APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL PLAT FOR PRIMA VISTA COMMERCIAL CENTER (P12-099) WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF THE SHOPPES AT PRIMA VISTA, LLC.; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R100 aloud by title only. Vice Mayor Bartz **moved** to approve Resolution 12-R100. Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of Resolution 12-R100. The **motion passed unanimously** by roll call vote. Councilman Kelly said, "I remember years ago when we did this Conversion Area that we required all new commercial buildings to have a tile roof. That's something I remember passing." Mr. Holbrook stated, "City

staff did research past minutes of meetings, and we weren't able to come up with anything. I believe you were referencing that required roofs in the Conversion Area and along Prima Vista would require metal roofs. However, we didn't find any direction one way or the other from Council." Councilman Kelly asked, "You said they required metal roofs?" Mr. Holbrook replied, "That was the conversation we had." Councilman Kelly commented, "I know we had all of the roofs to be contiguous in that area, but you're saying you have found nothing in the history of that Conversion Area. I will have to go back myself."

## 12. UNFINISHED BUSINESS

### a) DISCUSSION REGARDING ORDINANCE 11-63 AS IT RELATES TO CONSIGNMENT SHOPS, COUNCILMAN KELLY

Councilman Kelly said, "I think this one has already been solved. I believe the City Manager told me that the Police Department has also agreed that the precious metals and everything else is not the same as this, and the consignment shop was going to be alleviated of some parts of the ordinance." The City Manager stated, "If it meets with City Council approval, staff will bring back at the next meeting an ordinance for First Reading the proposed changes as outlined in Chief Bolduc's memo of September 20, 2012. Do I have **consensus** to bring it back?" Mayor Faiella replied in the affirmative.

### b) DISCUSSION REGARDING AMENDING ORDINANCE 09-100, ART IN PUBLIC PLACES REQUIREMENTS, PLANNING AND ZONING

Mr. Holbrook said, "This item is to discuss Art In Public Places. This is a topic that was brought before the Council during the Summer Retreat, and Council did direct staff to prepare a tiered approach to the requirements. For everyone's edification, the requirements of the Public Art ordinance do require that developments within the City calculate their 1% of the construction cost of their site, and they have a variety of options. One of them is to provide art on site, to donate art to the City, or to pay a fee in lieu of. That's the existing requirements and those requirements are kept at \$50,000 total. What City staff proposed and took to the Public Art Advisory Board was that for minor Site Plans, which are less than 10,000 square feet, that there would be a 0% requirement as long as they met the Citywide Design Standards. For projects that were 10,000 to 50,000 square feet, they would be .5%. For sites that have greater than 50,000 square feet would be 1%, and all of this would require a cap of \$50,000. At the August 14 meeting,

the Public Art Advisory Board reviewed staff's recommendations and they came up with a counter. This is described in the memo. Their proposal was .5% for minor Site Plans of less than 10,000 square feet, 1% for major Site Plans greater than 10,000 square feet, capping every project at \$50,000. Since then, we did receive a letter from the St. Lucie County Chamber of Commerce, and they would appreciate not having this ordinance. However, if the City stuck to the request and the desire to have this ordinance that they essentially mirror City staff's recommendation with the exception of the language as far as the Citywide Design Standards. They also requested to have membership on the Board. Currently there are no vacancies, but those are items for the City Council to discuss. If the Council does have direction, we will need to amend both the Procedures and Bylaws as well, and bring that back at a later date."

**DEBORAH MAGRANN**, Chairman of the Public Art Advisory Board, stated, "I just wanted to be here to answer any questions. I did see the support letter from the Chamber of Commerce, and they were requesting a seat on the Board for a Chamber member and the TCBA. We have no vacancies on our Board at this time. The requirements are that they be a resident of the City of Port St. Lucie, and that they have an art background. If the Council would want to change that, we would have to revisit the ordinance, our bylaws, and our procedures." Councilwoman Martin noted, "In reviewing the proposals, I prefer to go with what staff recommended." Councilwoman Berger commented, "I will also support staff's recommendation with the added caveat of asking for two additional members to the Board, not to take away from the current Board, but to change the bylaws to add two additional members. One would be from the Chamber of Commerce, and one from the TCBA. I think the Chamber and the TCBA are looking to make sure that these monies get set aside on a line item, and that they are made available in the appropriate manner and dispensed in the appropriate manner. Our businesses want to be a part of that decision-making process, and I think that's a great thing to have." Councilwoman Martin **moved** to go with staff's recommendation, and adding two members to the Public Art Advisory Board, from the St. Lucie Chamber of Commerce and one from the TCBA. Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of the recommendations and to add two members to the Public Art Advisory Board as stated by staff. The **motion passed unanimously** by roll call vote.

**ADDED ITEM**

**c) DIGITAL DOMAIN UPDATE**

The City Manager said, "There are three moving parts to Digital Domain right now. The first is dealing with the employees who were laid off. We have continued to work on that front. Staff, led by Ms. Major, has done an excellent job in coordinating available resources in the community. Workforce Development provided an excellent rapid response workshop at the Community Center, and they had 65 former employees in attendance. Ms. Major has personally tried to help the employees in any way possible. We had a garage sale as part of the Green Market, and I believe we had five people from Digital Domain who came close to selling out of what they were trying to sell. The second moving piece is dealing with the nuts and bolts of having a grant agreement and a lease agreement with the company, which we believe to be in default. There's a lot to this, so I'm going to put that on pause for a second. The third moving piece is that if the default goes through of finding a use for the building, which at some point would become an asset of the City and we would have to do something with it. We can't get to that third moving part until we deal with the second. For an update on that, I would like to turn it over to the City Attorney." The City Attorney stated, "They filed for Chapter 11 Reorganization. The court approved an auction of a number of their assets, specifically the assets in California and Vancouver on an expedited sale basis. When I say expedited, everyone I've talked to says that no one has heard of a sale being set or the auction being set in a ten-day period as we had here."

