

**CITY OF PORT ST. LUCIE
CITY COUNCIL REGULAR MEETING MINUTES
JULY 23, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on July 23, 2012, at 7:00 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
Stephanie Beskovoyne, Assistant City Attorney
Pam E. Booker, Senior Assistant City
Attorney
Anne Cox, Assistant Planning and Zoning
Department Director
Edward Cunningham, Communications Director
Edwin M. Fry, Jr., Finance Director/
Treasurer
Daniel Holbrook, Planning & Zoning Director
Brad Keen, Assistant Parks and Recreation
Director
Karen A. Phillips, City Clerk
David K. Pollard, OMB Director
John A. Bolduc, Acting Police Chief
Patricia Roebling, City Engineer
Pat Selmer, Acting Community Services
Director
Anthony Veltre, Nuisance Abatement Program
Coordinator
April C. Stoncius, Deputy City Clerk

3. INVOCATION & PLEDGE OF ALLEGIANCE

The City Clerk gave the Invocation, and Mayor Faiella led the assembly in the Pledge of Allegiance.

4. PUBLIC TO BE HEARD

SALLY ANN BERGQUIST - SPAY AND NEUTER EVENTS AT THE CIVIC CENTER

Ms. Bergquist said, "I am here to bring you praise for the good work that the Animal Control Department is doing. I am part of an organization called United Humanitarian. Once a month, we rent the AniMobile from the Humane Society of the Treasure Coast for \$1,000. We are able to provide low cost spaying and neutering; \$40 for cats and \$60 for dogs. It includes a rabies shot, a microchip, and a nail clipping. We took care of 28 animals yesterday. The important part of spaying and neutering is that it is an integral part of reducing unwanted litters. The Humane Society of St. Lucie County participated on June 11, 2012, with a dozen area animal rescue organizations to celebrate the 10th anniversary of the No-Kill movement in the United States. These animals are in a fight for their lives. It is such a shame, because so many of them should have never been born. My goal is to persuade you to bring the AniMobile to the Civic Center once a month. It would be a positive event for the community. The key is to become a No-Kill county. We want a 91% save rate, but we are at about a 55% save rate. There are a lot of healthy animals that have to be put down. I hope that you will help us get the numbers down."

DANA BENNETT - ETHICS OF THE MAYOR AND THE CITY COUNCIL

Mr. Bennett said, "I read that you are looking into a Code of Ethics. If you elect people with ethics, then you won't need a Code of Ethics. I find it to be a little disheartening that you have to even think of having a Code of Ethics. You are supposed to already have ethics. I had a conversation with Mayor Faiella when she was first elected. I indicated that she and Captain D'Agostino should resign, because I don't believe anybody should be elected that has a lawsuit against the City. She told me that she had dropped the lawsuit prior to running for Mayor. A few months after that, the newspaper indicated that she was being deposed regarding the lawsuit against the City. I said to my wife, who heard our conversation, I can't believe Mayor Faiella told us that she was dropping the suit, and now it is in the paper. I can't believe a City this size has to go through this type of thing. This is not what the City is about. We have a City Attorney. We have a City Manager, who is responsible for running this City. The elected officials are supposed to go through him, and he works with the departments. I believe that you have gotten us into a pretty big mess. It will cost a couple of million dollars to get out of it. I don't believe the City should pay out \$25,000 to help cover the Mayor's expenses. I don't believe that she should remain Mayor. She should turn in her resignation, and let the City go forward without her. It would be in the best interest of Port St. Lucie."

SUZANNE EOVALDI - MAYOR FAIELLA AND THE CITY COUNCIL

Ms. Eovaldi stated, "I am overwhelmed at the level to which this town has fallen. I come from Chicago, which is the town that wrote the book on brutal politics. Promotions within often make better sense, and save the organization money. Was Port St. Lucie's personal vendetta of politics at the heart of why the Chief hire was not done from within the ranks? After reading all of the emails, I have concluded that the level of dysfunction at the Mayoral and Council levels are beyond repair. I am very reluctant to criticize the police, because of what they do every day. Perhaps some of you politicians would have benefitted from watching what the police do 24/7, as I have done. Will you please clarify the alleged existence of three Paypal diplomas, and the alleged purchase of an X-Box and an X-Box 360 gold membership subscription stamped, 'reserved for.' Is someone on the dais allegedly playing NFL Fantasy Football on company time and on company equipment? Your hypocrisy of political correctness hurts all of us. When will Port St. Lucie politicians stop personal vendettas, and embrace the politics of service for the public's trust? There was only one time when the taxpayers were mentioned in all of those emails. We pay your bills. You work for us, by the way. I would ask that you embrace the politics of service to the public for their trust that you took an oath to serve. Will Mr. Cohen be respected for his many years of business and administrative experience? Will you rise to a higher level of performance in conduct? Will you train your staff to do so as well? I personally shall not ever stand by silently and see another highly qualified man destroyed by you wacky politicians in Port St. Lucie."

KURT HOYER - MAYOR FAIELLA AND CITY COUNCIL

Mr. Hoyer said, "It with a heavy heart that I come here tonight. My blood pressure can't stand reading about any more of the foolishness that is going on in the management of this City. Madam Mayor, you should be ashamed of yourself. I supported you when you were running for Mayor. We had a lengthy conversation at the Civic Center, and I thought you had your stuff together. What a disappointment. Mr. Oravec did something very novel in the selection of a new Police Chief. It was very innovative that he was going to vet these people. I don't think anybody who has ever run for Police Chief has ever gone through the scrutiny that these three gentlemen went through. Mr. Oravec's responsibility is to pick the Police Chief. He doesn't need your approval, and he didn't even need your input. He was nice enough to ask you to make comments, which you did. After he made the selection, after you knew full well who he was going to choose,

and because it wasn't your guy, you had a hissy fit, and acted very childish by writing some emails. I would suggest Madam Mayor that you go to IRSC and take some English courses, because you flunked English composition. You can't spell and your grammar is terrible. I would suggest if you write emails in the future, you have one written like you had written for you when you were supposedly out of town. That email apology did not come from you. I would be willing to bet on it. You should do us taxpayers and the City of Port St. Lucie a favor, and resign. You have totally lost your effectiveness and your credibility with the taxpayers. You have also trashed your credibility with the other Council members. You can no longer be trusted. I know Mr. Orr and Mr. Oravec trust you about as far as they can spit. You don't deserve to be the Mayor. I hate to say it, because I really thought that you were going to be the saving grace of our City. You disgraced yourself. You acted like a 12 year-old. We can't afford that in this City. We are paying you a pretty good chunk of change to represent us as the Mayor. I think you should step aside, and the sooner, the better. I have composed a recall petition. If you don't resign, and don't do it voluntarily, I am going to circulate it. If it is the last thing I do, I'm going to make sure that enough people sign it so that we throw your sorry whatever out on the street. I don't think that you deserve to be the Mayor any longer."

BIANCA ROACH - MAYOR FAIELLA AND THE CITY COUNCIL

Ms. Roach said, "I was able to attend portions of a recent City Council Retreat, which I found informative. I greatly appreciated the City Manager's positive direction for a vision and focus for our City. I was encouraged by what I heard and saw. One of the questions at the end was what we would like to see for our City, and how would we like it to be known. Many answers were safety, family friendliness, arts, music, education, and several other positive focuses. My focus for the City is on those who help run it. I would like to see a better cohesion of our City Council. I would like to see you put aside personal agendas and differences, and to be fair-minded. You should be focusing on the important issues concerning health, welfare, and safety of the citizens, which in turn will affect our quality of life. I would like to see you stay above the fray, and not get caught up in all of the stuff, as Mr. Oravec tactfully puts it. Secondly, I want to address the negative articles that our local paper has put out concerning our Mayor, and the responses from citizens relating to these articles. In everything I do, I try to treat all people with great respect, regardless of whether I agree with them or not. I am concerned at the onslaught of attacks against the Mayor, and for this reason I feel compelled to speak. I had the pleasure of meeting

our Mayor prior to her election, and had numerous meetings and opportunities to talk with her. Not once have I been concerned about her ability to handle her job as Mayor. She has always been attentive and concerned about the needs of the citizens, and always willing to do what she can to help out at events focused on improving and benefiting the citizens and the City of Port St. Lucie. I also know that prior to her being elected, there had been great distain for her. From the very beginning, she has been asked to resign. According to numerous responses to the recent articles, many of those who write give the impression that none of you should be trusted. So who do we trust? Your characters continue to be shredded. How can we expect any better from our children when we as adults don't adhere to higher standards? We live in a world of double standards, and we wonder why. Constructive criticism appears to be rare, and is replaced with obscene comments about another's character. I don't believe this is the type of freedom of speech that our forefathers had in mind. Ms. Huggins chooses to be a political watch dog, but her tactics and behavior are just as destructive as the apparent activities she desires to expose. The firestorm that came from the emails written to her by our Mayor over a year ago came from her computer that she says was hacked. She even claims these emails were not illegal. Her other claims are unsubstantiated, as everything recently thrown at the Mayor has nothing to do with proven illegal actions. Yet those who desperately want to destroy her are constantly attacking her, and our local paper thrives on it. By no means am I claiming that our Mayor is perfect. Mayor Faiella has written a letter of apology concerning the emails. The local paper and news has acknowledged this. I have read the letter, and saw it as an apology for the emails. I have spoken to the Mayor regarding the emails, and I know that she is remorseful. These have been refining lessons for her, and I hope it is for many of us. I would like to see the Mayor given the opportunity to serve the City she was elected to serve without the constant badgering of her detractors. Our Mayor is not perfect. We are all flawed with shortcomings. May we all be judged with the same judgment that we judge others with. Mayor, I accept your apology, and I know that there are many who do so as well."