The City Attorney continued, "The explanation for that is that they had some contracts to produce work that if the sale was not accelerated on the basis that it has been, then those contracts would have been canceled and they would have lost a lot of value of the company that is being auctioned off. Bids were accepted starting Friday through Friday night. There was a hearing today to confirm the sale, and the bidders are Galloping Horse, a Chinese company, and Reliance, which is an Indian company. They have formed a joint venture to acquire the assets that were sold as part of the auction. In the articles I've read, they bid slightly over \$30 million. Searchlight was \$15 million. The auction doubled the return on the sale. The City had specific concerns. We have retained bankruptcy counsel with Squire Sanders out of Miami. We filed what's called a limited objection to the bankruptcy. There were two purposes for that. In going through the bankruptcy filing, which is voluminous to say the least, one of the things that appeared to us is that the bankruptcy court didn't give very much of an explanation of what

the production studios in Port St. Lucie were all about, that they were funded through bonds that we've issued, and that we have the lease on this that has been pledged to pay the debt service on the bonds. We tell that story in a limited objection. The other issue that presented itself was that we have a very detailed inventory of the tangible personal property that the City owns, computers, desks, and what have you. They have blue asset stickers on them. We have done an inventory of that, and they being the debtor in possession also were auctioning tangible personal property located at the Port St. Lucie Tradition Studio. The exhibit we received that was listing the assets being sold was lacking in that they didn't have serial numbers for those items. The concern was that were they trying to sell equipment that the City still owned. In the absence of the serial numbers, we couldn't identify or make a comparison as to what they were selling and what we owned, because a lot of it was essentially the same kind of stuff."

The City Attorney continued, "We pointed that out to the court, and as part of that we pointed out our concern that if you take the equipment they have purchased, and is integrated with the equipment that the City owns, if it's not separated or removed correctly, it can cause damage to our equipment and a diminishing of the value of our equipment that the City owns. We asked the debtors in possession and they ultimately agreed to a position that the equipment can't be removed. They have to give us several days notice, and give us an opportunity to be present when it's removed to make sure that it's removed correctly, and to make sure that they are not removing anything that the City owns. Mr. Fry has had people in there for two weeks doing inventory. That has been approved. That was going to be in the final order approving the sale. It was going to be signed by the court either tonight or early tomorrow. I've seen two dates on the closing on the sale. The earlier date was the 24th, which would have been in just a couple of days, and the later date I've seen is the 28th. It's a four-day swing, but it's going to be a very rapid closing on the transaction. All of that having been said, the debtor in possession has said very little about the Tradition facilities. In describing this component of the business, they almost describe it obliquely. That has been a big frustration. We have been frustrated by trying to get information directly from the folks who are making the decisions. We were assured in a number of telephone conversations, which are frustrating in and of themselves, that as soon as the sale has been approved, they're going to focus their attention on dealing with Port St. Lucie, and they're going to come and meet with us."

The City Attorney stated, "I'm a little pessimistic as to whether it's going to happen, because they have essentially pushed the Tradition Production Studio way into the background. The good thing is that the people who bought the Vancouver and California assets were already familiar with the Digital Domain operation. Tembo is still in limbo, and hasn't been sold or marketed. We have all seen some of the artists that have worked on that, and so that still needs to be resolved as to where that property lands at the end of the day. That's where we are. Our next procedural steps are going to be to file Proof of Claim for \$7.8 million for the callback on the grants. We have a \$400,000 claim for cost overruns on the construction and the cost of insurance. We will file Proofs of Claims for both of those, and those are going to be on the unsecured side of the bankruptcy, which in the last conversation I had with our bankruptcy counsel. Even with the bid at \$30 million, it's unlikely that there's going to be much of anything, if anything at all, for the unsecured creditors. We are hearing that litigation expenses or bankruptcy attorney expenses with the State of Florida on the unsecured claims, they have a \$20 million claim that is a callback on their grants. They had advanced all of the grant monies, so we're both going to be using the same attorneys on filing the Proofs of Claim for those unsecured claims. We will be sharing those costs in proportion to what the unsecured claim amount is."

Vice Mayor Bartz noted, "So we have an unsecured claim. The state has an unsecured claim. Is there one that takes precedent over the other?" The City Attorney replied, "Those two claims are the same." Vice Mayor Bartz commented, "Let's say that something happened and they determined they pay out. Do they pay out equally, or do they pay out one before the other?" The City Attorney replied, "In that batch of claims, I would expect that everyone is going to get the same proportion or same ratio. We may try to push our approximately \$420,000 claim into a secured claim as part of the lease agreement, because those are dollars that were due under the lease agreement. If we are able, then our return on those dollars should be higher than on the unsecured claim." The City Manager commented, "With unwinding the lease agreement, we really need to get the successor of Digital to a decision point on what they intend to do as it relates to the lease. There is still the question of whether or not they try to find a sub-leasee to take possession of the building pursuant to the terms of the lease. We do not want to negatively impact their ability to do so under the lease, so we have to respect that. At this point, we can't go out there and actively market the site. Renee Major, Dan Perlmutter, and I

have put together what I think is a pretty high quality website, which describes all of the assets available, right down to the inventory, floor plans, and anything that a commercial broker would put out there. It's ready to go. It has been given to the City Attorney, so that he can share it with the legal team. At this point, we've just put it together as public information. We have received several inquiries regarding what the building is, what's in it, because there are several parties that have expressed interest. Have you gotten anything back on that?" The City Attorney replied, "I haven't been able to speak to them on that one, because they were wrapped up in the final hearing today over the approval of the sale. Part of the concern is when someone files a Chapter 11 bankruptcy proceeding, the first thing that happens is that the court issues an automatic stay, which says that all you creditors out there can't do anything that might even look or feel like self help. If we can, we're going to approach them for their lead to say that it's okay if you put this website out. At the end of the day, we're all interested, including the debtor in possession, in getting the best tenant in there that any one of us can."