WILLIAM MCNEELY - SOLAR POWER INITIATIVE PROGRAM

Mr. McNeely said, "I'm here to compliment the City for your Solar Initiative Program. The Civic Center is the largest government building in the state of Florida that is solar powered. I have solar energy on my home. I'm the only resident in Fort Pierce to have it, because my city is against it. We do not have a solar energy program for our government buildings, and there is no interest in it. Fort Pierce Utilities is against

solar energy, even though they advertise that they have it. The mistake that was made at the Civic Center is that you used unproven technology by putting over \$1 million into solar vinyl. There is nothing that you can put on your roof made out of vinyl that will last in Florida. Solar vinyl underperforms. They make it sound like it is so great, but it doesn't work in the long-term. Your system is underperforming, but your hearts are in the right place. You have other government buildings where free electricity will help your budget. I love my solar system, as I get free electricity that I will have for the rest of my life. My proven panels are a hard panel that is made out of metal and glass, and will last forever. My oldest panel is 33 years old, and is still putting out power. Staff needs to monitor the website for the production on a daily basis, because when mine shut down for a couple of weeks because I failed to monitor, I lost a couple hundred dollars in electricity. Please monitor the system and find out what is going on, because I noticed it is shut down. It is probably a software failure. Giving so much money to a company like Honeywell to give you advice is a big mistake. Instead, put more solar panels up and encourage the residents to use solar energy. You are leading the way by example. Anybody can turn up the thermostat to 76 degrees. You don't have to pay a company millions of dollars to tell you to do that. You will need some more insulation and insulation paints. There are a lot of professionals in this area that can help you. If you can break that contract, I would. I wish Fort Pierce would get it together."

MARCELLA HUBBARD - SIDEWALKS ON YAMADA DRIVE

Ms. Hubbard said, "I want to ask you to put in sidewalks on Yamada Drive. There was a school built there three years ago, and there are still no sidewalks or bicycle lanes. The children are dodging cars, as the street is not wide enough for the bus to make a turn around the corner. I really think that it is important that you take the time to consider sidewalks or bicycle paths."

JOSEPH PATRONIE - CITY CHARTER

Mr. Patronie said, "I want to cover Section 3.05 of the City Charter. It contains an 80-word sentence, and the title is Mayor. A fragment of it says, 'May represent the City in intergovernmental relationships.' The problem is the City Manager didn't pick up on it, so we are going forward with the recommendation."

JANICE DI IANNI - CITY COUNCIL

Ms. Di Ianni said, "We say and do things at the time that may not be correct, but realize our mistakes and try to do better. There is not one person in this audience that has not said or done something that they thought was right at the time, but in the end was a big mistake. I give Mayor Faiella credit to say she was sorry, and in the end, it was for the City of Port St. Lucie. The community should know when the committee was appointed for the redistricting of Port St. Lucie that the City gave us guidelines, and offered a few ideas. In the age of computer technology, you put the information in the computer, and it details the information that you are looking for. At the end there were four different plans, but the committee agreed on one plan. We were told after the vote that Councilwoman Berger would be out, as her home was cut out of her district. We all agreed it still was the right choice. At the next City Council meeting, the committee's choice was thrown out, and the Council decided on their redistricting plan in which Councilwoman Berger was back in her district. Was the Sunshine Law violated? I gave praise to those individuals for taking the time and putting the redistricting plan together, even though the Council took care of Councilwoman Berger. This is a City Council meeting where people want to know how the City is progressing, and what jobs will be coming in the future. We also want to keep our City safe and thriving. Stop nitpicking against one another. The residents of Port St. Lucie voted for Mayor Faiella overwhelmingly, so work with one another."

Mayor Faiella said the rest of Public to be Heard will be continued at the end of the meeting.

Councilwoman Berger said, "If there is a concern that there is a Sunshine violation, then I would encourage you to get with our City Attorney or the State Attorney. Make sure you put that complaint in, Ms. Di Ianni, because it is a serious issue."

5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

a) **SPECIAL PRESENTATION - CERTIFICATE OF RECOGNITION FOR PAL YOUTH DIRECTORS FOR COMPLETING OVER 5,000 HOURS OF COMMUNITY SERVICE**

Mayor Faiella presented the certificate to the President of the PAL, Tom Filipkowski, who said, "This program has been in existence for a little over four years. We are very proud that we have been able to reach this milestone of 5,000 hours of community service. We thank you for your support of the PAL. We thank the Police Department, Officer Wilson and Coach Dave, who are awesome to work with. Most of all, we thank the young people. They come through for us and are great representatives

of the PAL and Port St. Lucie. Thank you." Councilwoman Berger stated, "I remember when this idea was just a twinkle in your eye. What an amazing amount of progress you have made on this. When it originally started you had three teenagers." Mr. Filipkowski remarked, "One of which is still with us." Councilwoman Berger said, "Amazing. You have grown, and done a great job of making sure that it is not only time spent together, but it is time becoming better citizens, and giving back to the community. You worked really hard, so thank you for everything that you do." Mr. Filipkowski commented, "We will see you again when we reach 10,000 community service hours."

Councilwoman Martin said, "On September 8, 2012, I will be dancing in my capacity as Councilwoman for the Port St. Lucie PAL. There are tickets available, so everyone come out. It is a great organization, and a worthy cause. You have seen the children's faces, so I invite you to come out and support this great cause."

b) PROCLAMATION - MARINE DEBRIS AWARENESS MONTH

The City Clerk read the Proclamation and Mayor Faiella presented the Proclamation to Captain Donald Voss, who said, "This is our 11th year in operation. We have removed over 300,000 pounds of debris from the river. It is still a little dirty, but we are doing the best that we can. Last week I was elected as National Oceana Ocean Hero of the Year, and I get to go to California. Thank you for your help in allowing me to go into your river to remove the debris." Councilman Kelly commented, "We are very proud of you." Captain Voss stated, "Thank you, but I couldn't do it without the 400 volunteer divers and boat owners."

6. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Councilman Kelly **moved** to approve the Agenda. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Agenda. The **motion passed unanimously** by roll call vote.

7. APPROVAL OF CONSENT AGENDA

a) APPROVAL OF MINUTES - MAY 21, JUNE 5, 18 AND 25, 2012

b) REISS ENGINEERING, INC., DESIGN AND CONSTRUCTION ENGINEERING INSPECTIONS OF THE REPLACEMENT OF CONCRETE PIPE AT THE PRINEVILLE REVERSE OSMOSIS WATER TREATMENT FACILITY, #20120068, \$15,710 WHICH INCLUDES A \$10 INDEMNIFICATION FEE, FUND 438-3310-5630, UTILITY SYSTEMS DEPARTMENT

c) **INTERCOUNTY ENGINEERING, INC.**, INSTALLATION OF INJECTION WELL PUMP NO. 5 AT WESTPORT WASTEWATER TREATMENT PLANT, #20120051, \$26,296, CONTRACT PERIOD IS 55 CALENDAR DAYS WITH NO OPTION FOR RENEWAL, FUND 438-3512-5630, UTILITY SYSTEMS DEPARTMENT

d) **BEACH ENVIRONMENTAL EXTERMINATING**, CONTRACT RENEWAL, TERMITE TREATMENT SERVICES FOR NEIGHBORHOOD STABILIZATION PROGRAM, #20100063, CONTRACT PERIOD IS 7/15/12 THROUGH 7/14/14, EXPENDITURE AS NEEDS ARISE, FUND 116-5500-5491, COMMUNITY SERVICES

e) **UNITY OF TITLE**, ROBERT L. WALDMAN AND DOLARINDA FADEL, TO COMBINE LOTS 30 AND 31, BLOCK 15, PORT ST. LUCIE SECTION 25, LEGAL DEPARTMENT

f) **INDIAN RIVER CRIME LABORATORY**, #95-31218, LABORATORY SERVICES AND EVIDENCE ANALYSIS FOR THE PERIOD JULY THROUGH SEPTEMBER, 2012, \$64,031.61, FUND 001-2105-5310, POLICE DEPARTMENT

g) **SERVICE KING, INC.**, AMENDMENT #21, ADDITION OR DELETION OF JANITORIAL SERVICES AT CITY LOCATIONS, #20010017, DECREASE IN CURRENT CONTRACT BY <\$3,297.24> PER MONTH, FUND 001-VARIOUS-5340, OMB

h) **DELL FINANCIAL SERVICES, L.L.C.**, THIRTY-SIX (36) MONTH LEASE FOR TEN (10) DELL LATITUDE E6420 XFR LAPTOPS FOR THE POLICE DEPARTMENT AND APPROVAL TO LEASE AN ADDITIONAL TEN (10) FOR FUTURE DURING FY 2012-13, #20110084, ANNUAL EXPENDITURE \$11,328.49, TOTAL LEASE AMOUNT \$33,985.47, FUND 001-2105-5443, POLICE DEPARTMENT

i) **ANDERSEN ANDRE CONSULTING ENGINEERS, INC.**, GEOTECHNICAL SERVICES FOR THE MARION AVENUE SIDEWALKS, #20120054, \$12,996, CONTRACT PERIOD IS 150 CALENDAR DAYS, FUND 304-4105-5630, ENGINEERING

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. The **motion passed unanimously** by roll call vote.

8. **SECOND READING, PUBLIC HEARING OF ORDINANCES**

There was nothing scheduled for this item.

9. **OTHER PUBLIC HEARINGS**

There was nothing scheduled for this item.

10. FIRST READING OF ORDINANCES

a) **ORDINANCE 12-35, PUBLIC HEARING,** AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE BY AMENDING POLICY 1.2.2.3 OF THE FUTURE LAND USE ELEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE. (P12-059)

The City Clerk read Ordinance 12-35 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 12-35. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-35. The **motion passed unanimously** by roll call vote.

b) **ORDINANCE 12-36,** PROVIDING FOR THE AMENDMENT OF SECTIONS 36.01 AND 61.13, PORT ST. LUCIE CITY CODE; ESTABLISHING A SERVICE CHARGE FOR THE COLLECTION OF RETURNED OR DISHONORED CHECKS; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-36 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-36. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-36. The **motion passed unanimously** by roll call vote.

c) **ORDINANCE 12-37,** PROVIDING FOR THE AMENDMENT OF SECTION 150.705 OF THE CITY CODE, PROVIDING FOR THE ADJUSTMENT OF ENGINEERING DEPARTMENT FEES; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-37 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-37. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-37. The **motion passed unanimously** by roll call vote.

d) **ORDINANCE 12-38,** PROVIDING FOR THE AMENDMENT OF SECTION 156.149, PORT ST. LUCIE CITY CODE; PROVIDING FOR THE REVISION OF MAINTENANCE OF IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-38 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 12-38. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-38. The **motion passed**

unanimously by roll call vote.

e) ORDINANCE 12-39, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING THE ZONING CODE SECTIONS §158.192; PROVIDING FOR CLARIFICATION IN THE PROCESS OF AMENDING CONCEPTUAL PLANS; §158.213, ALLOWING WIRELESS COMMUNICATION ANTENNAS AND TOWERS IN DESIGNATED PARK AND SCHOOL SITES WITHIN RESIDENTIAL LAND USE SUB-CATEGORIES FOR MPUD'S; AND §158.221 TO INCLUDE VEHICLE STACKING; PROVIDING AN EFFECTIVE DATE. (P11-146)

The City Clerk read Ordinance 12-39 aloud by title only. Mr. Holbrook said, "City staff has received correspondence from some of the residents in Tradition. They are making a suggested change to the proposed ordinance." (**Clerk's Note:** A letter was submitted to the City Council). Councilwoman Berger stated, "Thank you, Mr. Gilfillan, for making that information available. Good suggestion." Mr. Holbrook said, "The proposal is to include a notification requirement to the homeowners' associations when there is a change in the NCD/MPUD areas. City staff is okay with that, and most of the time it would occur. Typically, homeowners' associations own common property, which is noticed. This just gives the guarantee that it will occur."

LOUISE MARSHALL, resident, asked, "Does this mean that the public will not have any input on the towers in school areas and public parks? Will there be another meeting with public input?" Mr. Holbrook replied, "This proposed ordinance is changing the Telecommunications Section of the Zoning Code. It will still require a special exception use application, which is already in place now. It requires anyone who wants to propose a tower has to submit the application, address the criteria, and go through the public hearing requirements. It is already outlined in the Tradition MPUD, which has been approved by ordinance. This proposal is to make sure the language is consistent between the Zoning Code, as well as the Tradition MPUD." Ms. Marshall questioned, "Was this brought forward by Tradition?" Mr. Holbrook answered, "It was brought forward by City Staff after we had discussions with Tradition. We were discussing one of their sites when we realized there was a section of the Code and the MPUD Ordinance that we wanted to make sure were on the same page." Ms. Marshall said, "I am asking to table this until I get some information that I feel comfortable with. There was just a report out by the American Academy of Environmental Medicine from Columbia University of New York on July 12, 2012, which indicated there is a big problem with the electric magnetic fields and our children being affected by them; not only children, but people with neurological, pregnancy, or anyone who has tourette's or heart defibrillators. There is a big problem

with it. You as Council members, before you make this decision to put these towers in our parks on our school grounds, need to be aware of what is out there. I'm asking for you to table this until I can get a packet to you this week on the information that I have."

Councilwoman Berger said, "We legally can't deny a cell tower when it is in reference to health issues. We have seen packets like what you are going to provide, and we just legally can't even talk about it when we do approvals. Any cell tower that goes to the School Board would give you an opportunity to speak to the School Board. This is really just some housekeeping on this ordinance." Ms. Marshall asked, "Why do you need a special exception for it then?" Councilwoman Berger replied, "That way they have to come before us to get approval. If not, we wouldn't have an opportunity to look at every detail, like if it is not consistent with the neighborhood or it doesn't work for the height." Ms. Marshall inquired, "What about the health concerns?" Councilwoman Berger responded, "It is bigger than us, unfortunately." The City Attorney said, "This is the first reading. It has to come back for a second reading with a Public Hearing." Ms. Marshall stated, "I still plan on getting a packet to each of you. Thank you."

STEVE CARROLL, resident, said, "I am opposed to cell towers in school zones due to a situation called flashover. It is when an electrical shock hits your skin and runs down your arm. We are in the lightning capital of the world. When it hits one of these towers, you can get flashover. If the strike is heavy enough, it can run under the ground for up to 500 or 600 feet. It can kill you if you are in the way. There are two articles that I will leave for you on it. (**Clerk's Note:** The articles were submitted to the City Council). The ordinance should indicate that one of the parking spaces should be a van-accessible space for handicapped use, which is in the 2012 law. If you are going to share parking lots, it is a sticky situation depending on the businesses. You will probably have to take it case by case, but the one space is federal law, and you can't get around it. You need to improve it, as they need to be van accessible. We can do something about it. You can vote no. Thank you."

MARCELLA HUBBARD, resident, said, "I'm concerned about putting cell towers on school property and parks. I have been reading about how they are dangerous. It will interfere with the electronic device that I use for pain, as it will omit radio waves. There is a school in my backyard that you allowed to be built on 5 acres that should have been built on 15 acres. Now you are thinking of bombarding it by putting cell towers on it. When a cell tower is built, it should have a buffer zone and

certain fences. I hope you do not do away with those measures. I don't want a cell tower on school property. We should protect our children and take care of them. You built the school and you didn't even put a sidewalk in. You don't care, because it is three years later and they still don't have a sidewalk or a bike path. They have to dodge cars to get to school, and now you are thinking of putting a cell tower on school property when you know that it can cause cancer. There are so many health problems that are listed with cell towers. **(Clerk's Note:** Information was submitted regarding the cell towers). A news release from the Los Angeles Board of Education indicates that they voted to prohibit cell phone towers near schools. At least somebody cares about the kids. I would hope that you would too. Thank you."

Councilman Kelly stated, "We are not allowed to deny cell towers, per the Federal government. We were told by the Federal government that we can't do that. If we didn't allow it because of health hazards, we would get a lawsuit. We would lose, because the Federal government says you can't do that. We are not allowing a cell tower at the school. We are allowing staff to make requirements where people can apply for a special exception for it. It is school property, and they have to go before the School Board to put the tower in. If they decide to do it, then they have to come to us again. They have to come back two more times to do it, if the School Board allows it. Tonight we are not allowing a cell tower to be put at that school. All we are doing is saying they can apply for a special exception."