The City Attorney continued, "I think our interests are coincidental in that regard. We should have an answer on that in the next couple of days." The City Manager stated, "That fork in the road, if they find someone to sublease the building and cover the City's potential payment will be great. Then we can work on economic development on that after the fact, but at least the City doesn't have to worry about that debt service payment being made anymore. If you take the other fork in the road and say, 'Here you go; we're out,' then we're going to have to get a return on that asset. At that point, I will probably come to the Council, ask for the selection of a national broker, and work with the Economic Development Council and anyone who's interested. We have already assembled lists of studios, interested users, and as you know we have received several inquiries. There is a file with all of those contacts, we will get the national broker, and we will go. If that happens sooner than later, we have Enterprise Florida coming to town next month. We've already had discussions with local leaders. I had a nice workshop last week, so things are moving. We just can't break them open yet until we find out what's going on with that decision point. I do believe it's going to happen within that 30-day clock that was started when the City Attorney or Ms. Booker put out the letter."

The City Attorney pointed out, "We sent a Notice of Default under the lease, and in that regard we did file a disclosure

with EMMA. It's an SEC filing, and we filed formal disclosure today. We previously filed the information filing. We also expect that the trustee for the bondholders is going to be sending out Notice of Default to the bondholders. We're hitting these legal marks and are required to do so as a result of the municipal financing that was involved in the project." Councilman Kelly remarked, "Some people just read the headlines. This sale today had nothing to do with our building." The City Manager said, "We were not part of that sale." Councilman Kelly stated, "I know someone got an e-mail about Digital Domain Baseball Field. We have nothing to do with that. That's a county affiliation." The City Manager noted, "I did send it to Ms. Outlaw, and she already responded and said that she was forwarding it to the County Attorney's Office, and that she did believe that the Mets were evaluating the matter." Councilman Kelly commented, "I had two calls involving the St. Lucie County Boys and Girls Club. Digital Domain had nothing to do with them. It started 18 years ago."

### 13. NEW BUSINESS

#### a) DISCUSSION REGARDING CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE ZONING TEXT AMENDMENT - BANNERS, COUNCILMAN KELLY

Councilman Kelly said, "I put this on the agenda for Dennis Newman, a citizen, and he's going to speak to you. One thing I would sponsor would be the banners for the holiday season. I understand we already did that, but it may not be the same dates as Mr. Newman would like."

**DENNIS NEWMAN**, owner of Budget Graphics, stated, "I would like to see that you extend the holiday banners to October since Halloween is a bigger holiday for us than Thanksgiving. The holiday retail season is a big selling season for us. I would suggest that you change it to October 1 to January 2. It's presently November 11 through January 2. The other thing is that there are things in the Sign Code that pertain to retailers. There are not a lot of things in the Sign Code that concern me as a retailer. It's just a few things that have been bugging me and freedoms that I would like to be able to do. I would like to be able to advertise my business when I see a need to. Right now, I see a need to do it all the time. I'm requesting that we be allowed to put a banner up on our building. I would like that to be up there all the time whenever we want to put it up. I would like to be able to change that out weekly, monthly. I want to limit the size of the banner to something that's not intrusive. I'm not asking for a lot, 24 square feet, which is

like a 2 x 12 or 3 x 8. Right now, the Special Event banners are 50 square feet. I would put a sign on my business, \$25 business cards. I would have three to four new customers a day walk in. They will buy the \$25 business cards, but before they get out of there, I'm putting magnets on their cars. I'm just selling. You have to sell, and you have to be able to have something to draw that customer into your store."

Mr. Newman continued, "I don't want banners at the street. It worked, but it didn't look nice. I'm asking for something with some kind of control. I want to be able to put on my windows whatever I want to put on my windows. I want to be like Burger King or McDonalds. When they want to change prices, they advertise it. That's how they get excitement. That's how they get people into their businesses. That's all I'm asking for. The Code says 40% coverage on the windows, and they cite the state statute. When I pull the state statute up, all the statute says is that this is a Code put in place for convenience businesses. A convenience business is a business that is open between the hours of 11:00 p.m. and 5:00 a.m. for the convenience of the customers. They're using that ordinance to limit the amount of graphics that we put on our windows. It really doesn't pertain to us. It pertains to people who are open 24 hours a day. If it's a big business like Walmart, it doesn't pertain to them. If you have more than ten employees in the store at night, it doesn't pertain to you. I don't want to be dictated to. I want the freedom to be able to advertise, to stimulate the business, to get people into my business. I also would like the ability to have one real estate type sign that I can put out in front of my business when I feel it necessary for the same purpose. The stipulation with that sign would be that it can only be out there during operating hours. You permit the real estate people to do it, and you charge them a fee. It's \$100 a year. I don't have a problem with paying \$100 a year for my banner and for my sign out front as long as I follow the rules that we set up."