Councilwoman Berger **moved** to approve Ordinance 12-39. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-39. The **motion passed unanimously** by roll call vote.

f) ORDINANCE 12-40, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND THE BOYS AND GIRLS CLUB OF ST. LUCIE COUNTY, INC. FOR THE PROPERTY LOCATED AT 2000 SE VILLAGE GREEN DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-40 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 12-40. Councilwoman Martin **seconded** the motion, and said, "I want to disclose that I am on the Board of the Boys and Girls Club of St. Lucie County." Councilman Kelly stated, "So am I, Madam Mayor." The City Clerk restated the motion as follows: for approval of Ordinance 12-40. The **motion passed unanimously** by roll call vote.

g) ORDINANCE 12-41, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A SITE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND DYNAMIC TOWERS INC; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-41 aloud by title only. Vice Mayor Bartz **moved** to approve Ordinance 12-41. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-41. The **motion passed unanimously** by roll call vote.

h) ORDINANCE 12-42, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A SITE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND DYNAMIC TOWERS INC; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-42 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 12-42. Vice Mayor Bartz **seconded** the motion. Councilman Kelly said, "This is a cell tower at our Prineville Utility Plant. It is not in a residential section." The City Clerk restated the motion as follows: for approval of Ordinance 12-42. The **motion passed unanimously** by roll call vote.

11. RESOLUTIONS

a) RESOLUTION 12-R73, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) 14 TO ALLOW A DRIVE-THROUGH SERVICE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR THE PROPOSED SHAMROCK PLAZA, LEGALLY DESCRIBED AS LOTS 1, 2, 25 AND 26, BLOCK 2283, PORT ST. LUCIE SECTION 33 (P12-037); PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R73 aloud by title only. Mayor Faiella opened the Public Hearing.

DAVID PHILLIPS, Sustainable Engineering Design, said, "We are the civil engineers on the project. I am here to answer any questions that you or the residents may have. Thank you."

MARCELLA HUBBARD, resident, said, "I oppose the special exception for the drive-through. The plat plan indicates that there is an entrance and an exit on Port St. Lucie Boulevard. When you come out of the shopping center, you can only make a right. You also have an entrance and an exit on Yamada Drive. You do not have a left-turn from Yamada Drive to Port St. Lucie Boulevard, or from the entrance and exit from Port St. Lucie Boulevard. Neither one of them can turn left. The drive-through will cause a lot of traffic, and generate a lot of trash. There

is one road, and it will create a lot of traffic down Yamada Drive in front of the school. I am opposed to it. Thank you." Mr. Phillips stated, "We are only allowed a right onto Port St. Lucie Boulevard. The future plans for Port St. Lucie Boulevard will be a full median section. Therefore, no left turn will be allowed. For the other exit on Yamada, it was intended for the traffic to exit off of Yamada, and ultimately end up on Port St. Lucie Boulevard, which is a heavier roadway to keep the traffic off of Yamada." Councilman Kelly asked, "What type of drive-through is it for?" Mr. Phillips replied, "We are not sure yet. The goal is a Dunkin Doughnuts or a Starbucks." Councilwoman Martin inquired, "Do you realize that Yamada is backed up during the school year for the charter school?" Mr. Phillips replied in the affirmative and explained, "That is why we located both of the entrances close to Port St. Lucie Boulevard. The traffic won't connect off of Yamada." Councilwoman Martin clarified, "You don't foresee Yamada being used by people trying to go around, or go out the opposite way down Gig." Mr. Phillips said, "This is our fifth plan. We have our Site Plan coming up, and ran it concurrently with the special exception. The original plan had a secondary access directly to Yamada, but it was eliminated. Both driveways are on Port St. Lucie Boulevard, or at Yamada and the intersection of Port St. Lucie Boulevard." Councilman Kelly pointed out, "A Dunkin Doughnuts would back up like it does across from City Hall on Port St. Lucie Boulevard."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to deny Resolution 12-R73 for compatibility issues. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: to deny Resolution 12-R73 for compatibility issues. The **motion passed unanimously** by roll call vote.

b) RESOLUTION 12-R74, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) 12 TO ALLOW A RETAIL CONVENIENCE STORE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR THE PROPOSED SHAMROCK PLAZA, LEGALLY DESCRIBED AS LOTS 1, 2, 25 AND 26, BLOCK 2283, PORT ST. LUCIE SECTION 33 (P12-056); PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R74 aloud by title only. Mayor Faiella opened the Public Hearing.

MARCELLA HUBBARD, resident, said, "I have a couple of letters from my neighbors that I would like to read into the record. 'This is to notify the parties involved of my objection to the proposed special exception for the drive-through convenience store of the Site Plan, from Hayden Gurroz, 4444 Yamada Drive.' The other letter that I have is from Michael Woodsize that says,

'I live at 4401 SW Yamada Drive, and after looking at the plans for the parking lot for the Shamrock Plaza, I have concerns that there is a drive-through with two exits with one on Port St. Lucie Boulevard with no left turn.' He also objects. I spoke to Steven Rudolph, whose property backs up to this property. He was under the impression that when he bought the property that it would be used for a professional plaza. It is not compatible with what they were planning on putting there, which was professional offices. If you put in a convenience store there will be a lot of in and out, as opposed to someone who would visit a doctor. Thank you."

DAVID PHILLIPS, Sustainable Engineering, said, "This project is in a Conversion Zone. It is zoned General Commercial. We have tried to design the project to be compatible with the surrounding uses. We feel it is consistent with the surrounding intent of the Conversion Zone criteria that was initially developed with the City." Councilman Kelly stated, "I am happy to see a special exception for a convenience store, which may be an asset to the neighborhood. It makes it more sustainable for the neighborhood." Councilwoman Martin stated, "I don't have a problem supporting the convenience store."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Resolution 12-R74. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R74. The **motion passed** by roll call vote with Mayor Faiella, Councilman Kelly, and Councilwoman Martin voting in favor, and Vice Mayor Bartz and Councilwoman Berger voting against.

c) RESOLUTION 12-R75, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) 6 TO ALLOW A CAR WASH FACILITY IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT THE SAM'S CLUB SITE, FOR PNC BANK, LEGALLY DESCRIBED AS TRACT 1, LENNARD SQUARE (P12-066); PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R75 aloud by title only. Mayor Faiella opened the Public Hearing.

MICHAEL O'HARE, Ponaco, Inc., said, "This request comes to you with a unanimous approval of the Planning and Zoning Board, and after a rigorous examination by your staff. We are here to answer any questions you might have."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Resolution 12-R75. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R75. The

motion passed unanimously by roll call vote.

d) RESOLUTION 12-R76, PUBLIC HEARING, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE ST. LUCIE WEST APPLICATION FOR DEVELOPMENT APPROVAL, A DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS A DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW INCLUDING MODIFICATIONS TO CERTAIN CONDITIONS OF SAID DEVELOPMENT ORDER; AND PROVIDING FOR AN EFFECTIVE DATE. (P12-058)

The City Clerk read Resolution 12-R76 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-R76. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R76. The **motion passed unanimously** by roll call vote.

e) RESOLUTION 12-R77, 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 PROPERTY SHOULD BE FOUND A PUBLIC NUISANCE; PROVIDING NOTICE TO THE OWNERS AND MORTGAGEE(S) OF THE PROPERTY OF SAID HEARING DATE; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R77 aloud by title only.

Nuisance Abatement Program Coordinator Veltre said, "A Code compliance case was opened against the property on 3013 SE Wake Road. We brought the property to the Special Magistrate, and there is an active lien on the property. The property is abandoned. The Code Compliance Division originally found violations of high grass and weeds in excess of 12 inches, open storage, and an unsecured and unmaintained swimming pool. We have attempted to have the owner comply voluntarily to bring the property into compliance, but there has been no contact with the property owner. We temporarily secured the pool with an orange mesh construction fence. It does not meet the requirements set forth in the Florida Building Code for a child safety barrier. The Building Department completed an assessment on the property to determine what is needed to bring the property into compliance. The screen enclosure has been damaged, and the pool is unsecured. In the best interest of health, safety, and welfare of the surrounding community, staff is recommending that the screen enclosure be removed and the pool be covered with an approved child safety barrier, per the Florida Building Code." Ms. Beskovoyne stated, "The packets show the pictures. The

screen enclosure looks like somebody drove a truck through the side of it. The pool is not covered." Vice Mayor Bartz pointed out, "Some of these pictures look like the pool is empty." Ms. Beskovoyne clarified, "It is not empty." Vice Mayor Bartz asked, "How fast can we have something covering the pool?" Ms. Beskovoyne replied, "We come back to you one more time, and then we can order the cover." Nuisance Abatement Program Coordinator Veltre advised, "There is a vacant lot to the right of the property." The City Manager clarified, "There is orange construction mesh there." Nuisance Abatement Program Coordinator Veltre replied in the affirmative and said, "It is flagged, and it is obvious that it is an issue. It is not totally wide open. You would have to walk through the construction fence." Vice Mayor Bartz stated, "A child can find that rather inviting, and that is my concern."