Mr. Newman stated, "I had a situation where the Bayshore Diner called me. The businesses meet and we talk. Code Enforcement told her that she has a 'Help Wanted' sign out at the street. This is two days after Digital Domain laid off 300 people. She was told she couldn't have it out there. We called up, and they said that we could have the sign, but it has to go at the sidewalk by your building or in your window. Who is that hurting to put a 'Help Wanted' sign at the street? I would suggest you let a group of businesses sit with Planning and Zoning and Building. Within two hours at the most, we could put it down on paper. That's all I'm asking for. I just want the freedom to do

business, and that's it. We're taxpayers in this town and we're job makers. The more business we do, the more people we can hire."

**ED GRUVMAN**, stated, "I live on 506 Resort Lane in Palm Beach Gardens, but my work is Nutrition S'mart in Port St. Lucie. I was honored to participate in the Sign Code Ordinance that we put together. Mr. Holbrook did an incredible job, and I agree with almost everything in there. About a year ago, the City Council and Code Enforcement allowed us to place banners at the front of our businesses. It has helped us beyond belief. I would like to ask for your support once again in this down economy to be able to extend our ability to be able to place a banner of sorts in front of our businesses, more so than the seven days twice a year that we're allowed. Let's say for two weeks at a time for one quarter. It would be so appreciated." Councilman Kelly noted, "I'm not sponsoring any changes to the Sign Code. If we do any changes I hope they're more permanent than what we've had. I don't have a problem with the holiday season." Mayor Faiella asked, "Are you in favor of changing it to October?" Councilman Kelly replied, "I wouldn't oppose it if the majority of the Council wanted to do that, but I certainly wouldn't want to do it for an entire year like we did before. I do like the idea of making the banners 24 square feet, but it's up to Council." Councilwoman Martin noted, "I met with Mr. Newman at his place of business, and I don't have a problem with extending it. However, I'm not in favor of having the banners all over the City in such a way that they were. We did allow that and it created a number of larger problems than necessary, and the City did look terrible. After a couple of weeks, those signs just blended into the landscape."

Councilwoman Martin continued, "Part of the problem is that they weren't maintained correctly. I'm not in favor of putting them on the roadside throughout the year. I will support extending it from October 15 to January 2." Councilwoman Berger commented, "I know a few things about retail, and I can tell you that October 1, October 15, the Halloween holiday, is definitely a lower holiday than say back to school time. The next conversation we will have at the lectern is the gentleman who makes the banners coming up and saying that we should have banners out for Back to School. That's the time that this community has some sales tax revenue coming in as a direct result. I don't think we get a whole lot of sales tax revenue around Halloween time, so I don't support that. I don't support the continuous banners out. We've done that. I really appreciate the fact that Nutrition S'Mart stated that they see a marked difference. I will tell you that

during that year retail in general saw a significant difference. I would say from a test market standpoint, I would like to see the comparison. Whether it's because we had banners out or not, I'm going to tell you that nationwide they didn't have the banners out everywhere and they still saw the uptick. It's important to get all of our information before we move forward."

Mayor Faiella asked, "Is Council willing to support the businesses getting with Planning and Zoning and the Building Department to discuss certain items?" Councilwoman Berger replied, "I guess I don't understand what we would be doing. We would be doing it again. The gentleman said that he appreciated the fact that he had that opportunity. Vice Mayor Bartz was part of that process. It was something that you ran on for your campaign. We did it. We tried it. We learned from it, and I think we have our best options out there now." Vice Mayor Bartz stated, "We included the business community, the private sector, and money was expended on doing that. They did some great artwork and some things to show the community and the business world exactly what they were doing, and what the end result was going to be. They looked for public input, and to make sure that they had everything covered. My concern is that we do this and in six months we have another group that comes in and says that they don't like the Sign Code, so let's redo it again. We really had a good consensus, a good group that worked really hard to get where we are." Mr. Newman noted, "We can talk about the group that you put together, but the problem with the group you put together is that there really wasn't anyone in that group that represented the small business people. You had Marty Horne in that group. Marty Horne doesn't even own a business in Port St. Lucie."

Councilwoman Berger pointed out, "I really don't appreciate that. He's definitely a citizen in Port St. Lucie." Mr. Newman remarked, "He is a citizen of Port St. Lucie, but I'm talking about a representative from the retail businesses. You said we were represented. I don't see it." Vice Mayor Bartz said, "We offered the opportunity for people to become involved in that process. We opened that door. We asked people to come in. We asked people to sit on that committee and work together. Obviously, we have people who did do that. I think we did the best that could be done. I think we are in Council discussion now." Mayor Faiella stated, "Mr. Newman wants to know once and for all what Council's position is. Is that why you called the meeting?" Councilman Kelly replied, "I put this on for him as a request. I'm not sponsoring anything. I put it on so we could hear his requests." Councilwoman Berger said, "This reminds me

of when an ordinance or any issue comes before Council and we have a long discussion. When it passes or fails, the only way it can come back again is if someone on the winning side of that argument, debate, or discussion brings it back. This is an item that has been decided, vetted, and had public participation. Whether or not you like the people who were on the committee or not, there was a large committee. It cost \$45,000. We don't like the outcome, and I'm not quite sure why or who gets to keep bringing it back, so that we have the same discussion. This has been decided. I respect this gentleman, and I purchased some of my things from him. I also purchased some things from Marty Horne. He's an active part of the community, participates with the City itself, and gives a lot of free things to the City for the City events. I appreciate having those conversations, but at some point someone has to ask, 'What are we doing?' It makes me feel like I'm fighting an argument against Mr. Newman and that shouldn't be what it is. I just want to make sure that you and the public are comfortable with the way the City is moving. I'm not quite sure how many times we have to have public discussion about it." Mr. Newman asked, "Are you going to tell me that it's right to tell a business that they can't put a 'For Hire' sign in front of their business?" Councilwoman Berger replied, "That was not the case."

**PETE CATALANO** said, "I own a business in the Boulevard Shoppes, and I'm here on behalf of all of the businesses there. We were thinking that maybe we could pay for the banner from October through January 2. When you open a business you pay for the banner. The first two weeks of the month they let you put out a banner if you're a new business. Why can't we just pay for it during the holidays?" Councilwoman Berger replied, "You can get it for free during the holidays, and you can get it during the year as well, but you have to pay for it during the year. So it's important to make sure that we understand that it's available to you. The #1 thing was to change the date. The second thing was to stimulate business anytime. That option is there for you. If you need some detail, there are people in the Building Department who deal with this every day." Councilman Kelly asked, "Don't we allow the banner twice a year?" Councilwoman Berger replied, "Four times a year, and then November through January for free." The City Manager stated, "You get the 'Just Opened' sign, you get three seven-day periods, and then the holiday period which is currently November 11 through January 2." Councilwoman Berger noted, "I'm going to call for some leadership from you on this item." Mayor Faiella commented, "If I don't have support from Council, there's no sense in moving forward." Councilwoman Berger pointed out,

"That's okay, but I'm asking what you want to do on this item." Mayor Faiella remarked, "If there are certain businesses that want to discuss it, I think it should be their option to discuss it with Planning and Zoning and come back to Council." Councilwoman Berger asked, "So you're okay with changing the St. Lucie Chapter 155, Sign Code Zoning Text Amendment again?" Mayor Faiella replied, "They're not asking for changing the whole thing. They just want to tweak some things. If we can allow them to meet with staff and see what kind of compromise. . . . In fact, I gave the City Manager the Martin County Codes on the banners in Martin County, referencing that they're allowing businesses to put a banner on their place." Councilwoman Berger said, "We are too. Also in Martin County, if you leave it up longer than two weeks, you get fined and it's like \$200."

The City Manager stated, "I'm going to ask for City Council direction. Staff did provide a professional recommendation when the Sign Code went out to the public. There was a process. It was a very public process. It came back with professional recommendations to Council, and that was decided upon. While we are always happy to meet the public and will do so, we're not going to go voluntarily digging in there and then proposing changes to the Code. If you would like to direct us to make changes to the Code as you see fit, we will be happy to carry that out. But in the absence of such direction, staff is not going to take further action." Mayor Faiella asked, "Do you have the changes?" Councilwoman Martin replied, "I think Mr. Newman e-mailed them to all of us." Mayor Faiella asked, "Did we want to do that?" Councilwoman Berger replied, "No. For me, there's going to be no support. I'm very pleased with the work that staff, our public, and our business community has done, and I support what it currently states." Councilwoman Martin stated, "I do not want to reinvent the wheel." Councilman Kelly noted, "That's three." Vice Mayor Bartz commented, "I think I've made my position known." Councilwoman Martin pointed out, "As far as extending it an extra 15 days, I have no problem doing that. I **move** to make it from October 15 to January 2 for the banners." Councilman Kelly **seconded** the motion. Councilwoman Martin remarked, "I will not support it being changed any further."

Mr. Dramis said, "The free banner coincides with Community Days, which starts on November 9 and runs through that weekend, and the banner extension will go until January 2. If we're going to change that date for that banner, we would have to change the Community Days and repost that. We have no problem doing what you direct us to do, but it's going to require a change from that event." Councilman Kelly asked, "Is that going to be a big

expense?" The City Manager replied, "We will continue to have Community Days on the advertised date. If this moves forward we would just schedule it next year to coincide with the first day. This year Community Days is tied to Veterans Day weekend. We don't have to go down that path to change Community Days." Councilwoman Berger noted, "I do want to take the opportunity to remind the Council that we had two speakers, and one of the speakers did confirm that retail has seen an uptick nationwide during the same time line that we were saying that we saw it as a result of the banners." Councilman Kelly commented, "I didn't hear a word you said." Councilwoman Berger pointed out, "The retail has seen an uptick. During that time, we have people saying that the reason the retail did better in the City of Port St. Lucie was a direct result of the number of banners that were everywhere in the City. I'm here to tell you that I need someone to show me that proof. I'm okay with looking at it, but what I happen to know with what I do for a living, and I run retail from Boston to Miami, and what I'm an expert in, is that it's not the reason. So I have a hard time sitting here and allowing that to be part of the discussion as though it's reality." The Clerk restated the motion as follows: to allow the banners from October 15 to January 2. The **motion passed** by roll call vote with Vice Mayor Bartz, Mayor Faiella, Councilwoman Martin, and Councilman Kelly voting in favor, and Councilwoman Berger voting against. The City Manager pointed out, "We will bring a proposal back at the next meeting to change it to the new date of October 15. I'm not sure that we have full market penetration on what is allowed right now with regard to banners. Based on this they will be allowed from October 15 to January 2, and then you get the three additional periods, 7 days each. In addition to that when you're a new business you also get your 30-day banner. You do have a number of opportunities for banners. They will have to be affixed to the structure."

**b) DISCUSSION REGARDING SCREENING OF RECYCLING DUMPSTERS, GARBAGE CONTAINER ENCLOSURES, COUNCILMAN KELLY**

Councilman Kelly said, "I would like to postpone this, because our City Manager has met with Waste Pro and had some ideas. I had sympathized with some of the businesses who have a two yard, four yard, or six yard Dumpster and then they have to have a 12 x 24 enclosure. It didn't make any sense, so we're meeting with Waste Pro. I got a call today from a representative at Waste Pro who reminded me that in another year or so the state is going to require that they not only have the regular Dumpster, but they have a recycling Dumpster. I need to get a little more informed about it, and I will be taking a trip with the representative

from Waste Pro this week."