Councilman Kelly **moved** to approve Resolution 12-R77. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R77. The **motion passed unanimously** by roll call vote.

f) RESOLUTION 12-R78, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN PORT ST. LUCIE, FLORIDA; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R78 aloud by title only.

JOSEPH PATRONIE, resident, inquired, "Is this all of the waste that goes into the receptacles, and is picked up by Waste Pro?" Mayor Faiella replied in the affirmative. Mr. Patronie said, "Every week we only have a half of a can of waste, as everything else goes into recycling. We might be able to reduce it down to one pick up per week to cut the solid waste bill in half."

KURT HOYER, resident, said, "This is a \$17 million contract. How does that compare with the previous contract with Waste Pro? Has it increased, and if it has, by how much?" Councilwoman Martin responded, "It is a \$5.74 increase per year." Mr. Hoyer stated, "That is a modest increase. My big objection is that I do not think we should be billed for services that we have not received. I have no choice if Waste Pro does a crappy job, because I've already paid the \$200 assessment. Why can't we go back to being billed quarterly like it used to be? I would prefer to be billed \$60 every quarter. We need to have trash

removal, and they have done a good job. I resent the fact that I have to pay for their service a year ahead of time. Some of us don't have a lot of money lying around. I have to come up with money to pay my property tax, even though it is not very high right now. Now I have to come up with an extra \$274, which is a little much." Councilman Kelly explained, "When we put it on the tax roll, it was a \$7 to \$8 per month savings by doing it. The other bidder, Waste Management, was 35% higher. We received more services. They are allowed to have a COLA increase every year, but haven't had an increase since 2008." Mr. Hoyer said, "My understanding is that they were having a problem at one time trying to collect from some individuals, so we pay in advance now. They have their money in their pocket. I would prefer to pay as I go."

CHRISTOPHER GILFILLAN, resident, said, "The reality is that we are going to have a Budget Retreat where we are decreasing taxes. This assessment is going up, and we have a raise in fees for water and sewer. We are all in the same position; whether it is taxes, assessments, or fees, our taxes are going up. The increase is 7% this year. This is the only place where I've lived where we put our recycling bins out so often. We also have trash pickup twice a week. What do the City facilities do for recycling? I don't know what the commercial places do for recycling. I don't see the City areas doing a good job recycling. I volunteered for a year at the golf course. Every day I had to throw bottles and cans in the trash, because there were no recycling bins. We need to do a better job of handling our trash before we run into a situation where we have landfill problems. We need to look at commercial recycling as much as residential recycling, so that we are all doing our part."

MYNETTE COLON, resident, said, "Since 2008, they were going to raise our assessments." Councilman Kelly stated, "They have the right to charge for the COLA every year, but they did not do that." Ms. Colon said, "My recycling bins are so small that they are filled up quickly. Other cities have large recycle bins, depending on the amount of people in the household. Maybe we can talk to them about something like that."

Vice Mayor Bartz said, "I want to address Mr. Patronie, and the recycling. We do recycle, and promote it heavily. We get a rebate from Waste Pro for our recycling. I always encourage recycling, because it comes back to the City. I have mentioned several times in the past that we need to have more recycling containers, especially when we are doing outdoor events at the Civic Center. If we are not doing a good job on that, then we need to continue and work better. The recycling money comes back to the City, so it is a win, win situation. As far as the tax

bill, it was another way that they were able to lower the cost of picking up trash. We have to pick up the trash twice a week because of the heat. Letting the garbage sit during the summer months could be atrocious for all of us. We have to look at the overall community needs. They haven't had an increase since 2008, and it is now 2012. They had the ability to raise it every year, but they have not done that. I certainly appreciate it, because it helps our residents. If there is a problem with the garbage service, then call us. When somebody calls, we are on the phone taking care of it immediately. Please don't hesitate to call us. Thank you."

Councilwoman Berger said, "I agree. We need to do a better job recycling. Parks and Recreation is doing a great job trying to create new canisters and new opportunities for recycling. As the Code Compliance Division picks up litter around the City, they have recycling bins in the back of their trucks. Each department is getting better at it. We have a long way to go, but we are making some strides on it. We have a litter commercial that Councilman Kelly participated in that runs at the Mets game quite often regarding recycling. We are doing a lot to try to get that message out. Ms. Colon, if you call Waste Pro directly, you can get the bins in a larger size. You just have to purchase them directly from Waste Pro." Councilman Kelly stated, "The recycling money goes to Keep Port St. Lucie Beautiful for grants."

Councilwoman Berger **moved** to approve Resolution 12-R78. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R78. The **motion passed unanimously** by roll call vote. The City Attorney advised, "This comes back for a final Public Hearing on August 13, 2012."

g) RESOLUTION 12-R79, RELATING TO RESIDENTIAL STREET LIGHTING WITHIN THE RESIDENTIAL STREET LIGHTING ASSESSMENTS AREAS IN PORT ST. LUCIE, FLORIDA; ESTABLISHING THE ASSESSMENT RATE FOR RESIDENTIAL STREET LIGHTING SERVICES AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R79 aloud by title only. Councilwoman Berger **moved** to approve Resolution 12-R79. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R79. The **motion passed unanimously** by roll call vote.

h) RESOLUTION 12-R80, DECLARING A PUBLIC NUISANCE AT 1254 SE NANCY LANE, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R80 aloud by title only.

Nuisance Abatement Program Coordinator Veltre said, "A Code compliance case was opened against the property located at 1254 Nancy Lane on April 18, 2011. We brought the property through the Special Magistrate process. There is an active lien on the property. The property is vacant and abandoned, and there are no foreclosure proceedings filed against the property. The Code Compliance Division originally found violations of high grass and weeds in excess of 12 inches, soffits were damaged and are in need of repair, a fence in need of repair, and an unmaintained and unsecured swimming pool without an approved child safety barrier. Upon further inspection, we found additional violations of a roof in need of repair or replacement, and a non-permitted addition to the structure. We have attempted to compel the owner to voluntarily bring the property into compliance, but there has been no contact with the owner of the property. The pool is being temporarily secured with a cage. However, the cage does not meet the requirements set forth in the Florida Building Code for a child safety barrier. In the interest of the public's health, safety, and welfare, we have secured the structure, and maintained the grass. The Building Department has completed an assessment on the property to determine what is needed to bring the property into compliance. The following violations were noted: The rear patio was enclosed using substandard methods without a permit; the rear patio elevation is the same as the elevation of the exterior slab, causing significant water damage to the interior; there are obvious signs of mold growth throughout the structure; the roof of the addition is severely damaged; the exterior wall against the pool deck is crumbling from exposure to the moisture; the laundry room is located in the garage, and appears to have been moved to another wall of the garage; it is unknown if plumbing or electric meets the Code; the exterior roof has obvious signs of failure throughout the interior of the house; the air conditioning system has been removed by unknown persons; the in-ground swimming pool may have structural issues, as well as electrical issues; the pool water level is only halfway up, which leads us to believe a leak exists, since we have had heavy rain recently; the electric pump is missing parts and falling apart, and wires are now exposed. The pool is covered with a substandard wood frame cover that does not meet the Code. The

house electric is cut at the meter can, and live wires were exposed. We called FP&L, and had the power cut at the electric mass for safety concerns. Unknown people have cut into almost every electrical wall switch, outlet, and other electrical systems to strip the house of the wiring. Unknown persons have punched holes in almost every wall, and ripped down the ceilings in most of the rooms. It is assumed it was for the same intent of stripping the house of the wiring. The house was originally a wood frame 3-bedroom, 1-bath home, with a 1-car garage built in 1984. Staff is recommending demolition for the violations listed above, and in the best interest for the health, safety, and welfare of the surrounding community."

Councilwoman Martin **moved** to approve Resolution 12-R80. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R80. The **motion passed unanimously** by roll call vote.

i) RESOLUTION 12-R81, DECLARING A PUBLIC NUISANCE AT 1698 SE BURGUNDY LANE, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R81 aloud by title only. Councilwoman Berger **moved** to approve Resolution 12-R81. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R81. The **motion passed unanimously** by roll call vote.

j) RESOLUTION 12-R82, DECLARING A PUBLIC NUISANCE AT 1450 SE VESTHAVEN CIRCLE, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R82 aloud by title only. Vice Mayor Bartz **moved** to approve Resolution 12-R82. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R82. The **motion passed unanimously** by roll call vote.

k) RESOLUTION 12-R83, DECLARING A PUBLIC NUISANCE AT 1997 SE BOLTON AVENUE, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE

PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R83 aloud by title only.