**c) TREASURE COAST MEDICAL ASSOCIATES, INC.,** APPROVAL TO REVISE CONTRACT TO REFLECT THEIR NAME CHANGE TO **PSL MEDICAL PROVIDER, INC.,** #20100075, EFFECTIVE DATE OF NAME CHANGE IS 1/25/2012, OMB

The City Manager said, "The operator of the clinic has notified us of a name change. I asked why and was given the response that it would aid them in their financial reporting. Staff recommends approval." Councilwoman Martin **moved** to approve Item 13 c). Councilman Kelly **seconded** the motion. The Clerk restated the motion as follows: for approval of Item 13 c). The **motion passed unanimously** by roll call vote.

**d) DISCUSSION REGARDING A BOND ORDINANCE** AUTHORIZING THE PAYMENT PRIOR TO MATURITY OF ALL OF THE OUTSTANDING SPECIAL ASSESSMENT BONDS, TAX-EXEMPT SERIES 2003B TESORO SPECIAL ASSESSMENT DISTRICT-INSTALLMENT PAYMENT ASSESSMENTS, CITY MANAGER

The City Manager stated, "At this point, you're acutely aware of the meaning of CB&A as it applies to bonds. It's in effect a guarantee provided by the City of non-ad valorem revenues to ensure payment of certain bond issues. CB&A's have been provided in a number of applications, including Special Assessment Districts and things like Digital Domain. Anytime that we have a CB&A, we have exposure to risk and to repayment if necessary. As we have been going through our portfolio of debt, we have been looking for opportunities to save money where we pay directly. We have also looked for an opportunity to reduce exposure. In the case of the Tesoro SAD, we're not a direct payer there. It's not with some of our other bond issues like Utilities, where we actually are responsible for paying. It's just that we're responsible for paying if someone else doesn't. Because of that, doing a refinancing of those bonds would allow us to decrease our exposure to savings that would be effected by reducing the interest rate. It wouldn't save us direct payment today. It would save us money if that CB&A were ever invoked. For that reason staff is proposing to move forward with a refunding issue on Tesoro SAD. Staff does recommend approval. It would reduce the potential exposure by about \$3.5 million based on today's numbers, and that moves every day." Councilwoman Berger **moved** to approve Item 13 d). Councilman Kelly **seconded** the motion. The Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote.

**e) KEYES REAL ESTATE, LICENSED REALTOR MARKETING SERVICE**

FOR NEIGHBORHOOD STABILIZATION PROGRAM HOUSES, \$599.00 PER HOME, CONTRACT PERIOD IS 10/1/12 THROUGH 9/30/14, WITH TWO TWELVE MONTH RENEWAL OPTIONS, #20120083, FUND 116-5500-5491, COMMUNITY SERVICES

The City Manager noted, "We have the Neighborhood Stabilization Program, and as part of that program we have the need for realty services. When we first opened the program, we procured the services of a realtor. We said that we would go back out and offer it again to the marketplace. As it turned out, we only had one response, and it has been providing us great service all along. Staff has been working very well with the realtor and recommends approval." Councilman Kelly asked, "Was Keyes the only response?" Vice Mayor Bartz replied in the affirmative. Councilman Kelly **moved** to approve Item 13 e). Vice Mayor Bartz **seconded** the motion. Mayor Faiella asked, "How did we advertise this?" Ms. Selmer replied, "We advertised this in the same manner as we did the last time. We sent information to both the Boards in Martin County and St. Lucie County, so that they could distribute it. We have no control as far as how they do it, but that's what we did the last time. That was the only response we received. It has always been advertised on our website." The City Manager pointed out, "We had five the first time. Out of all of those firms, even the first time there were only five that actually responded." Ms. Selmer remarked, "I don't think that it was so much a matter of people saying that they didn't get a chance to answer the RFP. I think the realtors did feel that they wanted to sell their properties to us, and with the program the way it is we have our own houses, and we have our own clients. It just doesn't work the same way as it might in another program that's set up differently. I think they wanted it to work differently, but it just didn't the way we had it set up." Councilman Kelly asked, "Don't we have restrictions on that federal money?" Ms. Selmer replied, "We can pay, but it's just that we can only earn a certain amount of money. If we were to pay straight commissions on each of these properties then we would not be buying as many properties as we have, and rehabbing them to the extent that we are, especially on the outside, and making the neighborhoods look better." The Clerk restated the motion as follows: for approval of Item 13 e). The **motion passed unanimously** by roll call vote.

**f) ARDAMAN AND ASSOCIATES, INC.,** HYDRO GEOLOGIC SERVICES FOR THE INVESTIGATION AND REHABILITATION OF WELL F6, \$32,026, CONTRACT PERIOD IS 300 CALENDAR DAYS, #20120098, FUND 431-3310-5310, UTILITY SYSTEM DEPARTMENT

The City Manager commented, "We have the F6 well that's in need of rehabilitation. We have utilized Ardaman and Associates in the past successfully on this type of work, and we need their expertise for this. As a result, staff is requesting that we waive the bidding requirements and enter into a hydrogeologic services contract with Ardaman and Associates in the amount of \$32,026, and staff recommends approval." Vice Mayor Bartz **moved** to approve Item 13 f). Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of Item 13 f). The **motion passed unanimously** by roll call vote.