Nuisance Abatement Program Coordinator Veltre said, "A Code compliance case was opened against the property located at 1997 SE Bolton Avenue. We brought the property through the Special Magistrate process, and there is an active lien on the property. The property is abandoned, and there is a foreclosure proceeding filed against the property. The Code Compliance Division originally found violations of high grass and weeds in excess of 12 inches, and an unmaintained swimming pool with water green in color. Upon further inspection, we found additional violations of an unsecured pool without an approved child safety barrier, per the Florida Building Code, a broken window that has been boarded up, and a fence in need of repair. We have attempted to compel the owner to voluntarily bring the property into compliance, but there has been no contact with the owner of the property. The pool has been temporarily secured with a cage. However, that cage does not meet the requirements set forth in the Florida Building Code for a child safety barrier. In the interest of the public's health, safety, and welfare, we have been maintaining the grass on the property and have trimmed back the severe overgrowth. The Building Department completed an assessment on the property to determine what is needed to bring the property into compliance. The fence is in disrepair, and the pool is unsecure. In the best interest of the health, safety, and welfare of the surrounding community staff is recommending that the fence be repaired, and the pool be covered with an approved child safety barrier, per the Florida Building Code."

Councilman Kelly **moved** to approve Resolution 12-R83. Vice Mayor Bartz **seconded** the motion, and clarified, "Most of these pools we are covering." Ms. Beskovoyne advised, "We aren't covering them. The bank is covering them." The City Clerk restated the motion as follows: for approval of Resolution 12-R83. The **motion passed unanimously** by roll call vote.

12. UNFINISHED BUSINESS

There was nothing scheduled for this item.

13. NEW BUSINESS

a) **MINOR SITE PLAN, SHAMROCK PLAZA P12-038**, LOCATED WEST OF SW PORT ST. LUCIE BOULEVARD, NORTH AND EAST OF SW YAMADA DRIVE, CONSTRUCTION OF A 6,780 SQ FT RETAIL BUILDING WITH A CONVENIENCE STORE ON THE NORTH SIDE OF THE BUILDING AND A DRIVE THROUGH WINDOW ON THE SOUTH SIDE OF THE BUILDING, AZZI PLUS,

LLC, PLANNING AND ZONING

Mr. Holbrook said, "I recommend that this be tabled to allow the applicant to revise the Site Plan, so that they can remove the drive-through as requested, as it was denied by the City Council." Mayor Faiella clarified, "You want this tabled." Mr. Holbrook replied in the affirmative.

Councilwoman Berger **moved** to table Item 13 a) to the next City Council meeting. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: to table Item 13 a) to the next City Council meeting. The **motion passed unanimously** by roll call vote.

b) KAST CONSTRUCTION III, LLC, CONSTRUCTION OF THE RAVENSWOOD COMMUNITY CENTER PROJECT, CHANGE ORDER #1, CHANGES IN THE CIVIL DESIGN, \$10,993, NO ADDITIONAL CALENDAR DAYS, CHANGE ORDER #2, PROVIDES DEMOBILIZATION AND SERVICES TO SEED AND MULCH SITE FOR PROJECT CLOSE OUT, \$76,135, NO ADDITIONAL CALENDAR DAYS, TOTAL COST \$87,128 FOR A NEW CONTRACT TOTAL OF \$5,096,640, #20110108, FUND 307-7203-5620, PARKS AND RECREATION

The City Manager said, "These proposed change orders would wrap up the Ravenswood project, and allow for the property to be graded, and utilities to be stubbed out. The property will then have sod, so that we do not have a road on it. Staff recommends approval."

Councilwoman Martin **moved** to approve Item 13 b). Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 b). The **motion passed unanimously** by roll call vote.

c) SITE CREATIONS, LLC, FOR GOOD CAUSE SHOWN, CHAPTER 35.04(C), PURCHASE AND INSTALL SYNTHETIC TURF FOR THE CIVIC CENTER, #20120073, \$42,677.45, FUND 001-7501-5340, PARKS AND RECREATION

The City Manager stated, "At the Village Square in front of the Civic Center at City Center, we have turf that you would find at a golf course. It is in the middle of the plaza, and looks beautiful a lot of the time. After many events that we have had, it has gotten pretty run down with potholes. We spend a lot of time and effort maintaining that sod. We would like to try synthetic turf. A number of public plazas have tried it, including the University of Central Florida. Their main campus has it in front of their auditorium, as well as Universal Studios in front of their large amphitheater. Staff recommends approval of entering into this contract to install synthetic

turf in the amount of \$42,677.45." Councilman Kelly stated, "This will save us a lot of money in the long run, and said, "I **move** to approve Item 13 c)." Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 c). The **motion passed unanimously** by roll call vote.

d) CAPTEC ENGINEERING, INC., CONSTRUCTION AND ENGINEERING INSPECTION SERVICES FOR THE MARION AVENUE SIDEWALKS, #20120052, \$94,635, CONTRACT PERIOD IS 192 CALENDAR DAYS, FUND 304-4105-5630, ENGINEERING

The City Manager said, "As you know, the Marion Avenue sidewalks have been up for a number of items. This is the one that allows for Captec to complete the CEI in the amount of \$94,635. Staff recommends approval."

Councilwoman Berger **moved** to approve Item 13 d). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote.

e) ARAZOZA BROTHERS CORPORATION, & NATURE'S KEEPER, INC., COMMERCIAL LANDSCAPING SERVICES ON AN AS NEEDED BASIS, #20120040, CONTRACT PERIOD IS FOR 24 MONTHS WITH AN OPTION TO RENEW FOR AN ADDITIONAL 24 MONTH PERIOD, EXPENDITURES AS BUDGET ALLOWS, FUND 104/401-4127-5341, ENGINEERING

The City Manager said, "From time to time trees get struck by lightning, and we have to replace them. This contract allows us to utilize both Nature's Keeper and Arazoza Brothers. When a bid is up, we would rebid both firms. Staff recommends approval. This basically puts them on the Master Contract List for commercial landscaping services."

Councilwoman Berger **moved** to approve Item 13 e). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 e). The **motion passed unanimously** by roll call vote.

ADDENDUM ITEM

f) REQUEST OF THE CITY COUNCIL TO SUPPORT A PUBLIC CENSURE OF MAYOR JOANN FAIELLA, COUNCILWOMAN BERGER

Councilwoman Berger said, "Vice Mayor Bartz and Council, you received my memo basically outlining my position. I am asking for sanctions against Mayor Faiella in reference to the emails that were read into the Public to be Heard portion of the last

City Council meeting on July 9, 2012. Those emails are uncomfortable, gossip possibly, and possibly even an attempt to conspire. These are not the actions that can be condoned from a legislative leader, our Mayor of our City. Implementing this public reprimand must be done to strengthen the faith and confidence of the people in their government, and to uphold our City rules, the Charter, and the State Ethics. The actions of one will not define the entire legislative body, the organization, or the City as a whole. I have given you the references, so you can look at the Charter, our rules, and the state statute. As public officials elected in the City of Port St. Lucie, we have each raised our hands and sworn to uphold our State Constitution. We do not have the luxury to look the other way, or watch this exhibition as though we sit in the audience. We have a professional duty to act swiftly and concisely without excessive conversation to dilute this issue. If it is done appropriately and is approached with grace and ease, it will provide the opportunity for Mayor Faiella to accept the consequence of the email exchange with grace in a dignified manner. I think it is our duty as the City Council to administer discipline for this particular exchange of emails. Thank you."

STEVE CARROLL, resident, said, "I'm glad you brought up the email exchanges, because you have only heard one side. I have two emails that I want to read into the record that come from the other side that will show you exactly what kind of person that you are dealing with. The first one is from April 7, 2012, at 9:34 p.m., from Victoria Huggins to Mayor Faiella. It says, 'She doesn't like me. I'm hurt (Oh). Roger is telling you to watch your back, but don't worry, I got your back. Throwing one dirty mayor under the train was enough for a lifetime. LOL.' The second one comes out eight minutes later at 9:45 p.m. from Victoria Huggins to Mayor Faiella, which says, 'No, I didn't tell anyone. Could it possibly be that Sharon Kelly is the leak? I know that when we all had dinner she was talking about your Talli trip, and I told her that I had not talked to you yet, even though I had. She consistently talks with the Minsky's. The Minsky's are on Roger Orr's Facebook friends. Whatever you tell me stays with me and/or Bonnie and sometimes Rick. Trust me it is safer that way. I don't share things too well. I don't because I have to be absolutely certain I have all of my ducks in a row. Occasionally, I will throw out things in direct opposition to what I know to see what comes back. You would be surprised that usually confirmation about what I know is given back. It is the old act dumb down. I don't tell anyone. I don't trust very many people. You are an exception to the rule. I believe you want to do what is best for the City, the same as me. I'm going to send Jack Kelly an apology. I heard through the grapevine that I did not talk to you Monday at Lowe's. We will

see what comes back.' Facts are facts. I went to the hearing last week on the lawsuit regarding Mayor Faiella and D'Agostino. I sat there for an hour and a half at a 15 minute hearing, because they replayed everything that has taken place. There were 26 depositions, and they haven't laid a glove on the Mayor yet. The plaintiff and the writing expert haven't been deposed in two years, even though the expert has come to a conclusion. That is because the plaintiff won't let him be deposed. We are not stalling it. It is stalling from the other side. I also heard that the letter was lost, but that turned out to be a lie. Mr. Rubin waived around the emails like they were sanctimonious. This case has no proof. Mr. D'Agostino has had in excess of 20 lawsuits filed." Councilwoman Berger interjected, "Madam Mayor. I'm calling this to order. The point of view is in reference to this particular issue, and not to start talking about other people." Mr. Carroll stated, "You raised all of these issues. I'm just answering them." Councilwoman Berger clarified, "I actually did not."

Mr. Carroll said, "You talk about the Mayor having brought disgrace onto our City because of this lawsuit, but there is no evidence to show that she has done anything like that. There is no evidence, Councilwoman Berger, that you have brought forward yourself that shows that she violated anything." Mayor Faiella stated, "Mr. Carroll, I understand where you are going. I appreciate it, but two wrongs don't make a right." Mr. Carroll pointed out, "The truth will prevail." Mayor Faiella remarked, "Eventually, yes." Mr. Carroll stated, "Out of these emails, with the exception of the two on the end of the dais, the seven in the middle; every one of you has something that can be brought up, every single one of you." Mayor Faiella commented, "I respect what you are trying to do." Mr. Carroll said, "I'm dealing in facts here. I'm not dealing in emotions, accusations, or innuendoes, and that is all that we have heard. This motion for censure is bogus. Throw the first stone, you up there that have no sin. Let's knock this nonsense off. All that you are trying to do is make the Mayor look bad, and trying to ruin the case. You are not going to succeed. If you want me to start bringing out everything that everyone else has done, I'll be more than happy to." Mayor Faiella stated, "Thank you. I appreciate it, but it is about me. I have to take responsibility for my actions." Mr. Carroll said, "I didn't say your actions were great. They were stupid. When a political stunt is pulled over someone's stupidity, I have to stand up and object to it. That is all that this is. It is a political stunt."

BERT SHADOWEN, resident, said, "I have been a Port St. Lucie resident since 1974. I ran a real estate company for 27 years. I am here to speak on behalf of Mayor Faiella. These emails came

out in April of 2011, and Mayor Faiella had been in office for three and a half months. This is July of 2012, which is 14 months later. In the last 14 months, Mayor Faiella has probably learned a whole heck of a lot about the running of the City and the City Council. Running a City or being on the City Council is entry level politics. When you have a population of 166,000 it gets a little bit more serious. The qualifications for running for City Council are that you don't have to have any government experience. You don't even have to serve on any government committees or commissions. You all came from private and small businesses, working for somebody else, or self-employed. I don't think you had any idea of what was going to be required of you the first three months on the job. There have been a lot of mistakes made by a lot of people. Mayor Faiella made bad judgments in the form of sending out emails. That came back to haunt her. Now we have a censure motion, and I just wonder if it is political or personal. Mayor Faiella seems to have a problem with the City Attorney. I don't think it is over issues. I think it is personal. Councilwoman Berger appears to have a problem with the Mayor, and I never heard any valid issues brought up. It appears to be personal. I've heard it over and over for a year and a half. It is almost like a vendetta. It doesn't advance the City or its reputation or our chances for a future. It is personal, and it is backbiting. It doesn't do any good if it is personal, so I suggest if you vote to censure the Mayor, that the City Council entertain a motion from anyone that is willing to make it and support that motion, to censure Councilwoman Berger. I believe the agenda that is being advanced here doesn't do us any good. Both of them are equally guilty. I can only believe what the paper says, and what witnesses say that the Mayor did. I have watched Councilwoman Berger attack the Mayor since day one. I encourage you to consider a censure. I attended the City workshop and the staff did an amazing job, as they always do. The City is moving forward, and the economics are leveling out. We may even have a chance for more advancement in the near future than we have had before. It has been tough over the last four or five years, and we know it. You have a team. It is called Team Port St. Lucie. We love you right up until the time you make a mistake. I would really like you to stand up and be responsible for what has gone down, get it over with, move on, and be a team." Councilwoman Berger inquired, "For a full disclosure, can you say what your role was in the Redistricting Committee?" Mr. Shadowen responded, "I was the Vice Chairman of the Redistricting Committee."

HARRY BROCKETT, resident, said, "We have lived here 31 years. The City of Port St. Lucie is called the City of Light. I am here in support of Mayor Faiella, and I'm against the censure. I would like to reiterate that we are taxpayers, and we pay your

salaries. I am a Christian, and I am proud of it. God will bring light into this City if you allow him to. He can bring light into this mess if you pray. Thank you."

JOSEPH PATRONIE, resident, said, "What is wrong with this issue is an absence of Christian forgiveness in this motion. I have three recommendations for your consideration that might help rectify the issue for the City. The first is to please consider placing the City Attorney and Captain D'Agostino under polygraph surveillance. Secondly, I recommend for the duration of your term in office, you get a search warrant and have the City Attorney's phones monitored to see where his calls are made." Vice Mayor Bartz interjected, "Madam Mayor, this is not on target." Mr. Patronie stated, "I recommend that the City Clerk summarize all of your personal achievements over the last 17 months."

Mayor Faiella said, "I have been in office almost two years. It has been quite an experience. When I decided to run in 2010, I wanted to make a change, and move forward with the City of Port St. Lucie. There has been a lot of controversy. I don't know if it is because I came from the Port St. Lucie Police Department, but there have been a lot of things thrown at me. One of the things that I learned is how to channel my frustrations on people coming after me. That is one of the lessons that I had to learn dearly. I'm not blaming anybody, no resident, no computers, no nothing. I'm taking full responsibility for what happened. Nobody put a gun to my head, nobody said anything. It was me, and it has been a learning curve for me. I respect and love the City of Port St. Lucie. I would never hurt a fly. Roger, I would never ever in my heart . . . and you are like a father to the City Council. My words were taken out of context. I have learned from this experience. I really have. I know I have to make it up to the people of Port St. Lucie, especially the Council. I hope we can move forward."

Councilwoman Berger said, "Madam Mayor, with great discernment I walked into this meeting today knowing that I have balanced what I need to balance, knowing that I have prayed on this, and knowing what my answer to this is. I **move** to censure Mayor Faiella for the specific emails read into the public record on July 9, 2012." Vice Mayor Bartz **seconded** the motion. Councilman Kelly said, "I have avoided this entire thing as much as I can, but I can't anymore. We have so much going on in the City. I want to get onto the real business. We had a great Retreat, so I want to put this behind us and get going. When somebody throws a big ball of mud at anybody up here, it splatters on everybody else. The Mayor has apologized in a letter of apology. However Mayor, I think you should have sent the letter to the Council. I

read it in the paper, and I know that you don't like to read things in the newspaper either. I don't care who wrote it, you represent those words. In that letter, you do admit that you are not blaming anybody else, and are accepting responsibility for what you did. I respect that. A censure is a very serious thing. However, you did send the email, and there is a big difference between conspiring against somebody and doing it. If you did it, it would be a whole different thing. You did say it. It is conduct that is unbecoming of the City Council. Nobody is without sin, but you admitted that you said it, you apologized for it, and you want to move on. You said you would take responsibility and for it, so I will be supporting this censure. After we do it, I want to move on and work together. This is a different Mayor Faiella that was elected two years ago. This is a different lady that has matured, and come along way. It was a bad mistake, and she will suffer for it." Councilwoman Martin stated, "I agree with Councilman Kelly. I will be supporting it as well." The City Clerk restated the motion as follows: to censure Mayor Faiella for the specific emails read into the public record on July 9, 2012. The **motion passed unanimously** by roll call vote. Councilman Kelly asked, "Mayor Faiella, you voted yes?" Mayor Faiella replied in the affirmative. Councilman Kelly said, "Let's move on, and drop this please. Thank you."

14. EXCUSED ABSENCES

a) MAYOR FAIELLA, REGULAR COUNCIL MEETING, JULY 9, 2012.

Councilwoman Martin **moved** to approve Item 14 a). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 14 a). The **motion passed unanimously** by roll call vote.

15. CITY MANAGER'S REPORT

The City Manager said, "In the interest and the gravity of this evening, I would like to say that we had a great Summer Retreat. One of the things that we discussed was the vision for the City of Port St. Lucie. It is the vision that is most important to this body, not the other stuff. What is sad is that we have an overflowing room of people this evening, standing room only, and they weren't here for the Marine Debris Awareness, they weren't here to recognize the PAL youth directors, they weren't here for the Marion sidewalks, they weren't here for Neighborhood Stabilization, and they weren't here for a Nuisance Abatement. Most of them weren't here to discuss whether the Shamrock Plaza was compatible with the surrounding neighborhood. They were here because of the drama, which has been endured for weeks. It is not helping to push the City forward. There is a group of

haters, and every bit of ugliness that we provide them, they capitalize on it. They throw grenades from their anonymity, because they don't even have the decency to provide their name or their information. They will attack, rather than build. They will destruct, rather than construction. That is really the antithesis of a team, which is the opposite. If there is matter, they are antimatter. It is not what is important, so I hope that the City will move forward. Just like when it weathered the financial storm and continued to move onward. I hope the City Council moves onward. As we discussed at the Retreat, the Council does not have to have Christmas dinner together, but I hope that they are unified in the vision. It is the City Council's vision for the City of Port St. Lucie. Staff and I are ready to implement it to the very best of our ability on your behalf. Thank you."