**g) WAIVER OF BID PER SECTION 35.04(C), FOR GOOD CAUSE SHOWN, MUSCO LIGHTING, #20120096, SPORTS LIGHTING MATERIAL FOR SWAN PARK, SANDHILL CRANE PARK, AND WHISPERING PINES PARK, \$575,703.15, FUND 307-7210-5340, PARKS AND RECREATION**

The City Manager pointed out, "As part of the energy performance contract that we have entered into with Honeywell, we have studied a number of our facilities. Those facilities included parks that have sports lighting. As you may be aware, we utilize Musco as a provider of our sports lighting. They have shown themselves to be an exemplary provider. They provide excellent guarantees and service. As part of the energy contract, we have recommended improvements to several facilities where we have older lighting systems that need to be replaced anyway. These systems will provide us with significant savings over time, so that they will actually pay for themselves. As part of this item, we're asking for a waiving of the bidding process, because we've used Musco before, and they do have our portfolio. We did, after negotiating with Honeywell, try to exact the best price possible. It turned out that we could get a better price than Honeywell buying it directly from Musco. We're purchasing the lights directly from Musco, and Honeywell is going to do the installing. Staff does recommend approval." Councilwoman Martin **moved** to approve Item 13 g). Councilman Kelly **seconded** the motion. Vice Mayor Bartz asked, "When we do it this way, are we still getting the same guarantee from Honeywell that we would have?" The City Manager replied, "Yes. They included it within their performance contract, and that's the guarantee that if it doesn't produce the desired savings Honeywell has to pay. However, we also get a superior contract from Musco. The warranty that we got on these lights is amazing. I want to say that it's a 20 year to a 25 year guarantee." The Clerk restated the motion as follows: for approval of Item 13 g). The **motion passed unanimously** by roll call vote.

**h) AMERICAN EARTH MOVERS, INC., CHANGE ORDER #1, EASTERN**

WATERSHED IMPROVEMENT PROJECT (EWIP) LOUTUS POND STA & BLACKWELL WATERWAY IMPROVEMENTS PROJECT, #20110077, \$53,204.74 FOR A NEW CONTRACT AMOUNT OF \$2,804,553.79, AND 25 ADDITIONAL CALENDAR DAYS FOR A NEW CONTRACT PERIOD OF 265 CALENDAR DAYS, FUND 403-4126-5688, ENGINEERING

Mayor Faiella said, "We pulled Item 13 h)."

**i) INTERLOCAL AGREEMENT, BETWEEN THE CITY OF PORT ST LUCIE, ST. LUCIE COUNTY, THE CITY OF FT. PIERCE, AND THE ST. LUCIE COUNTY SHERIFF'S OFFICE FOR A SHARED OSSI CAD NETWORK, POLICE DEPARTMENT**

Chief Bolduc said, "This is a request to enter into an Interlocal Agreement to establish a data network with St. Lucie County Public Safety, the St. Lucie County Sheriff's Office, and the Ft. Pierce Police Department for the purpose of exchanging data for CAD and record management systems. It's a 250 meg pipe between ourselves and the dispatch center located at the fairgrounds. The 75 megs of pipe that we would be using is 29% and our cost would be \$11,000." Councilwoman Berger asked, "What line item is this coming out of, or is it your general budget?" Chief Bolduc replied, "I'm not sure exactly which line item. It was budgeted for. It was part of a project we started in August of last year." Councilwoman Berger stated, "On these memorandums, when it's the memorandum and then also comes with the slip for adding it to the agenda, it typically will say what part of the budget it comes out of." The City Manager noted, "We will get that for you. It's a pretty minor expenditure of \$11,000. It will most likely come from their equipment. They may also, in a case like this, have the opportunity to utilize forfeiture dollars. If you want to table it, that's fine." Chief Bolduc commented, "It's actually a replacement of an existing data line that we have that's going to Rock Road. This is improved and considerably cheaper. It's not like it's an addition." Councilman Kelly **moved** to approve Item 13 i). Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of Item 13 i). The **motion passed unanimously** by roll call vote.

**j) DISCUSSION REGARDING "HIRE OUR HEROES VETERANS CAMPAIGN" FOR PLACEMENT TO THE CITY'S WEBSITE AND TV 20, MAYOR FAIELLA**

Mayor Faiella said, "In your packet you received a flyer. Mr. Corbett from Workforce Solutions is encouraging us to see if we can advertise this on Channel 20 and post it everywhere else.

They're doing this until November 1. I would like Council to give me consensus to get with Mr. Cunningham and advertise this on Channel 20." Vice Mayor Bartz asked, "Have you checked with Mr. Cunningham and made sure that we can do it legally?" Mayor Faiella replied, "No. I haven't yet, but they have done it in the county." Vice Mayor Bartz stated, "I don't have a problem with it." The City Manager noted, "We shouldn't have a problem with this." It was the **consensus** of the Council to advertise 'Hire our Heroes Veterans Campaign' on Channel 20 until November 1 providing there are no legal issues.

#### 14. CITY MANAGER'S REPORT

The City Manager said, "On the Police Department item, the interlocal, they're really looking for Council approval. Given the nature of the expenditure that usually doesn't come to the City Council, because it's less than \$25,000." Councilwoman Berger stated, "When it comes to the Consent Agenda as well. If it's a change in a line item amendment, which you didn't specify, or else it would be on the Consent Agenda." The City Manager noted, "You adopted the budget this evening, so that's one thing that's crossed off the list, but not really. Everyone knows that the inputs and outputs don't stay static. Therefore, the budget doesn't stay static either, and we will be working as hard as we can to make sure that we minimize any impact from Digital Domain on next year's budget. Regarding Park Safety, we continue to move forward on our plans. We have just about 500 residents signed up for the court pass. We are actively installing the camera system at Sportsman's Park. As always we encourage residents to call 9-1-1 if they see any suspicious activity in our parks, regardless of how minor it might seem. Twig Avenue remains a major item. We did receive a letter from the attorney on behalf of the Road To Recovery, and the Legal Department is working on that. I imagine that one of the Council members will touch on the 9/11 Memorial and the great job our volunteers did. Team Port St. Lucie had several items. The Players of the Month for August were Dale Simpson and Jeff Chamis. Would it be okay if I made special presentations at future meetings for the Players of the Month? I'll explain their background a little more at the next meeting. It's regarding safety in our parks."