16. COUNCIL COMMENTS AND COMMITTEE REPORTS**COUNCILWOMAN MARTIN - SUMMER RETREAT**

Councilwoman Martin said, "I want to thank the City Manager and staff for a great Summer Retreat. It was very informative, and was better than any Retreat so far. I look forward to the continuing vision of the City with the City Council."

COUNCILMAN KELLY - SUMMER RETREAT AND MAYOR FAIELLA'S CENSURE

Councilman Kelly said, "It was a great Retreat. I think it was a great atmosphere. I want to go forward and keep the atmosphere going. Mayor, I really appreciate your vote on the censure. You are living up to your words." Mayor Faiella remarked, "Like I said, I'm taking full responsibly for what I did."

PUBLIC TO BE HEARD - CONTINUED**STEVE CARROLL - CITY COUNCIL AND EMAILS**

Mr. Carroll said, "I just gave the reporters that are here tonight all of the other emails that involve the rest of you. Now the rest of you can start answering questions, and looking at accusations. It is not the end two, but it is the seven in the middle on the dais. Now you all get to be part of what you just did. I hope you are real happy. I hope you get a lot of enjoyment on this. It isn't going to be pretty. When you take somebody into a public lynching, just remember that it can happen to you. It will happen to you, just wait and see. If the Mayor would have changed ammo to evidence, or said let's see what we can get on Mr. Orr, we wouldn't be here tonight. If the City Council wants everything to be transparent and out in the

open, then okay not a problem, but when it comes back and bites you in the butt, then you might want to say to yourself that you shouldn't have brought it up. This wasn't a death penalty case. It wasn't even a censure case. The Mayor did something stupid. Okay, move on. Councilman Kelly wants to move on, but we can't move on if we are going to allow a lynching. That is all that this was. It was a political trick that turned into a lynching. There was no evidence whatsoever, so when you get convicted on no evidence, don't cry because you just set the standard. You just said we don't need evidence to convict you, just accusations. Does anybody have any evidence at all that the Mayor did anything other than a stupid act? For that, we want to bring the whole City to a halt? This is crazy. When I was at the hearing, nobody was there. You guys have to stop this drama queen stuff, because every one of you has done stupid things. In an election year, one would think that you would be centered on issues that affect the community, and not issues to try to advance your personal agenda. It is becoming sickening. I think the Mayor does a good job. She got 58% of the vote. Did anybody else up there get that kind of number? The people believed in her. They wanted change, so she brought change. The City Manager was brought in to bring in change. Whenever you move the good old boys out, they are going to fight like hell, because they have a big financial interest in it. I am sick and tired of the good old boy system, and it has to go. We started changing it in the first election. If all five of you would have been up for re-election, none of you would be here now. We should have three debates among the candidates, so people know where they stand, and there is no more well I think I stand here until somebody else stands over there and then I stand with them. Let's just open all of the closets, and then nobody has anything to hide, right? When you say somebody is supporting you and they are not, is that grounds for a censure?"

Mr. Carroll continued, "If you don't allow lower to moderate income housing into a CRA, and are denying the disabled veterans, single mothers, or old people like me who may be on a fixed income, you are denying us to live there. It is only for the rich. I thought it was a Community Redevelopment Area. It is not a community when you are kicking out low and middle income citizens, and saying that you don't want them there. Is that enough to censure? Is that not doing your job? Is that not representing the people? When I asked the Attorney General to render an opinion, nobody wanted to do it. Why? Afraid they might agree with me? They are thinking about putting the City in this lawsuit, so the thing that you just did, you just gave them ammunition. You couldn't wait. Mr. Rubin was up there waving the newspaper around and the emails around, saying see this is how the Mayor does it. You just cut your own throats. Also, did you

know this Council has no rules of order to operate under? You don't have Robert's Rules of Order." Mayor Faiella remarked, "We don't work under those." Mr. Carroll said, "A couple of years ago when you tried to pass the tax increase, a couple of you voted wrong, so you redid it. I objected, and was told that we don't have any rules. We do what we want. If we are going to have a Code of Ethics, then why don't we have a Code of Rules to operate by?" Mayor Faiella commented, "We do have a Code of Ethics."

THOMAS MORRISON - HALFWAY HOUSE IN NEIGHBORHOOD

Mr. Morrison said, "I am concerned about lots being used for halfway houses. I am here speaking on behalf of our community, as we are extremely concerned about the effect of a halfway house in a residential area. It is distressing to the neighbors, and children will be in danger. You are bringing people from who knows where, whether it is from rehab for alcohol or drug related instances, or criminals into a residential area. Down the street from me we have a five year old and a three year old, and next door to them is a two year old. You know how impressionable children can be. They are going to see people with a story of can you help me find my dog, and then disaster will happen. Incidents like this have happened in New Jersey where a halfway house was brought into a residential area. I don't know if anyone here is aware of Kim's Law. A girl was introduced to someone in the halfway house, and someone led her into the halfway house and raped and killed her. After that, they demolished the house, and built a park in her name. While that is good, why does there have to be a disaster in order to fix it? Why do we have to wait for a loss of life before we fix what should have been done in the first place? We are expressing concern. We want to stop this from happening in what is currently zoned as RS-2 for single family residential homes. How exactly are the builders building halfway houses on these lots? According to the City Code, it does not meet the accessory uses for a family daycare, a foster home, or a park. My community is expressing concern. How are they building there if it is not even zoned for anything like that? The community wishes to bring this to your attention, as it will lower property values. I don't want to raise my kids where they could possibly get harmed. With all due respect, we have petitions going out to have the building permits denied. We are pleading that this action immediately be stopped. Thank you."

Vice Mayor Bartz stated, "It is my understanding that we are mandated because state law supersedes what we can do, unfortunately. We actually cannot stop them." The City Attorney advised, "The single unit halfway house by law can go into

residential zones, not just in Port St. Lucie, but in all cities in the state. We cannot prevent them from coming into residential zones until they reach a certain size. If they have six people or less, they are encouraged to move into residential areas by the state." Mr. Morrison said, "The community is expressing deep concern over this issue." Vice Mayor Bartz suggested, "If you have any problems, that is what law enforcement is there for. Many times there are less problems than what we anticipated. When we do, law enforcement is called, and they handle it very well. Thank you for bringing it up."

PAT SIMMONS - CITY'S VISION

Ms. Simmons said, "At the last part of the Retreat I heard you speak about the City's vision. I am a single person, and I don't have a family. I have a word to add to the post-it notes that people wrote on at the Retreat, which is boring. This town is boring. I am so bored to tears most days, because there is nothing to do. Once you have seen the Botanical Gardens, you have seen it. I don't boat or fish. I hate to shop. The only thing I love to do is golf, and it is too hot to do it right now. There are 200 musical venues in the state of Florida, none of which are in Port St. Lucie. We have within traveling distance in West Palm the Cruzan Amphitheater, Mizner Park in Boca Raton, the Pompano Beach Amphitheater, Vinoy Park in St. Petersburg, and the Metropolitan Park in Jacksonville. Councilwoman Berger, one Movie Theater does not make an Entertainment District. A real Entertainment District would be like in Columbus, Ohio. They have an incredible neighborhood with bars, restaurants, amphitheaters, and art galleries. I have to go to Jacksonville to see my favorite band, because they don't play around here. There is no place for them to play. Live Oak, a town of 10,000 people, has five major festivals a year. It is a \$165 a ticket for three days of music, and two nights and three days of camping. If there are 10,000 people, times five festivals a year, you do the math. The first time I went to Bear Creek, I paid for a hotel room, gas, and food; do the math. The City is growing with or without you. Grow smart and grow up. Port St. Lucie is going through growing pains right now, and you have created it. It is time to let it go, and start thinking outside the box. Do you want to be a City of gated communities and HOA's with nice little lunch box houses that towns of 200 people do? Do you want to be a City that you have allowed to grow up, and truly become a City for all ages and for all people? You are governing the City like parents who want to keep their toddlers in kindergarten. We are a 50 year old City, and a City of almost 200,000 people. It is time that you realize that this is a big City, and we need to start acting like it. I am willing to work with you on this. Let's get something going."

17. **ADJOURN**

There being no further business, the meeting adjourned at 9:45 p.m.

Karen A. Phillips, City Clerk

April C. Stoncius, Deputy City Clerk