The City Manager continued, "We had Bowl for Kids Sake benefitting Big Brothers/Big Sisters. The team raised \$765. I think we were the second place team, and I want to thank Ed Fry and the team for participating in a good cause. We have had a couple of fundraising events for Officer Peter Chunn. We had the

End of Watch at the Rave last night. I heard it was awesome. Wednesday night we have an event at the St. Lucie West Chili's. I think we're in competition with some nurses who are going to the Jensen Beach Chili's to see who can raise the most. Thank you to Chili's who is donating 10% of the night's proceeds. Oktoberfest 2012 at the Martin Health Village Square is coming up. I believe it's October 5, 6, and 7. We're down to four finalists for the Assistant City Manager search. I will be doing the interviews probably Thursday or Friday night. The Fairgreen Road project is continuing to move forward on schedule. It has been a busy couple of weeks between natural disasters and manmade disasters. Floresta and Airoso are underway, and we're continuing to evaluate opportunities to improve California and Savona. We had a good meeting with the residents of Sawgrass Lakes and directly related to the tropical storm having to do with drainage. We're still working with the St. Lucie West Services District. We talked about Digital Domain. We continue to work on things like getting a system to track all of our contractual obligations on things like the Eddie Huggins property. Collective bargaining is definitely underway with all of our bargaining units. Energy conservation measures are being installed. You may see construction going on at City Hall. They're going to start working on the waterlines that connect the buildings pretty soon. On October 13 at 10:30 we're going to have some type of Red Shoe event for Safe Space. We're going to put a big team together for that."

**15. COUNCIL COMMENTS AND COMMITTEE REPORTS****VICE MAYOR BARTZ - 9/11 MEMORIAL AND POW/MIA SERVICE**

Vice Mayor Bartz said, "The day after our last meeting, we had the 9/11 Memorial and the Memorial statue unveiled. It was beautiful and touching. Everyone who worked on it deserves so much more than I can even express. It's inspiring. It's a place to be reflective. It's amazing to see at night. This past Saturday night I went to the POW/MIA Service at Veterans Park. As always they did a good job. They actually had someone playing the harp this year."

**COUNCILWOMAN BERGER - 9/11 MEMORIAL AND PHOEBE CASTILLO**

Councilwoman Berger stated, "I also attended the 9/11 Memorial event and the Saturday night POW/MIA Service. Sarah Bartal was playing the harp, and has done that for a number of City events. I had a couple of requests come in from the public in the last couple of days about more information about City issues or

specifically about Digital Domain. We have been able to refer a number of question to the City Manager. I would say to our residents that the information is available, so shoot us an e-mail and we can get you on a list to receive a newsletter, or we can give you some links to look at on the website for the information you're looking for. I want to thank Phoebe Castillo for spending the day with me. Thank you for selecting the City of Port St. Lucie to come back to. You had said that this was your hometown. You grew up here, went to high school here, started college here, came back, and now you're getting ready to go to grad school. Congratulations on your progress. Phoebe really asked some great questions. Our agenda today was about understanding what the process is like from a municipal standpoint. We went to the Legal Department and the City Manager's office. We spent time reviewing some information for the agenda tonight. I asked her opinion on some items and wrote those notes down. We went to the Botanical Garden, and did some work there. I look forward to seeing what your future holds."

**COUNCILWOMAN MARTIN - 9/11 MEMORIAL - OFFICER CHUNN FUNDRAISER - PRESENTATION AT NEXT COUNCIL MEETING**

Councilwoman Martin said, "The 9/11 ceremony was great, and the Memorial is breathtaking. Everyone just poured their hearts into it. Words can't even express our thanks. I want to thank Tonya Taylor. If it wasn't for Ms. Taylor who made sure everyone was on board, I don't think it would have gotten done. She was really pushing everyone and keeping everyone on task. There was a fundraiser for Officer Chunn at the Rave Movie Theatre last night. We raised a good amount of money. At the next Council Meeting, we will be presenting a check to the Port St. Lucie PAL for the Dancing with the Stars event. There's another fundraiser for Officer Chunn on Wednesday, and I hope everyone comes out and supports that."

**COUNCILMAN KELLY - ASSISTANT CITY MANAGER - VETERANS - UTILITY DEPARTMENT - FIRE DISTRICT**

Councilman Kelly said, "I look forward to having an Assistant City Manager as soon as possible. I attended the Veterans function that honored the Viet Nam Veterans. Our Utility Department is doing a great job on the replacement of the pipe in my district, which is a monumental task. I want to thank the Fire District for 9/11. It wouldn't be the same without them. They do a great job."

**MAYOR FAIELLA**

Mayor Faiella stated, "The 9/11 Memorial is absolutely beautiful. We want to thank all of the sponsors and the volunteers. I was told that they practically lived there. I was at the Florida League of Cities Board meeting this weekend. One of the Mayors said to me that we have the most beautiful parks. They're clean and there's nothing going on in them. I was proud to hear that of our parks."

16. **ADJOURN**

There being no further business, the meeting adjourned at 11:15 p.m.

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Karen A. Phillips, City Clerk

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Carol M. Heintz, Assistant City Clerk